

**Charleston Water System  
Wastewater Use and Rate Resolutions**

# **WASTEWATER USE AND RATE RESOLUTIONS**

**CHARLESTON WATER SYSTEM  
OF THE CITY OF  
CHARLESTON, SOUTH CAROLINA**



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Wastewater Use and Rate Resolutions**

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Charleston Water System  
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**APPROVED AND ADOPTED  
APRIL 13, 1993**

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**RESOLUTION**

A Resolution regulating the use of public and private sewage disposal, the installation and connection of building sewers, the discharge of waters and wastes into the public sewer system, and providing penalties for the violation thereof in the City of Charleston, County of Charleston, South Carolina.

By Ordinance of the City Council of Charleston, South Carolina of August 16, 1960: it was resolved that effective as of September 1, 1960 the Waterworks System of the City of Charleston and its existing system for the collection and disposal of sewage was combined into a single system. Such system was to be known as the Waterworks and Sewer System of the City of Charleston.

Said system was placed under the full control and management of the Commissioners of Public Works of the City Of Charleston, who shall be fully empowered to operate, maintain, enlarge and improve the same, and to establish such rates, tolls and charges as it may deem proper for the services and facilities afforded by said waterworks and sewer system.

Be it resolved by the Commissioners of Public Works of the City Of Charleston, State of South Carolina, that the following *Wastewater Collection System Use and Rate Resolution* be enacted, effective April 13, 1993, as approved and adopted by the Commissioners on this date (Amended February 14, 1995), (Amended February 26, 1996), (Amended December 1, 1996), (Amended November 10, 1998), (Amended November 23, 1999), (Amended July 1, 2001), (Amended June 1, 2002), (Amended September 30, 2004), (Amended July 1, 2006), (Amended April 29, 2008), (Amended June 25, 2008), (Amended November 25, 2008), (Amended December 22, 2009), (Amended May 31, 2011), (Amended December 20, 2011), (Amended July 1, 2012), (Amended November 26, 2013), (Amended September 22, 2015), (Amended December 16, 2015), (Amended January 12, 2016).

**Disclaimer:** The adoption of these *Wastewater Use and Rate Resolutions* shall in no way preclude the Charleston Water System of the City of Charleston from altering, amending, or revoking them in whole or in part, or from requiring any additional service, equipment, facility, or standard, either upon complaint, or upon its own motion. Furthermore, these *Resolutions* shall not relieve the Commissioners of Public Works of the City of Charleston or its customers of any duties prescribed under the laws of this State.

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**SECTION A  
DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this Resolution shall be as follows:

1. **Approach Mains.** Shall mean those wastewater mains necessary to extend wastewater service from existing Commission mains to a developer's property.
2. **Authorized Representative.** Authorized representative of a Significant Industrial User shall mean:
  - (a) If the Significant Industrial User is a corporation, the authorized representative is:
    - (1) A president, secretary, treasurer or vice-president of the corporation.
    - (2) The manager of a corporate facility employing more than 250 persons or having expenditures exceeding \$25 million if delegated in accordance with corporate procedures.
  - (b) If the Significant Industrial User is a partnership or sole proprietorship, the authorized representative is a general partner or proprietor.
  - (c) The authorized representative may be designated by an individual specified in Paragraph (a) or (b) above if the designation is made, in writing, by the individual and submitted to the CWS. The designation must specify either an individual or position having responsibility for the overall operation of the facility from which the discharge of wastewater originates, such as the plant manager, or someone having overall responsibility for the environmental matters for the company.
3. **Billing Period.** Billing period shall coincide with the same billing period as for water accounts, i.e., a standard 28 to 32-day billing period for all customers, except finaled accounts and first-time accounts.
4. **BOD.** Abbreviation for biochemical oxygen demand shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, for five (5) days at twenty (20°) degrees centigrade expressed in milligrams per liter.
5. **Building.** Shall mean any improved property containing a structure.
6. **Building Drain.** Shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from sanitary waste and other drainage pipes within the walls or floors of the building and conveys it to the building sewer.

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7. **Building Sewer.** Shall mean the extension from the building drain, beginning five (5') feet outside the building wall to the public sewer connection or lateral.
8. **Business.** Shall mean any building used by the occupant for amusement, entertainment, service, professional, retail trade or any other similar purposes except as defined under "Commercial" and "Industrial".
9. **Category Waste.** Includes domestic septage, vector-pad delivered waste, non-domestic scavenger waste and special case wastes as typically delivered to the wastewater plant or collection system via trucked transport. See Exhibit "A".
10. **C.C.F.** One hundred (100) cubic feet; equal to 748 gallons.
11. **Change-in-Use Fee.** A non-recurring, non-refundable fee charged to the customer to assist the Commission in funding major wastewater system expansion due to change in the use of an existing facility or construction of a new facility whose wastewater flow exceeds that of one (1) equivalent unit.
12. **City.** City of Charleston, South Carolina.
13. **Commercial.** Shall mean any hotel, motel, lodge, tourist home, apartments, master-metered house or similar building operated primarily as a commercial enterprise for the purpose of rental and lodging on a daily or weekly basis. For determination of rates, each room or series of rooms made available to the general public as a separate entity for overnight accommodation shall be classified as a separate rental unit. Commercial shall also mean any enterprise holding an active business license.
14. **Commission.** The Commissioners of Public Works of the City of Charleston, South Carolina. (Also referred to as CPW and/or Charleston Water System, or CWS).
15. **Commissioners.** Are those officials elected by the electorate of the City of Charleston pursuant to statute as well as Ex-Officio members.
16. **Contractor.** Shall mean any person(s) who installs sewer systems.
17. **Cost-Effective.** Shall be as defined in CPW's Cost-Effectiveness Policy contained in CPW's *Water and Wastewater Policies, Procedures and Standards Manual*, latest revision.
18. **Cost-to-Extend Fee.** A fee charged to a customer for payment of additional sewer laterals beyond the obligatory lateral supplied at CPW's cost to each existing parcel at the time of sewer main construction. (See Exhibit "B".)

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19. **CPW.** Abbreviation for Commissioners of Public Works of the City of Charleston, SC. (Synonymous with CWS). CPW conducts its business using its trade name, Charleston Water System or CWS.
20. **CWS.** Abbreviation for Charleston Water System a/k/a Charleston Commissioners of Public Works of the City of Charleston, SC. Charleston Water System or CWS is the trade name used by the Commissioners of Public Works of the City of Charleston organized pursuant to Section 5-31-210 of the Code of Laws of the State of South Carolina.
21. **Customer.** The party, person, business, firm, community, partnership, corporation, service district, etc. or association(s) in any premise(s) supplied with sewerage service by the Commission, or which may have such service available.
22. **Customer Contribution in Aid of Construction.** A fee paid by a customer under a contract entered into by and between the Commission and its customer providing terms for the extension of the Commission's mains to service the customer.
23. **Customer Service Line.** The portion of pipe on the customer's premises which transports sewerage from the customer's premises to the "utility service lateral" at the property line.
24. **Developer.** Shall mean any person(s) who subdivides a lot or parcel of land into two (2) or more lots.
25. **Development.** Shall mean any newly proposed residential subdivision, real estate development, commercial, industrial or institutional complex.
26. **DHEC.** The South Carolina Department of Health and Environmental Control.
27. **Domestic.** Shall mean any facility or activity used principally for dwelling with no, or very minimal, commercial enterprise activity therein.
28. **Elder Valve.** The term given to a field-installed, CWS-owned wastewater service shut-off valve installed on the utility service lateral.
29. **Engineering Services Fee.** A non-recurring fee charged to developers or customers to fund the cost of reviewing developer and customer plans, specifications, design documents, sketches, calculations and providing other associated administrative services and construction inspection services associated with new development and the installation of new services.
30. **EPA.** The U.S. Environmental Protection Agency.



