

REGULATIONS ON SEWER USE

HILTON HEAD NO. 1 PUBLIC SERVICE DISTRICT

Whereas, Hilton Head No. 1 Public Service District (the “*District*”) was created as a body politic and corporate pursuant to the provisions of Act No. 596 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1969, as amended by Act No. 686 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1971, by Act No. 1738 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1972, and by Act No. 124 of the General Assembly of the State of South Carolina for the year 2003, all of which are collectively referred to herein as the “*Enabling Legislation*”;

Whereas, the District provides water and sewer service within that portion of Hilton Head Island within the boundaries of the District; and

Whereas, the Commission has determined it is in the long-term best interest of the environment, public health and the District customers to provide sewer service to all customers and potential customers within the District’s boundaries; and

Whereas, the Commission has determined it is in the long-term best interest of the environment, public health and its customers to eliminate existing on-site waste disposal systems and to avoid the installation of additional on-site disposal systems; and

Whereas, the Commission has determined gravity sewer service to be the long-term most cost effective means of providing sewer service within the District’s boundaries. The Commission recognizes certain situations which make the construction of gravity sewer service unduly more expensive or highly disruptive to established neighborhoods’ quality of life; and

Whereas, the Commission has determined that formal regulations are essential to the proper operations and management of the District; and

Now Therefore, Be It Resolved, that the Commission hereby adopts the following Sewer Use Regulations, which shall apply to all public, private, corporate, residential, commercial, industrial, or governmental properties or owners thereof located within the District and using or having access to its services, and to all persons, households, corporations, entities or organizations of any type whatsoever using or having access to the public sewer system.

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I. GENERAL PROVISIONS

- A. Incorporation of Whereas Clauses – The “whereas” clauses stated in the preamble to this document are hereby incorporated as a material part of these Regulations as if they were restated here in their entirety.
- B. Definitions – Unless otherwise indicated in the context, the meaning of the following terms used in these regulations shall be as follows:
1. Availability: The existence of a gravity or low pressure sewer main within 100 feet of a parcel of property, in such a fashion that the parcel may be connected to the sewer main via an existing easement, regardless of whether such easement is public or private in nature.
 2. Availability Fee: A partial maintenance charge to help defray the costs of maintaining sewer lines, which are available to benefit a property, until such time as the property owner chooses to connect to the sewer system as a user, thereby paying such costs through the published sewer use rates. The amount of such fee shall be as specifically established in the District’s published schedule of rates and charges.
 3. BOD: Denoting biochemical oxygen demand shall mean the quantity of oxygen required to oxidize organic matter under standard laboratory procedure, five days at 20 degrees centigrade, expressed in milligrams per liter and as further defined in standard methods.
 4. Building Drain: Means that part of the lowest horizontal piping in a drainage system which receives the discharge from soil waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
 5. Building Sewer: Means the extension from the building drain to the public sewer or other place of disposal.
 6. DHEC: Shall mean the S.C. Department of Health and Environmental Control.
 7. District: Shall mean the Hilton Head No. 1 Public Service District.
 8. EPA: Shall mean the United State Environmental Protection Agency.
 9. Garbage: Shall mean solid wastes from domestic and commercial preparation, cooking and/or dispensing of foodstuffs.
 10. Industrial Wastes: Shall mean the liquid waste from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.
 11. Low Pressure Sewer System: Shall mean a sewer collection system which utilizes individual low pressure grinder pumps connected directly or within a system to the gravity sewer system.

12. Natural outlet: Shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
13. PH: Shall mean the logarithm of the reciprocal of weight of hydrogen ions in grams per liter of solution.
14. Properly Shredded Garbage: Shall mean the waste from the preparation and/or dispensing of food stuffs that has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers with no particle greater than three-eighths of an inch in any dimension.
15. Public Sewer: Shall mean a sewer in which all owners of abutting property have equal rights and is controlled by public authority.
16. Sanitary Sewer: Shall mean a sewer, which carries sewage to which no storm, surface and ground waters are intentionally admitted.
17. Sewage: Shall mean a combination of water-carried wastes from residences, commercial businesses, institutions and industrial establishments.
18. Sewage Treatment Plant: Shall mean any arrangement of the devices and structures used for treating sewage.
19. Sewage Works: Shall mean all facilities for collecting, pumping, treating and disposing of sewage or industrial wastewaters.
20. Sewer: Shall mean a pipe or conduit for carrying sewage.
21. Sewer Surcharge: Shall mean a charge for sewer service and treatment service for wastes having characteristics different from sanitary wastes and for which additional charges must be assessed to compensate for additional expenses incurred.
22. Sludge: Shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period longer than fifteen minutes, more than five times the average concentration occurring during normal operation.
23. Standard Methods: Shall mean the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
24. Storm Drain: Sometimes incorrectly termed "storm sewer", shall mean a sewer which carries storm surface waters and drainage but excludes industrial and sanitary sewage wastes.
25. Street: Shall mean streets, avenues, drives, boulevards, roads, alleys, lanes and viaducts and all other public highways in the sanitary area.

