

RESOLUTION 2014-04

A RESOLUTION AMENDING RESOLUTION 2009-20, NORTH CHARLESTON SEWER DISTRICT SEWER USE RESOLUTION

Whereas, a need exists to amend Article VII Use of Public Sewers and Assessment of Sewer Surcharges and Article X Enforcement and Penalties; and

Whereas, the North Charleston Sewer District is now minded to improve its grease management methodology through the development and enforcement of Best Management Practices (BMPs); and

Whereas, this Resolution will do so.

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE COMMISSION OF THE NORTH CHARLESTON SEWER DISTRICT OF THE STATE OF SOUTH CAROLINA AS FOLLOWS:

Article VII is amended as follows:

Section 7.02 (D) is amended to read: D) Solids or viscous substances in quantities or of such size capable of causing obstruction in the flow of sewage or other interference to the proper operation of the wastewater system such as but not limited to fats, oils, and grease (FOG); ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole or paunch manure, hair and fleshings, or entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Section 7.03 (A) is amended to read: A) Any industrial wastewater containing fats, oils or grease of an animal or vegetable origin in excess of one hundred (100) mg/l without prior approval of the District, but in no case greater than three hundred (300) mg/l.

Section 7.06 PRETREATMENT FACILITIES OPERATION is amended to read:

A) BEST MANAGEMENT PRACTICES (BMPs). All fats, oils, and grease (FOG) generating Food Service Establishments shall prepare a FOG Best Management Plan (FOG BMP). The FOG BMP shall be designed to minimize the amount of FOG waste discharged into the sanitary sewers. A blank copy of a FOG BMP will be provided by NCSD to the establishment, and the food establishment shall follow its BMP. If requested, the establishment shall make its FOG BMP and all relevant supporting documents available to NCSD inspectors and to SC DHEC. If NCSD or SC DHEC request changes or modifications to the FOG BMP, the changes shall be made within thirty (30) days.

B) Where pretreatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 7.17 is added to read: PROHIBITED DISCHARGE BLOCKAGE FEE. Any user that discharges or places into the sewer system any prohibited items per Section 7.02 that causes a total or partial obstruction shall reimburse the District for the costs of clearing the obstruction.

Article X is amended as follows:

Section 10.09 CIVIL PENALTY is amended to read:

- A) A User who has violated, or continues to violate, any provision of this resolution, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the District for a minimum civil penalty of one thousand dollars (\$1000) and a maximum civil penalty of two thousand dollars (\$2000) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B) The District may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.
- C) A business, restaurant or other User required to install a grease trap and who does not implement Best Management Practices (BMP) shall be liable to the District for a civil penalty of one hundred dollars per day.
- D) A business, restaurant, or other User who has an approved grease trap and/or interceptor, is currently implementing a FOG BMP, and does not maintain satisfactory records of the BMP, Inspection Log, Cleaning Log, or other copy records, shall be liable to the District for a civil penalty of one hundred dollars per instance per day.
- E) In determining the amount of civil liability, the District shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- F) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

ADOPTED by the North Charleston Sewer District Commission of the State of South Carolina on this 12th day of May, 2014.

WITNESS:





NORTH CHARLESTON SEWER DISTRICT

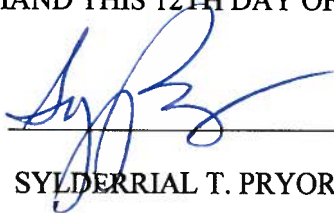

_____ Gary C. McJunkin, Commission Chairman


_____ Sylderial T. Pryor, Commission Secretary

I, THE UNDERSIGNED, THE DULY QUALIFIED AND ACTING SECRETARY OF THE NORTH CHARLESTON SEWER DISTRICT, AND THE KEEPER OF THE RECORDS OF THE SEWER DISTRICT, INCLUDING THE JOURNAL OF PROCEEDINGS OF THE COMMISSION, DO HEREBY CERTIFY:

1. THAT THE ATTACHED RESOLUTION IS A TRUE AND CORRECT COPY OF THE RESOLUTION AS FINALLY ADOPTED AT A MEETING OF THE GOVERNING BODY HELD ON THE 12TH DAY OF MAY, 2014 AND DULY RECORDED IN MY OFFICE.
2. THAT SUCH MEETING WAS DULY CONVENED AND HELD IN ALL RESPECTS IN ACCORDANCE WITH LAW AND TO THE EXTENT REQUIRED BY LAW, DUE AND PROPER NOTICE OF SUCH MEETING WAS GIVEN; AND A LEGALLY SUFFICIENT NUMBER OF MEMBERS OF THE GOVERNING BODY VOTED IN THE PROPER MANNER AND FOR THE ADOPTION OF SAID RESOLUTION; AND THAT ALL OTHER REQUIREMENTS AND PROCEEDINGS UNDER THE LAW INCIDENT TO THE PROPER ADOPTION OR PASSAGE OF SAID RESOLUTION, INCLUDING PUBLICATION IF REQUIRED, HAVE BEEN FULFILLED, CARRIED OUT, AND OTHERWISE OBSERVED; AND THAT I AM AUTHORIZED TO EXECUTE THIS CERTIFICATE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 12TH DAY OF MAY, 2014.



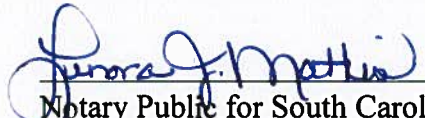
SYLDERRIAL T. PRYOR, SECRETARY

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

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

SWORN to before me this

12th day of May, 2014



Notary Public for South Carolina



My Commission expires 09/09/2021
Lenora J. Mathis