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31. ***Equivalent Unit or Equivalent Residential Unit (ERU)***. Shall mean any residential, commercial, or industrial water user or wastewater generator, generating a theoretical flow of 300 gallons per day of wastewater, or as defined in CPW's Unit Contributory Loading Guidelines contained in CPW's *Water and Wastewater Policies, Procedures and Standards Manual*.
32. ***Fixture Unit***. Shall be as defined by the *Standard Plumbing Code*, latest revision.
33. ***Flat Rate***. Shall be defined as the wastewater user fee charged to CPW wastewater customers who obtain drinking water from non-metered water supplies, e.g. private wells or Customers for whom CPW cannot routinely obtain a monthly meter reading.
34. ***Grinder Pump*** . An individual wastewater pump, or low flow wastewater pump.
35. ***Force Main***. A pressurized sewer main. See "Main".
36. ***Garbage***. Shall mean solid wastes from the domestic and commercial preparation of food.
37. ***Guidelines***. Shall refer to internal CPW engineering, construction, and administrative requirements or policies, which may be modified from time to time, at the discretion of CPW Management.
38. ***Impact Fee***. A non-recurring, non-refundable fee charged to developers (or new customers) to assist the Commission in paying for major capital improvement items for wastewater transportation and treatment. No portion of the total impact fee assessment is refundable after commissioning development projects or after individual service installations.
39. ***Individual Wastewater Pump***. Typically, a grinder-type pump system and appurtenances that serves a single building.
40. ***Industrial***. Shall mean any building used by the occupant to manufacture, assemble, or process goods classified in the *Standard Industrial Classification Manual*.
41. ***Industrial Waste***. Shall mean the liquid waste from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.
42. ***Institution***. Shall mean any building used as a hospital, church, school or similar public facility.
43. ***Interference***. Shall mean a discharge which, alone or in conjunction with a discharge, or discharges from other sources, both:
  - (a) Inhibits or disrupts the Publicly Owned Treatment Works (POTW), its treatment processes or operations, or its sludge process, use or disposal; and

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- (b) Therefore, is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act (CWA), the Solid Waste Disposal Act (SWDA) (including Title II, more commonly known as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act (TSCA), and the Marine Protection, Research and Sanctuaries Act (MPRSA).

44. **Main, or Main Sewer.** (See Sewer or Sewer Main.)
45. **Multi-Family Dwelling Unit.** A building containing two (2) or more dwelling units designed or occupied otherwise than as a two-family dwelling, and typically owned or leased by the occupants on a continuing basis for thirty (30) or more days per year. The term “multiple family dwelling” shall be understood to include apartments, tenement houses, condominiums and similar multi-family buildings, but is exclusive of hotels, apartment hotels, motels, inns, boarding or rooming houses, and bed and breakfasts.
46. **Multi-Family Residential.** Refer to definition for Multiple Family Dwelling. The terms “multi-family” and “multiple family” may be used interchangeably within Commission policies.
47. **Natural Outlet.** Shall mean any outlet into water course, pond, ditch, lake, wetland or other body of surface or groundwater.
48. **NPDES.** National Pollutant Discharge Elimination System Permit.
49. **One-Family Attached Dwelling.** A building containing two (2) or more dwelling units attached to each other by means of a common dividing sidewall or walls from the building’s foundation to the roof. Each dwelling unit is designed for and occupied exclusively as a residence by a single individual or family from the building’s bottom floor to the roof and with normal, independent access from the outside. Such attached one-family dwellings may be referred to as "townhouses" or "rowhouses". Any building containing more than two dwelling units that does not meet this definition shall be considered a Multiple Family Dwelling.
50. **One-Family Detached Dwelling.** A building detached and separate from any adjacent buildings, and designed for and occupied exclusively as a residence by a single individual or family from the building’s bottom floor to the roof.

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51. **Owner.** The person, business, firm, partnership, corporation, association or establishment having an interest, whether legal or equitable, sole or only partial, in any premise which is or is about to be supplied with sewer service by the Commission, and the word "owners" means all interested.
52. **Pass Through.** Shall mean a discharge which exits the POTW into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation).
53. **Person.** Shall mean any owner, customer, individual, firm, business, company, association, society, corporation or group with a single identity.
54. **pH.** Shall mean the logarithm of the reciprocal of weight of hydrogen ions in grams per liter of solution.
55. **Policies, Procedures and Standards Manual or Water and Wastewater Policies, Procedures and Standards Manual.** Shall refer to the latest update of CPW's document of administrative and technical review requirements related to wastewater collection systems construction, customer requirements, inspections, etc. This manual is separate from this *Resolution* and may be amended from time to time at the discretion of CPW Management.
56. **Pre-Treatment Program.** This item shall refer to CPW's approved Program Manual and its contents, which regulate the discharge of wastewater into CPW's collection system. An annual fee will be charged to affected entities to administer this program.
57. **Premise.** A division of a property or building that is devoted to the exclusive use of one household, family, or establishment and having a separate and distinct entrance, and complete privacy from the remaining portions of the building or property.
58. **Properly Shredded Garbage.** Shall mean the waste from the preparation of cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 1/2-inch in any dimension.
59. **Property Manager Program.** A special program where owners or property managers may apply for water and/or wastewater service at a service location for the purpose of cleaning up the property. This special billing program is available for 28 consecutive calendar days, maximum. The appropriate water and wastewater origination-only fees are assessed for the plan during the 28-day period and the account is not billed for actual consumption as long as it is less than 4 Ccf, at which time the customer would also be billed water and sewer based on volumetric consumption at applicable water and wastewater rates as appropriate. (See Exhibit "B", Property Manager Fee.)