26. Suspended Solids: Shall mean solids that either float on the surface of or are in suspension in water, sewage or other liquids which are removable by laboratory filtering and as further defined in Standard Methods.
27. Total Solids: Shall mean the sum of suspended matter, settleable matter and dissolved matter, both volatile and nonvolatile and as further defined in Standards Methods.
27. Watercourse: Shall mean a channel in which the flow of water occurs, either continuously or intermittently.

All other words shall be interpreted as having the meaning defined in the glossary of Water and Sewage Control Engineering, published by the Water Pollution Control Federation, Washington, D.C., or by their general usage.

C. Availability Charge

1. Each property having sewer availability as heretofore defined shall be assessed an availability charge for the purpose of defraying the cost of maintaining the sewer system in an available state for potential use by the subject property. Availability charges shall become effective whenever sewer service is made available to the property and the property owner chooses not to connect to that service by January 1 of the following year. In such case, the District shall cause an availability charge to be placed on the Beaufort County Tax Bill in accordance with the established schedule of rates and charges.
2. In the event that a property being assessed an availability charge is subsequently connected to the District's sewer system, the availability charge for the calendar year in which the connection is made shall be prorated according to the percentage of the calendar year for which the property remained unconnected to the District's system.
3. Each property will be annually charged a minimum of \$300, while large dividable properties greater than 2 acres will be charged a \$600 availability fee. Unbuildable lots (designated wetlands, inundated properties or open space) will be exempted from availability fees at the owner's request.

D. Sewer Capacity Charge

All properties using the District's sewage works shall be subject to payment of appropriate capacity charges as defined in the District's ***Water and Sewer Capacity Regulations***.

E. Developer Fees and Requirements

The Developer of any property within the District's boundaries shall be required to incur all costs of system extensions and on-site infrastructure to serve the project, in addition to capacity charges, tap fees, and any other subsequently adopted fees, and will adhere to the District's Administrative Procedures and Guidelines for Water and Sanitary Sewer System Design, 1998 et.seq

F. Sewer Charges

The sewer use charge for sewage wastes, the connection fees and all other charges of the District shall be as fixed from time to time by the Hilton Head No. 1 Public Service District Commission.

G. Over-sizing of Developer/Customer Projects

If in the District's evaluation of a developer/customer project it becomes apparent that over-sizing of the proposed project's mains, lift stations or other required appurtenances will improve the overall capabilities of the District's existing system and/or the District's ability to serve other properties in the future; the District may require the developer/customer to design and build the proposed facilities to the District's requested sizing. With prior design and cost approval by the District, the developer/customer will be reimbursed for additional design and construction costs in excess of the original proposed project. This evaluation shall be completed by the District's Engineer and shall be based upon current master service plans, other applicable government plans and generally accepted best management practices.

H. Low Pressure Sewer Systems

1. The District will provide gravity sewer service unless, in the discretion of the District, the construction of a conventional gravity sewer system would:
 - Be unduly cost prohibitive to the ultimate end user of the system,
 - Severely inconvenience a neighborhood and their quality of life,
 - Severely damage existing neighborhood roads, trees and landscaping,
 - Be limited by high water table or other environmental sensitivities,
 - Serve a low population density, and/or
 - Be technically or operationally restrictive to the District.
2. The customer will provide all necessary equipment including pressure mains, pressure service lines, low pressure grinder pump unit, and an adequate power source consistent with the District's specifications. System design, sizing, installation and specifications shall be at the sole discretion of the District, but meeting or exceeding SCDHEC standards.
3. Ownership of all on-site low pressure equipment will be transferred from the property owner to the District prior to the commencement of service. The District will assume all future costs of operation (with the exception of power costs), maintenance and replacement.
4. The District will be granted the right of ingress/egress to the property at all times for the purpose of inspection, maintenance and repair of the equipment.