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60. **Public Sewer.** Shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
61. **Publicly Owned Treatment Works (POTW).** Shall mean a treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the Commission. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment.
62. **Rate.** The term "rate" when used in these *Rules and Regulations* means and includes every compensation, charge, toll, rental, classification, or availability fee, or any of them, including impact fee, sewer connection fee, or other non-recurring charges demanded, observed, charged, or collected by the Commission for any sewerage service offered by it to the public, and any rules and regulations, practices or contracts affecting any such compensation, charge, toll rental or classification.
63. **Receiving Stream.** Shall mean that body of water, stream or watercourse receiving the discharge from the sewage treatment plant or formed by the discharge of the sewage treatment plant.
64. **Return Visit Fee.** A fee charged to the CWS customer(s) for service(s) rendered other than routine business activities such as meter reading or other internally generated requests.
65. **Sanitary Sewer.** Shall mean a sewer which carries sewage to which storm, surface, and groundwater are not intentionally admitted.
66. **Septic Tank.** Shall mean a private domestic sewage treatment system consisting of an underground tank, distribution box and drain field, designed and constructed in accordance with any or all existing local and state requirements.
67. **Service Area.** The geographical area served by the works of the Commission, as covered by its sewer mains.
68. **Service Connection.** Reference "Utility Service Lateral".
69. **Sewage.** Shall mean a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together, with such ground, surface and stormwaters as may be present. The preferred term is "wastewater".
70. **Sewage Treatment Facility.** Shall mean any arrangement of devices and structures used for treating sewage. The preferred term is "wastewater treatment plant".
71. **Sewer Works.** Shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

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- 72. *Sewer or (Sewer Main).*** Shall mean a primary pipe or conduit for carrying sewage, which excludes building sewers, building drains, utility service laterals, and customer service links; may be a gravity or pressurized force main, owned, operated, and maintained by the Commission.
- 73. *Sewer Tap Fee.*** A non-recurring, non-refundable fee to be paid by the customer prior to connection or installation of the building sewer to the sewer main. (See Exhibit “B”.)
- 74. *Sewer Meter.*** Any device, or instrument, which is used by the Commission in measuring a quantity of sewerage service for billing or other purposes. Typically, (but not in all cases) the meter will be the property of, and will be maintained by the Commission.
- 75. *Sewer Surcharge.*** Shall mean a charge for sewer service and treatment service for extraneous wastewater flows and/or for wastes having characteristics different from sanitary wastes and for which additional charges must be assessed as compensation for additional expenses incurred. (See Exhibit "A".)
- 76.** *Shall* is mandatory, *may* is permissive.
- 77. *Significant Industrial User or Significant User.*** Shall mean any person discharging into the public sewer which:
- (a) Is subject to categorical pretreatment standards under 40 CFR Part 403.6 and 40 CFR Chapter I, Subchapter N, as promulgated by the U.S. Environmental Protection Agency; or
  - (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 Commission's sewage treatment plant; or
  - (c) Discharges an average of 25,000 gallons per day or more of process wastewater excluding sanitary, non-contact cooling and boiler blow down wastewater; or
  - (d) Has, in the opinion of the Commission, a reasonable potential to adversely affect the operation of the Commission's sewage treatment plant or for violating any pretreatment standard or requirement.
- 78. *Significant Violation.*** Shall mean a violation of discharge limitations that meet one or more of the following criteria:
- (a) Chronic violations in which sixty-six (66%) percent or more of all of the measurements taken during a six-month period exceed the limitation for the same parameter;

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- (b) Technical Review Criteria (TRC) violation in which thirty-three (33%) percent or more of all of the measurements taken during a six-month period exceed limitation by a magnitude of the TRC [TRC = 1.4 for BOD, TSS, fats, oils and grease TRC = 1.2 for all other parameters, except pH];
- (c) Any violation of a discharge limitation which the Commission believes has caused, alone or in combination with other discharges, interference or pass-through including endangering the health of POTW personnel or the general public;
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the exercise of the Commission's emergency authority to halt or prevent such a discharge;
- (e) Any violation ninety (90) days or more after the required date of any compliance schedule milestone contained in the Wastewater Discharge Permit;
- (f) Failure to provide the required pretreatment program reports within thirty (30) days of the due date;
- (g) Failure to accurately report non-compliance;
- (h) Any other violation or group of violations which the Commission determines will adversely affect the operation or implementation of the pretreatment program.

**79. *Single-Family Residential.*** Refer to definitions for One-Family Attached Dwelling and One-Family Detached Dwelling. The terms “single-family” and “one-family” may be used interchangeably within Commission policies.

**80. *Slug.*** Shall mean any discharge of water, sewage or industrial waste which in connection with any given constituent, (or in quantity of flow) exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average 24-hour concentration or flow rate proposed during normal operation.

**81. *Southern Standard Plumbing Code.*** Shall mean the official publication of the *International Council*, latest edition, which provides minimum standards and requirements for safe plumbing installation, alterations, repairs, replacements, equipment, fixtures, etc.

**82. *Standard Methods.*** Shall mean the examination and analytical procedures set forth in the most recent edition of *Standard Methods of Water, Sewage and Industrial Wastes*, published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

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- 83. *Storm Drain.*** Sometimes termed storm sewer; shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.
- 84. *Street.*** The word "street" shall be construed to embrace streets, avenues, drives, boulevards, roads, alleys, lanes, bridges and viaducts, and all other public highways in the sanitary area.
- 85. *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.
- 86. *Total Solids.*** Shall mean the sum of suspended matter, settleable matter, and dissolved matter, both volatile and non-volatile.
- 87. *Two-Family Dwelling.*** A building containing two (2) dwelling units attached to each other by means of a common dividing sidewall or floor and sharing a common roof. Each dwelling unit is designed for and occupied exclusively as a residence by a single individual or family from the building's bottom floor to the roof and with normal, independent access from the outside. Such two-family dwellings may be referred to as "duplexes".
- 88. *Utility Service Lateral.*** The portion of pipe which runs from the customer's property line to the main sewer line, and which receives sewage from the "customer's service line". Also known as a service connection. Such line is generally the property and responsibility of CWS.
- 89. *Water and Wastewater Policies, Procedures and Standards Manual.*** Shall refer to the latest update of CPW's document of administrative and technical review requirements related to wastewater collection systems construction, customer requirements, policies, inspections, etc. This manual is separate from this *Resolution* and may be amended from time to time at the discretion of CPW Management.
- 90. *Watercourse.*** Shall mean a channel in which flow of water occurs, either continuously or intermittently.
- 91. *Water Meter.*** Any device, or instrument, which is used by the Commission in measuring a quantity of water which is utilized for sewer billing purposes. The meter will be the property of and will be maintained by the Commission.

All other words not included above, shall be construed as having the meaning defined in *Glossary of Water and Wastewater Control Engineering*, latest edition, published by the Water Environment Federation, Washington, DC, or by their general usage if undefined.

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***SECTION B  
RECORDS AND REPORTS***

All records required by these Rules are necessary for the administration thereof, and shall be kept within the principal place of the Commission unless otherwise specifically authorized by the Commission. These records shall be available for examination at all reasonable hours in compliance with Section 30-4-10 et seq., Code of Laws of South Carolina, 1976, as amended.

The Commission has a written and approved Records Retention Policy in compliance with Section 30-1-80 through Section 30-1-170, Code of Laws of South Carolina, 1976, as amended, and maintains all records in strict accordance with these statutes and its approved policy.



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***SECTION C  
SCHEDULE OF RATES AND FEES***

The rates and fees for wastewater services and program administration shall be in accordance with the provisions of Exhibit “A” and Exhibit “B” or published rates in effect at the time of service application.

(See EXHIBIT “A” and EXHIBIT “B”)

**SECTION D**  
**CUSTOMER RELATIONS**

**1. CUSTOMER INFORMATION**

The Commission shall:

- A. Maintain up-to-date maps, plans, or records of its entire force main and collection systems, with such other information as may be necessary to enable the Commission to advise prospective customers, and others entitled to the information, as to the facilities available for serving customers within its operating area.
- B. Notify affected customers, via public notice, of any proposed change in rates and charges within thirty (30) days of such proposed change by the Commission.
- C. Provide that a complete rate schedule, contract forms, rules and regulations, etc. shall also be on file in the office of the Commission and shall be open to public inspection.
- D. Provide adequate means (telephone, etc.) whereby each customer can contact the Commission at all hours in cases of emergency or unscheduled interruptions of service.
- E. Inform each prospective customer that the customer's service line and plumbing shall conform to all local plumbing codes and, in the absence of such codes, shall conform to the *Southern Standard Plumbing Code*.

**2. APPLICATION FOR SERVICE**

- A. **Where Made.** The customer may make application for sewerage service at the main office, any branch office of the Commission, via facsimile, email or online submission, or by phone (with personal identification) to the Customer Service Department during normal business hours (Monday thru Friday).
  - (1) **Origination Fee.** The Commission will require an origination fee to establish a customer on a new wastewater account. Fees shall be as established or published at the time of application. (See Exhibit "B".)
  - (2) **Change-in-Use Fee.** In the event of any change in customer use of any premises connected for sewer service to the Commission's system, the Commission shall be notified by the customer and a change-in-use fee shall be determined by the Commission and will be paid by the customer. The change-in-use fee shall be determined by calculating the number of equivalent units of a proposed facility, less the number of equivalent units of the existing facility, times the fee per

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equivalent unit as indicated in Exhibit "B". Change-in-use fees will also be charged against new facilities (utilizing existing mains) whose flow on a given parcel of property exceeds one (1) equivalent unit or 300 gallons per day. All fees of this type will be calculated in accordance with the "CPW Unit Contributory Guidelines" contained in the *Water and Wastewater Policies, Procedures and Standards Manual*.

- (3) **Tap Fee.** At the time of application for sewer service, a tap fee shall be assessed to the customer, the purpose of which is to recover costs to the Commission of inspecting the tie-in of the customer's service line to the Commission's service lateral. The tap fee shall be determined in accordance with Exhibit "B", or published rates in effect at the time of service application.
- (4) **Cost-to-Extend Fee.** See Section E, No. 2 and Exhibit "B".
- (5) **Impact Fee.** The purpose of wastewater impact fees is to assist the Commissioners of Public Works (CPW) in paying the cost associated with expansion of major components of the wastewater system. These fees will be charged and paid by a developer, contractor, customer, or applicant customer at the time of execution of a CPW contract for extension of the sewer system and prior to beginning construction of the sewer system. The total charge for wastewater impact fees will be based upon the number of equivalent residential units in the proposed development at impact fee rate per equivalent unit. No portion of the total impact fee assessment is refundable after commissioning development projects or after individual service installations. (See Exhibit "B".)
- (6) **Engineering Services Fee.** CWS will charge an Engineering Services Fee of five hundred (\$500.00) dollars per ERU as a component of each wastewater impact fee assessed. The Engineering Services Fee will serve to fund the cost of reviewing developer and customer plans, specifications, design documents, sketches, calculations and providing other associated administrative services and construction inspection services associated with new development and the installation of new services. An initial payment amount of the Engineering Services Fee, one hundred (\$100.00) dollars per ERU, shall be collected at the time plans are submitted for review to cover CWS engineering and administrative costs, and considered non-refundable. In no case will this total initial payment amount be less than \$500.00 for a single project submittal with less than five (5) ERUs. Prior to permitting, CWS will collect the balance of the Engineering Services Fee due with the total impact fees due. Engineering Services Fee paid to CWS may be reimbursed to the developer, less the initial \$100.00 per ERU amount, if the project is cancelled or the scope of the project is reduced prior to initiation of construction activities. No credit will be given

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for any portion of Engineering Services Fee previously retained by CWS if the project is reinitiated at some later date. (See Exhibit “B” for current listing of Engineering Services Fee.)

- (7) ***Sewer Connection Investigation Fee.*** In the event an existing sewer customer renews their existing sewer service, making a new connection to the existing service lateral, and a tap fee has previously been paid, the sewer connection investigation fee will be charged to cover the cost of inspection of the new connection. Such fee shall also be charged to investigate sewer lateral locations, inspections, and other related field investigations. (See Exhibit “B” and the *Water and Wastewater Policies, Procedures and Standards Manual*.)
- (8) ***Other Fees.*** Other fees may be assessed as outlined in Exhibit “B”.
- (9) ***Initiation of Billing.*** When application for sewerage service is made, the service, together with the associated charges and fees, shall begin on the date of the completion of the water service connection and/or the turn-on of the water service by the Commission. In cases where water is not served by CPW, billing responsibility will begin upon connection of the sewer service.

**B. *Denial or Discontinuance of Service by Commission.*** Sewer service and/or water service may be refused or discontinued and/or penalties may be imposed as called for in Exhibit “C” for any of the reasons listed below. Unless otherwise stated, the customer shall be allowed a reasonable time in which to comply with the Rule before service is discontinued.

- (1) Without notice, in the event of a condition determined by the Commission to be hazardous or dangerous.
- (2) Without notice, in the event of customer use of equipment in such manner as to adversely affect the Commission's service to others.
- (3) Without notice, in the event of unauthorized use of the Commission's service.
- (4) Without notice, for customer tampering with equipment furnished and owned by the Commission. The customer shall make every reasonable effort to prevent tampering, and shall notify the Commission immediately of any tampering with, damage to, or removal of any equipment.
- (5) For violation of and/or non-compliance with any section of this *Use and Rate Resolution* or the associated *Water and Wastewater Policies, Procedures and Standards Manual*.

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- (6) For failure of the customer to allow the Commission reasonable and safe access to its equipment.
- (7) For non-payment of bill, including payment of a bill with a check or credit card that has been returned by a bank for insufficient funds, or other reasons, provided that the Commission has followed the procedures stated in Section “H”, Paragraph 2.
- (8) For failure of the customer to provide the Commission with a deposit, upon demand by the Commission.
- (9) For failure of the customer to furnish permits, certificates, and rights-of-way as necessary to obtain service, or in the event such permissions are withdrawn or terminated.
- (10) For illegal, willful misuse of Commission's service by the customer.
- (11) For non-payment of any and all fees and charges, including impact fees, tap fees, or change-in-use fees.
- (12) For vandalizing or tampering with any service or sewerage pipe, or for illegally making connection into any sewerage line for the disposal of drainage surface waters.
- (13) The Commission shall not be required to furnish its sewerage service to any applicant, who at the time of such application, is indebted under a disputed or undisputed bill to the Commission for water or sewerage service, or any other service previously furnished for such applicant, or furnished any other member of the applicant's household.
- (14) Where the customer is in arrears on an account for service at another premise, unless the customer pays a reasonable amount of his arrears account and makes reasonable arrangements with the Commission to amortize the balance of such past-due account over a reasonable length of time, not to exceed twelve (12) months.
- (15) The customer's use of the Commission's service conflicts with, or violates order, ordinances or laws of the State, or any subdivision thereof or the United States Government.
- (16) For violations of Section M of this *Resolution* or the CPW's approved Pretreatment Policy.