I. Private Sewage Disposal

1. Where a public sanitary sewer is not available, the Town of Hilton Head may allow the building sewer to be connected to a private on-site disposal system, which meets standards established and administered by SCDHEC.

2. At such time as a public sewer becomes available to a property served by a private system, SCDHEC may require the owner to connect at his expense to the public sewer system. In such case, all normally applicable resolutions, regulations, guidelines, fees and charges of the District shall continue to be applicable and enforceable by the District.
3. Nothing in this section shall be construed to nullify or supersede any additional requirements that may be imposed by the appropriate State or County health agency.

II. BUILDING SEWERS AND CONNECTIONS

A. Connections

No person shall uncover, make any connection with opening into, use, alter or disturb any public sewer appurtenances thereof without first obtaining written permission from the District.

B. Customer Classes

1. There shall be three classes of sewer customers:
 - a. Residential Service
 - b. Commercial Service; and
 - c. Establishments producing industrial wastes.
2. For all classes of customers, the owner or agent shall apply in writing to the District, using the appropriate District form, for a sewer connection. All applicable fees, inclusive of capacity, tap, plan review, and inspection fees shall be paid to the District at the time the application is filed. All connections are subject to requirements set forth in the District's Administrative Procedures and Guidelines for Water and Sanitary Sewer System Design, 1998 et. seq.
3. For industrial waste connections, an industrial pre-treatment application shall be required in addition to the afore stated requirements. Nothing herein shall obligate the District to accept or to continue to accept industrial strength wastes that the District deems as detrimental to its sewer works or treatment process.

C. Costs; Indemnification

All costs and expenses incidental to the installation and connection of the building sewer to the property line shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be caused by the installation.

D. Separate Connections Required

A separate and independent building sewer shall be provided for every building. Where one building stands to the rear of another on a single lot and no private sewer is provided, the District may grant permission for building sewer from the front building to be extended to serve the rear building, provided the applicant for service has demonstrated to the District's satisfaction that the parcel may never be further subdivided such that the two buildings so connected might ultimately be on separate lots.

E. Specifications

The size, slope, alignment, materials of construction of a building sewer and the methods used in excavation, placing of the pipe, jointing, testing and backfilling trench shall all conform to the requirements of District, and in no case shall the size of the pipe installed be less than the nominal diameter specified by the District's Administrative Procedures and Guidelines for Water and Sanitary Sewer System Design, 1998 et. seq.

F. Elevation; Grade

The building sewer shall be brought to the building at an elevation below the ground floor. Where the building sewer is terminated at a grade above any sub-ground level floors, appropriate sewer check valves shall be installed, and the owner shall indemnify the District against liability for any subsequent damages to the building or property that may result from sewer system surcharging. No building sewer shall be made parallel to or within three feet of any bearing wall that might thereby be weakened or that may superimpose an unacceptable load on the building sewer. The depth shall be sufficient to afford protection from live loads that may be superimposed. The building sewer shall be made at uniform grade and in straight alignment insofar as possible. The building sewer shall be constructed to such point as directed by the District.

G. Connection to Storm Drain System Prohibited

No person shall maintain or make a connection of roof, downspouts, exterior foundation drains, areaway drains, or other sources of surface runoffs or groundwater to a building sewer or building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.

H. Qualified Personnel to Perform Work

A person professionally qualified and bonded to perform such services shall perform the installation and connection of the building sewer to the property line.

I. Inspections

Before any underground portions thereof are covered, each applicant for building sewer service shall notify District when the building sewer is ready for inspection and connection to the public sewer. The District shall make the inspection within six working days of the receipt of notice. Upon receipt of written notice from the District of a favorable inspection, connection may then be made to the public sewer.

J. Excavations

All excavations for building sewer installations shall be guarded by the owner or his agent with barricades and lights as applicable so as to protect the public from hazards. The owner shall restore streets, sidewalks, parkways and other public property disturbed in the course of the work to their original condition. The owner shall hold the District harmless from any and all liabilities arising in connection with said excavations.