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- (17) For any bill which is returned or classified as undeliverable by the U.S. Post Office.
- (18) For non-compliance with the Commission's Smoke Testing/Surcharge Policy.
- C. *Notice Prior to Discontinuance of Service.*** For any CWS sewer customers not supplied with CWS water service, the Commission will give thirty (30) days written notice to the customer. This notice will be sent by certified mail, and an additional copy mailed under first class postage. This notice advises the customer his service may be discontinued at any time without further notice. The customer will be charged the actual cost of physically disconnecting and reconnecting the sewerage service, including standard overhead charges. A copy of the letter will be forwarded to the Charleston County Health Department and the South Carolina Department of Health and Environmental Control. For CWS sewer customers (or other contract customers), who are also water customers of the Commission, water service will be terminated for failure to pay sewerage costs in accordance with CWS's *Water Rules and Regulations*. (See Section H, Nos. 2 and 3, Delinquent Accounts.)
- D. *Right of Access.***
- (1) The authorized agents of the Commission shall have safe and accessible right-of-access to the customer's premises at reasonable hours, for the purpose of inspecting the customer's sewerage connections and for any other purpose which is proper and necessary in the conduct of the Commission's business.
- (2) When a sewerage line, which is property of the Commission, is on the property of a resident in the Commission's service area, the resident shall provide reasonable access to the Commission for the maintenance thereof.
- E. *Customer Complaints.*** Complaints concerning the charges, practices, facilities, or service of the Commission shall be investigated promptly and thoroughly. The Commission shall keep records of customer complaints that will enable it to review and analyze its procedures and actions.
- F. *System Which Commission Must Maintain.*** The Commission shall operate and maintain in safe, efficient and proper conditions all of its facilities and equipment used in connection with the services it provides to any customer, up to and including the point of delivery into systems or facilities owned by the customer.

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- G. *Wastewater Backups and Emergency Response Fee.*** Upon discovery of a sewer back-up or service failure, the customer should notify the Charleston Water System at 727-6800. Dispatchers or Customer Service Representatives (CSR's) can handle customer calls 24 hours a day, seven (7) days a week. Caller should give their name, address, and phone number to the dispatcher (or CSR) and any other pertinent information regarding the situation. (Dispatcher or CSR will be provided a list of questions to ask and procedures to follow to assist in handling the customer's problems and improving CWS's response capabilities.) The customer will be notified by the Dispatcher or CSR that there may be a wastewater emergency response fee of \$30.00 charged to the customer's account should it be determined that the cause of the problem is located within the customer's service line, outside of CWS right-of-way. If a customer so desires, he or she may opt to call a private plumbing service first to correct the situation.

If for some reason, the customer has called a licensed plumber or sewer line-cleaning service prior to calling CWS and the cause of the problem is verified by all parties to be CWS's responsibility then CWS will be responsible for payment to the customer for all reasonable plumbing charges incurred. A copy of the customer's invoice from the plumber or line-cleaning service will be required in order for CWS to make these reimbursements. However, should the plumbing service correct the problem on private property (outside the CWS right-of-way), then CWS bears no responsibility for plumbing service charges.

For further rules and requirements, please refer to the Charleston Water System *Water and Wastewater Policies, Procedures and Standards Manual*; Wastewater Section; Section III.

**SECTION E**  
**SERVICE CONNECTIONS**

1. ***Service Responsibility of CWS.*** The Commission shall be responsible for ensuring that one (1) six inch (6") gravity service connection is provided to the property line of each lot or parcel of property provided the owner has paid all applicable fees in accordance with Section D and Exhibit "B". The Commission shall only be responsible for providing one (1) such connection to each existing platted parcel of property at the time of the construction of the main sewer. Additional parcels or lots which may be created by subdivision subsequent to the time of the main sewer construction will not be the responsibility of the Commission to provide additional sewer services. In such cases, refer to item #2 below.
2. ***Additional Service Connections Per Lot ("Cost-to-Extend" Fee).*** The owner shall pay the Commission the published average cost of installing or extending more than one (1) service connection per lot or parcel to the property line or relocating an existing service, or installing a new service to a sub-divided parcel, where an existing gravity main is available. Periodically, the Commission will prepare an estimated average cost and amend the associated Cost-to-Extend Fee accordingly for each additional service connection being installed or relocated. (See Exhibit "B".) The above requirement does not apply to planned developments, where sewer main extensions and sewer laterals are required, and installed during initial property development. (See Section L, # 6-A.)
3. ***Size of Service Connection Prescribed.*** The Commission, in every instance, reserves the right, at its option, to designate and prescribe the size of a service connection, either upon original installation of a new connection, or upon any renewal or replacement of any old connection. The owner shall be responsible for complying with the service size requirements as prescribed by the Commission. (Reference Section L.)
4. ***Wastewater Service Connections.*** The Commission will require all sewer service connections to comply with the requirements and conditions as referenced in Section L, Building Sewers and Utility Service Laterals, and other related requirements. (Reference Section L.)
5. ***Not Requiring a Premise to Have a Sewer Connection.*** In cases where the building sewer (inside the property) will be 500' feet in length or longer, or conditions make it impossible or impracticable to connect to the sewer system, the Commission may, in its discretion, not require that the lot be connected to the sanitary sewer system. In this event, wastewater fees and/or charges will not be applied.

In the event that a sewer service connection to the property line becomes or is available to a septic-system served customer (and the customer chooses not to connect to the CWS system), the customer will not be billed for wastewater availability.



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However, customers who have requested and/or have signed a petition for CWS sewer service for a designated parcel, but do not connect to the extended collection system and have not paid the connection fees, as required, will be charged the applicable published monthly minimum sewer charge after proper written notice from the Commission. Such charges, once paid, may be credited against future connection fees, upon formal application for sewer service.

Any septic tank-served property (where CWS public sewer was assumed in error to be in use), which is discovered to have been paying the CWS published sewer charges for the given property, will immediately, upon the customer's and CWS's verification of septic service only, be dropped from the monthly sewer billing. Additionally, such customers will be allowed to have their sewer tap and impact fees credited against prior bill payments upon their application for connection to CPW's sewer system at any time in the future. However, no reimbursements of prior payments for any other charges (other than wastewater tap and impact fees) will be allowed.

**6. *Prohibition Of Individual Wastewater Pump To A CWS Force Main.*** CWS does not permit individual wastewater pump systems for residential buildings to be connected to a CWS force main without a written waiver from a CWS Officer. Where a written waiver is granted by CWS, the owner of the premise must install, at his expense, a grinder pump system in accordance with the Commission's requirements and minimum standards, enter into a written maintenance contract with CWS for the grinder pump system, pay all applicable connection fees, and pay the published monthly grinder pump maintenance fee as show in Exhibit "B". (Also see Exhibit "E", Maintenance Contract for Individual Wastewater Pump Systems.)

**7. *Permissible Connection of Individual Wastewater Pump.***

A. In the event an available gravity sewer with adequate capacity exists, per the Availability Policy, and the premise under consideration cannot be served by onsite gravity, the owner of said premise may install, at his expense, an individual wastewater grinder pump system to connect to CWS's gravity sewer lateral. The premise owner in such case, will be responsible for maintaining the individual wastewater grinder pump station and force main system up to the CWS lateral connection and shall construct all appurtenances in accordance with CWS minimum standards. All applicable connection fees will apply. (For determination of availability, refer to Section 4 of the *CWS Water & Wastewater Policies, Procedures and Standards Manual*.)

B. In the event only an available force main with adequate capacity exists, per the Availability Policy, CWS will consider a satellite sewer system for a single non-residential building under the ownership of a single entity or individual and located on a single parcel of property, and the requested service is for a total Unit Contributory Loading of 24,000 gallons per day or less. In such case, the developer may install an individual wastewater pump as part of the satellite sewer system to connect with the available CWS force main. CWS will not construct any component of a satellite sewer system at its expense. All costs for the satellite sewer system, including connection to the CWS force main, shall be borne by the

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developer. The developer shall be responsible for the design, permitting, and construction of the satellite sewer system. All satellite sewer systems shall be designed and installed in accordance with the requirements of SC DHEC and CWS's Minimum Standards for the Design & Construction of Water and Wastewater Systems. CWS will not allow subsequent extensions of or connections to permitted satellite sewer systems. All costs to operate and maintain a satellite sewer system shall be the responsibility of the permitted owner. All applicable connection fees will apply. (For determination of availability, refer to Section 4 of the *CWS Water & Wastewater Policies, Procedures and Standards Manual*.)

A permitted satellite sewer system owner may voluntarily connect to a CWS-owned gravity sewer when such service becomes accessible to the property. In such cases the permitted owner shall, at his or her expense, design and construct the necessary facilities in accordance with CWS Minimum Standards to connect into the CWS-owned gravity sewer. This shall in no way imply or constitute transfer of ownership or responsibility for the permitted satellite sewer system to CWS.

If an owner of a permitted satellite sewer system fails to comply with SC DHEC operation requirements he or she may be required by SC DHEC to cease operations or connect to a publicly owned treatment works (POTW). In such cases the permitted owner shall, at his or her expense, construct the necessary facilities in accordance with CWS Minimum Standards to extend and/or connect to the CWS collection system to serve the property. This shall in no way imply or constitute transfer of ownership or responsibility for the permitted satellite sewer system to CWS.

8. ***Other Requirements Relating to Service Connections.*** The Commission reserves the right, at its discretion, to require any owner to install on his service line a tank, check valve or valves, or other appurtenances approved by the Commission and thereafter to require any repair, alteration, substitution or addition as needed. Failure upon the part of the owner to comply with such requirements of the Commission within thirty (30) days, after written notice to the owner, or within some agreed extension beyond such thirty (30) days, also in writing, shall authorize the Commission at its option, and without further notice, to cancel the contract for such service and discontinue the same.
  
9. The Commission further reserves the right, at its option, and without notice if the conditions in its discretion warrant and justify such action for the protection of the system, to discontinue its service to any premise or premises where and when the continuance of the service to such premise or premises will reduce or in any manner affect the efficiency of any of the rest of the Commission's system.

**SECTION F**  
**CUSTOMER BILLING**

1. The Commission shall bill each customer as promptly as possible following the reading of the water meter. In cases, where the Commission (or other public entity) does not supply metered potable water service, sewer bills will be rendered monthly in accordance with flat rate schedules in effect at the time of billing. (See flat sewer rate schedules in Exhibit “A”.)
  - A. **New Service.** Meters shall be read at the initiation of any service, and billing shall be based thereon.
  - B. **Billings.** Monthly bills are typically based on a twenty eight (28) to thirty two (32) day cycle, except for initial and final bills. The initial bill or any final bill will be charged based on 4 days or more relative to the customer’s responsibility date or final shut off date. If a customer is billed for an initial or final bill during the middle of a cycle, the bill will be calculated as outlined in the approved rate structure. All current billings are due and payable twenty-one (21) days from date of billing. All charges that are past due and in arrears are due fourteen (14) days from date of billing, unless otherwise provided.
  - C. **Customer Bill Forms.** The bill shall indicate:
    - (1) The name, mailing address, e-mail address and phone number of the Commission for customer inquiries.
    - (2) The name of customer, service address, mailing address, and customer account number.
    - (3) The readings and dates on which the meter was read, both at the beginning and end of the period for which the bill is rendered.
    - (4) The number and kind of units metered; also the conversion of Ccfs to gallons.
    - (5) The billing period and the number of days.
    - (6) The dates payments are due; current and prior balance.
    - (7) A distinct marking to identify an estimated bill.
    - (8) The amounts for payments due; current and prior balance.

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- (9) Historical data from prior year: charges, usage and gallons.
- (10) Volume of sewer.

**D. *Late Payment Charges.*** Effective January 1, 2016 the following late fees may be added to any unpaid balance not paid within twenty-one (21) days of the billing date:

<u>Past Due Balance</u>	<u>Late Charge</u>
0 - \$20.00	2%
\$20.01 - \$500.00	\$10.00
\$500.01 - Greater	2%

**E. *Payment by Check and/or Credit/Debit Card.*** The Commission, at its option for good cause, may refuse to accept a check or credit/debit card charge tendered as payment on a customer's account, and require payment in cash.

- (1) A customer is allowed two (2) returned payments during a 12-month period. After two (2) returned payments are received within a 12-month period, the customer must pay their bills in cash, or money order for the next twelve (12) months. A returned payment fee will be added to the customer's account for each returned payment. (See Exhibit "B", Item #9.)
- (2) If a check is returned by a bank for any reason, a letter will be sent by first class postage informing the customer of the necessary procedure that shall be followed to avoid interruption of service.

**F. *Charges for Discontinuance and Reconnection.*** Whenever service is subject to be tuned off for violation of rules and regulations, non-payment of bills, or fraudulent use of service, the Commission may make reasonable charges for the cost incurred for account analysis, discontinuing the service, reconnecting the service, and require payment for service billed and for service used which has not been previously billed. The foregoing charges are set forth in Exhibit "B".

**G. *Estimated Bills.*** The Commission shall send a customer an estimated bill, only in cases when the meter could not be read or was improperly registering. An account may only have two (2) estimated bills before an actual read is mandatory, unless an extenuating circumstance exists.

**H. *Final Bills.*** When the final charges are calculated, the final bill will be mailed to the last known address under first class postage giving a due date of twenty-one (21) days from the billing date of the bill.

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If the bill is not paid and the customer has an active account, the charges from the previous account will be transferred to the active account. Normal non-payment procedures will be followed.

If there is not an active account to transfer the charges to and the bill is not paid, in-house collection procedures will be followed.

**I. *In-House Collection.***

- (1) Reminder Notice - First Letter: On the 21st day, after the final bill is mailed, a letter is generated on all accounts with a balance of \$1.00 or greater. This letter is to remind the customers they have ten (10) days remaining to dispute the bill. If the bill is disputed, the account is flagged to stop in-house collection process until the issue is resolved. If the bill is not disputed, it is considered accurate.
- (2) Second Letter: Fourteen (14) days after the final due date, a second letter is generated on all accounts with a balance of \$10.00 or greater. This letter informs the customer the account has been turned over to the CWS's In-House Collection Department.
- (3) Third Letter: Thirty-five (35) days after the final due date a third letter is generated on all accounts with a balance of \$10.00 or greater. This letter is to inform the customer of the date the account will be sent to the national rating agencies (CBI/Equifax Credit Information Services and Transunion).
- (4) Fourth Letter: A fourth letter is generated between 63 and 80 days after the final due date on all residential accounts with a balance of \$10.00 or greater. This letter informs the customer the account has been sent to CBI/Equifax Credit Information Services, and Transunion.