K. Record-keeping

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

III. USE OF PUBLIC SEWERS

A. Prohibited Discharges

1. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, cistern, or subsurface drainage to any public sewer.
2. Except as permitted herein (with pretreatment and the advance written approval of the District), no person shall discharge or cause to be discharged any of the following to any public sewer:
 - a. Gasoline, benzene, naphtha, fuel oil, motor oil or other flammable or explosive liquid, solid or gas;
 - b. Any waste containing toxins or poisons in solid liquid or gaseous form in sufficient quantity, either singly or in combination with other wastes to injure or interfere with any sewage treatment process or constitute a health hazard to humans or animals, to create a public nuisance, or to create any hazard in receiving waters or the sewage treatment works.
 - c. Any waste having a pH less than 6.5 or greater than 8.5 or containing a heavy concentration of salts or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage plant;
 - d. Solids or viscous waste in quantities or of such size capable of causing obstruction in the flow of sewage or other interference to the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, straw, mud, shavings, metal, glass, rags, feathers, tar, plastics, wood, textile products, hair and fleshing or entrails, either whole or ground by garbage grinders; or
 - e. Any pollutants, including oxygen demanding pollutants, released at a flow rate and/or concentration which a user knows or has reason to believe will cause interference with the sewage system. In no case shall a slug load have a flow rate or concentration that exceeds for any time period longer than fifteen minutes the quantities or flows during normal operation, or more than five times the average twenty-four hour concentration.

B. Substances Admitted Conditionally

1. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the

District that such wastes can harm either the sewers, treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, public property or can constitute a nuisance. Prohibited substances are:

- a. Any liquid or vapor which will inhibit biological activity at the treatment plant;
- b. Any waste containing fats, wax, grease or oil whether emulsified or not in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° F and 150° F, or 0 and 65° C;
- c. Garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the District;
- d. Wastes containing strong acids, iron pickling residues or concentrated plating solutions, whether neutralized or not;
- e. Substances discharged in excess of the amount set forth in their discharge permit;
- f. Wastes containing phenols or other taste or odor producing substances in such concentrations exceeding limits which may be established by the District as necessary after treatment of the composite sewage to meet requirements of the state, federal, or other public agencies of jurisdiction of such discharge or the receiving waters;
- g. Radioactive wastes or isotopes of such half life or concentration as may exceed limits of state and federal regulations;
- h. Wastes having a pH outside the range of 6.5 to 8.5; and
- i. Materials which exert or cause:
 - 1) Unusual concentration of inert suspended solids, such as but not limited to lime residues, sodium chloride, sodium sulfate and various slurries;
 - 2) Excessive discoloration, such as dye wastes, vegetable tanning solutions and the like;
 - 3) Unusual BOD, chemical oxygen demand or chlorine requirements in such as to constitute a significant load on the sewage treatment works; or
 - 4) Unusual volumes of flow or concentration of wastes constituting sludges as defined herein.

2. If any waters or wastes containing the substances or possessing the characteristics enumerated in this section are discharged or are proposed to be discharged to the public sewers, and in the judgment of the District such waters or wastes may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or may otherwise create a hazard to life or constitute a public nuisance, the District may:
 - a. Reject the waste and/or suspend sewage service;
 - b. Require pretreatment to reduce the waste to an acceptable condition in accordance with 40 Code of Federal Regulations (CFR) Part 403 prior to discharge to the public sewers, in which case the design and installation of the plant equipment shall be subject to the review and approval of the District and to the requirements of all applicable codes, ordinances and laws;
 - c. Require control over the quantities and rates of discharge; and/or
 - d. Require payment to cover the added cost of handling and treating the wastewater not covered by existing fees or sewer charges under the provisions of this regulation;
3. In no case will waste be permitted in the sewage system where such waste may cause a violation of the District's NPDES permit or where such waste does not comply with local, state or federal pretreatment requirements.

C. Accidental Discharges; Notification Required

Persons responsible for accidental spills or discharges of any substance into the treatment works, which may adversely affect operation of the treatment works, shall immediately notify the District of the discharge.