Delinquent accounts (other than commercial accounts) are sent by magnetic tape to CBI/Equifax and Transunion on the 15th and 30th of each month. If these dates fall on the weekend, the tape will be sent the next working day.

Records of unpaid accounts sent to CBI/Equifax and Transunion will remain on the customer's credit file for seven (7) years.

- (5) Setoff Debt Program: The Charleston Water System participates in the South Carolina Setoff Debt Program. This program allows CWS to turn the debt over to the South Carolina Department of Revenue via the Municipal Association of South Carolina (MASC). The Setoff Debt Collection Act (Section 12-56-10) allows the South Carolina Department of Revenue to deduct this debt, along with associated

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fees, from any state income tax refund owed to the Customer and forward the balance to CWS. If a joint return is filed (i.e. return filed with spouse), the amount will be deducted from the total refund without regard to which spouse incurred the debt.

2. **Where Made.** Payment of all bills of the Commission may be made at any office of the Commission, on the internet website or its authorized collection agency sites. Authorized payment sites are available upon request of the Customer Service Department.
- A. **Remittance by Mail.** The date of processing by the Commission shall be taken as date of payment for all remittance by mail for bills and accounts due the Commission.
- B. **Credit Card Payment.** Customers are able to make payments on their bill by using Master Card, Visa, American Express, or Discover credit cards or debit cards. These payments may be made via internet, by telephone, or in person at one of two Charleston Water System's branch offices.
- C. **Online Account Management.** Customers have the convenience of paying electronically via internet, subsequent to issuance of their first monthly bill. To utilize this payment option, the customer registers at [www.charlestonwater.com](http://www.charlestonwater.com).
- D. **Convenience Pay.** Customers have the option of paying their bills at local vendors who are contracted with Western Union (Convenience Pay). The customer pays the vendor their published convenience fee to utilize this service.
- E. **Auto Draft.** Charleston Water System's Auto Draft Program allows the customer the liberty to eliminate the writing of checks and the mailing of their monthly bill payments, as well as giving them the peace of mind of always being on time. Customers interested in this service may contact the Customer Service Department at (843) 727-6800, fill out a form on line to be emailed or come in to one of the branch offices to request an application. Also, they may simply check and sign the appropriate section on the back of their bill stub and mail it in.
- F. **Other Payment Methods.**
- **Electronic Payments:** A method used to consolidate online payments made by customers via their bank or payment processing center.
  - **Pay-by-phone:** Customers are able to pay their bills by telephone Integrated Voice Response (IVR) using a credit card.

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3. ***Payment Plan.*** When a long-term mutual agreement is reached between the customer and CWS concerning payment of a bill, the customer will receive a letter stating the due dates and amounts to be paid.
  
4. ***10-Day Extension.*** The customer agrees to pay their past-due balance (excluding storm drain charges) ten (10) days after the pay-by-date on the bill.
  
5. ***All Other Bills and Accounts.*** All bills and accounts are due and payable on the day of the rendition thereof, unless otherwise provided. Also, unless otherwise provided, all such bills and accounts are in arrears from and after twenty-one (21) days from date of billing.

**SECTION G**  
**ADJUSTMENTS**

1. **Adjustment Procedure.** When a customer is experiencing a high bill due to leaks inside the property, they may apply for an adjustment. The request must be made, in writing, stating the nature of the leak, the date(s) it occurred, and attach a receipt for the repairs. When CWS receives the request, all charges relating to the period of the leak will be placed on hold until the adjustments have been processed and consumption returns to normal. Late fees will be removed at the time of the adjustment. An adjustment will be considered for a maximum of two (2) billing periods and the account may receive one (1) adjustment every three (3) years. If leak adjustment is granted, the water and/or sewer charges may be adjusted. (Flat rate sewer customers do not qualify for sewer charge adjustments.) Typically, adjustments will not be granted for negligent acts on behalf of the customer. All adjustments will appear on the subsequent bill. Any exceptions must be approved by the Director of Customer Service or an Officer of the Commission.

**Corrected Bills.** If it is found that the Commission has directly or indirectly, by any device whatsoever, demanded, charged, collected or received from any customer a greater or lesser compensation for any service rendered or to be rendered than that prescribed in the approved rate schedules of the Commission, or if it is found that any customer has received or accepted any service from the Commission for a compensation greater or lesser than that prescribed in such schedules; or if, for any reason, billing error has resulted in a greater or lesser charge than that incurred by the customer for the actual service rendered, then the method of adjustment for such overcharge or undercharge shall be as follows:

- A. **Customer Inadvertently Overcharged.** If the Commission has inadvertently overcharged a customer as a result of a misapplied schedule, or any other human or machine error, the Commission shall, at the customer's option, credit or refund the excess amount paid by that customer or credit the amount billed as provided by the following:
  - (1) If the interval during which the customer was overcharged can be determined, then the Commission shall credit or refund the excess amount charged during that entire interval, not to exceed one (1) year, unless authorized by the Chief Executive Officer.
  - (2) If the interval during which the customer was overcharged cannot be determined, then the Commission shall credit or refund the excess amount charged during the 12-month period preceding the date when the billing error was discovered.
  - (3) If the exact usage and/or demand incurred by the customer during the billing periods subject to adjustment cannot be determined, then the refund shall be based on an appropriate estimated usage and/or demand.



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**B. *Customer Inadvertently Undercharged.*** If the Commission has undercharged any customer as a result of a misapplied schedule, or any human or mechanical error, then the Commission may recover the deficient amount as provided as follows:

- (1) If the interval during which the customer was undercharged can be determined, then the Commission may collect the deficient amount incurred during that interval up to a maximum period of one (1) year, for all non-wholesale customers. In extreme circumstances, the Chief Executive Officer may opt to waive the maximum period requirement above.
- (2) If the interval during which a customer was undercharged cannot be determined, then the Commission may collect the deficient amount incurred during the one (1) year period preceding the date when the billing error was discovered by the Commission.
- (3) The customer shall be allowed to pay the deficient amount in equal installments over the same number of billing periods which occurred during the interval the customer was subject to pay the deficient amount; however, all current bills will have to be paid by the due date.
- (4) If the usage and/or demand incurred by the customer during the billing periods subject to adjustment cannot be determined, then the adjustment shall be based on an appropriate estimated usage and/or demand.

**C. *Customer Undercharged Because of Fraud or Willful Misrepresentation.*** If the Commission has undercharged any customer because of the customer's fraudulent actions, or because the customer has willfully misrepresented a material fact resulting in an undercharge, or if it is shown that the customer is aware of fraudulent or illegal action by another person, such as tampering with the facilities owned by the Commission, and it is evident that such action benefits the customer, or if it is evident that a customer has knowledge of being undercharged without notifying the Commission as such, then the Commission may recover the deficient amount provided as follows:

- (1) If the interval during which the customer was undercharged can be determined, then the Commission shall collect the deficient amount incurred during that entire interval, provided that the applicable statute of limitations is not exceeded.
- (2) If the interval during which the customer was undercharged cannot be determined, then the Commission shall collect the deficient amount incurred during the six-month period preceding the date when the billing error was discovered by the Commission.