D. Requirement of Interceptors (Traps)

Grease, oil and sand interceptors shall be required when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable waste, sand or other harmful substances. All interceptors shall be of a type and capacity approved by the District and shall be located as to be readily accessible for cleaning and inspection. All interceptors shall be supplied and be properly and continuously maintained in satisfactory and effective operation by the owner at his expense.

E. Maintenance of Treatment Facilities

Where preliminary treatment for flow equalizing facilities is provided for any waters or wastes, the owner, at his expense, shall maintain such facilities continuously in satisfactory and effective operation.

F. Manholes Required

1. The owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole. When deemed necessary, the District may require additional waste metering devices and other appurtenances in the building sewer to facilitate preservation, sampling and measurement of the waste.
2. Control manholes shall be readily accessible for representatives of the District, safely located and constructed in accordance with plans approved by the District. Control manholes shall be maintained by the owner so as to be safe and accessible at all times.

G. Testing Standards

1. On samples taken at the control manhole, all measurements, tests and analysis of the characteristics of water and wastes to which reference is made herein shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.
2. To facilitate proper evaluation of the effect of wastes on the system, industrial dischargers must submit written reports summarizing the maximum, minimum and average wastewater characteristics for the reporting period. Specific parameters and frequency of monitoring and reporting shall be established by the District.

H. Agreements Permitted

Nothing contained herein shall be construed as preventing an agreement between the District and any user whereby the District, subject to payment, may accept for treatment a waste of unusual design, strength or character from the discharger.

I. Pretreatment Standards

Upon the promulgation of any federal or state categorical pretreatment standards or individual standard, that standard, if more stringent than those contained herein, shall immediately take precedence. The District shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12 or other requirements.

J. Removal, Transportation and Disposal of Scavenger Wastes

1. No person shall be allowed to discharge solid or liquid waste or surface water into the sanitary sewer system unless the standards of acceptable waste established in these regulations are met and the discharge is made through approved connections.
2. No material shall be discharged into the sewer system through a manhole without the written permission of the District, which will permit such action only in an emergency involving public health or safety.
3. Normal septic tank waste shall be deposited only in an approved location and with the express permission of the District. It shall be unlawful for any seepage

hauler to deposit septic tank waste into the treatment plant without payment of associated fees to the District.

IV INSPECTION OF WASTEWATER FACILITIES

A. Inspections on Private Property

1. The District or its duly authorized representatives bearing proper credentials shall be permitted reasonable access to enter customer's properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with provisions contained herein.
2. While performing necessary work on private property referred to in subsection 1 above, the District or its duly authorized representatives shall observe all safety rules applicable to the premises established by the discharger and properly communicated to the District, and the discharger shall be held harmless for any injury or death of the District's representatives, except as such may be caused by negligence or failure of the discharger to maintain safe conditions.
3. The District or its duly authorized representatives shall be permitted to enter private properties through which the District holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within its easement. All entry and subsequent work, if any, shall be done in full accordance with the terms of the applicable easement.

B. Suspension of Service

1. The District may suspend wastewater service when in the District's opinion such suspension is necessary to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or causes the violation of any NPDES permit condition. Any person notified of a suspension of treatment service shall immediately stop or eliminate the contribution.
2. In the event of a failure of the user to comply voluntarily with the suspension order, the District shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the system or endangerment to any individuals. In the case of severance or plugging of the sewer connection, the District shall immediately notify DHEC and the Town of Hilton Head Island.
3. The District shall authorize reinstatement of the wastewater condition upon receiving proof that the non-complying factor has been eliminated and upon receipt of all fees and penalties.

C. Penalties

1. Any person who willfully or negligently fails to comply with any provision set forth herein may be deemed to be in violation of these regulations and, therefore,

subject to civil penalty not to exceed \$2,000.00 for each day of violation, in accordance with South Carolina Code Ann. 6-11-285.

2. In addition to the penalties provided herein, the District may attempt to recover reasonable court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated provisions contained herein.


V. SEVERABILITY

In the event that any section or portion of this ordinance is deemed to be invalidated for any reason of legality or technicality, all remaining sections and terms of this ordinance shall remain in full force and effect.

Adopted this 28th day of February, 2006, by the Hilton Head #1 Public Service District Commission.



Chairman
Hilton Head No. 1 Public Service District Commission



Secretary
Hilton Head No. 1 Public Service District Commission