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- (3) If the usage and/or demand incurred by that customer during the billing periods subject to adjustment cannot be determined, then the adjustment shall be based on an appropriate estimated usage and/or demand.
  
- (4) In addition to the above, if the metering equipment has been removed or damaged, then the Commission shall collect the estimated cost of repairing and/or replacing such equipment, the cost associated with investigating and determining how the customer was undercharged, appropriate legal expenses, and any other reasonable expenses incurred.

**SECTION H**  
**DELINQUENT ACCOUNTS**

1. All bills and accounts rendered and charges made by the Commission which are in arrears as provided in these rules, shall be termed delinquent accounts.
2. **All Other Delinquent Accounts.** Any wastewater charges which are delinquent may cause the water or sewer service of the Commission to be discontinued. The Commission shall give written notice prior to discontinuing the water or sewer service. A message will appear on the bill that informs the customer of the necessary procedures the customer must follow to avoid interruption of water or sewer service. If this procedure is not followed within fourteen (14) days of postmark of notice, service may be discontinued. Such service will not be resumed and the water turned on or sewer lateral Elder Valve activated until the amount of the delinquent account and the non-pay processing fee, as established in Exhibit "B" has been paid, or proper arrangements have been made.
3. **Delinquent Accounts.** If a customer is unable to pay any delinquent water or wastewater charges, the water service will not be terminated provided the customer has requested an extension for payment. The extension must be agreed to by the Commission. When long-term agreements (payment plans) have been authorized, the Commission will mail the customer a letter stating the dates and amounts to be paid. If the extension or payment plan is not adhered to, the water service may be terminated without further notice. All outstanding charges due at that time must be paid before service is restored.

The extension or payment plan will not affect late fees from being applied to outstanding charges.

***SECTION I***  
***GENERAL***

1. ***Owner Responsible for All Acts.*** Each owner will be held responsible and liable by and to the Commission for all that is done on, in, or about any premises by any agent or tenant or other persons not in the employ of the Commission.
  
2. ***Tenant Taken to be Agent of Owner.*** The tenant in or upon any premises of any owner shall at all times, and for all purposes connected with or arising from the Commission's sewerage supply service to and for such premises, except the making of the original application for sewerage supply service pipe and contract, be taken and construed to be the properly constituted agent of the owner.
  
3. ***Interruptions of Service.***
  - A. The Commission shall make reasonable efforts to avoid interruptions of service, but when interruptions occur, service shall be re-established within the shortest time practicable, consistent with considerations of safety.
  
  - B. Scheduled interruptions shall be made at a time that will not cause unreasonable inconvenience to customers and shall be preceded by adequate notice to those who will be affected.
  
  - C. The Commission shall maintain records of any interruption in its service.

**SECTION J**  
**USE OF PUBLIC SEWERS REQUIRED**

1. It shall be unlawful for any person to place, deposit or permit to be deposited in any CPW sewer appurtenance, any human or animal excrement, garbage, or other objectionable waste in an unauthorized or unsanitary manner. Failure to comply with this provision will subject the violator to penalties as outlined in Exhibit “C”, “Penalties”.
2. It shall be unlawful to discharge to any natural outlet within the jurisdictional area of the Commission, any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this resolution.

It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for disposal of sewage, where a public sewer lateral is available within less than 500 feet of a premise, unless previously authorized, in writing, by the Commission.

3. It shall be unlawful to collect stormwater, rainwater, condensate, groundwater, or any other waters (except metered potable water) for eventual direct discharge into Charleston Water System’s wastewater collection system without prior approval as conditioned in writing from CPW. See Section L for exceptions. Failure to comply with this provision will subject the violator to penalties as outlined in Exhibit “C” Penalties. In addition, CPW shall also impose a monthly surcharge of not less than ten (10) percent to the volumetric charges billed to any sewer customer with an unauthorized disposal into the Commission’s wastewater collection system.
4. At such time as a public sewer becomes available to a property, a service connection shall be made available in compliance with this *Resolution* Refer to Section E.
5. No statement contained in this Section shall be construed to nullify any additional requirements that may be imposed by the appropriate State or County Health Officer.

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***SECTION K - SANITARY SEWER EXTENSIONS***

1. Construction of sanitary sewage facilities in any new development shall be the complete financial responsibility of the developer, except as noted in the Charleston Water System's Developer Policies No. S88001, S16001 and S88005.
2. Approval by the Commission of new sanitary sewage works to be constructed by a developer shall be accomplished by the following procedure:
  - A. Submit construction plans, specifications and design calculations for the development, (along with any required easements) prepared by a S.C. Registered Professional Engineer, to the Commission in sufficient detail, and in accordance with the latest revisions of the Commission's *Minimum Standards for the Design and Construction of Water and Wastewater Systems (CWS Minimum Standards)*, and Developer Policies.
  - B. Based upon the above submittal, the Commission will review the plans and specifications for conformance with the *CWS Minimum Standards*.
  - C. As defined in the *CWS Minimum Standards*, the developer shall execute a takeover agreement with the Commission, which will define all applicable fees to be paid before the construction permit application for the development is submitted to SCDHEC.
  - D. Impact fees will be charged by the Commission and paid for by the developer at the time of execution of the takeover agreement and prior to beginning construction of the sewer system. The total amount of impact fees due shall be the calculated sum according the fee schedule in Exhibit "B" for each proposed equivalent unit that is to be connected to the proposed sewer system extension for the development, less any credits that may be due for abandoned services.
  - E. All construction by the developer shall be performed by an approved contractor who is so designated by the Commission. In the event an unapproved contractor is used, the Commission shall have the right to assign a member of its staff to perform full-time inspection work and require the developer/customer to pay for such inspection services in accordance with the takeover agreement and at rate stipulated therein.
3. For any parcel of land that has an existing Commission-provided sewer service and is subsequently subdivided shall be considered a development. The developer thereof shall be responsible for installing the sewer extension to serve the newly formed parcels.
4. For any development, the Commission shall not be responsible for the installation of the necessary approach mains (gravity or force) to serve all phases of the proposed development. Refer to Policy S88001 in the Commission's Developer Policies.

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5. In accordance with CWS Developer Policy S88001 , the Commission reserves the right to require that a sewer main for which a developer is responsible to install be increased in size, length, and/or depth in order to serve all phases of the development's master plan, or to comply with the Commission's Sewer Master Plan for an area. The Commission will be responsible for only the incremental portion of the design and construction cost associated with the Commission requested up-sizing, lengthening, and/or deepening the sewer main to serve areas outside of the development for which the extension is required.
6. In accordance with CWS Developer Policy S16001, the Commission reserves the right to require that a sewer pump station for which a developer is responsible to install be increased in size, depth or capacity in order to serve all phases of the development's master plan, or to comply with the Commission's Sewer Master Plan for an area. The Commission will be responsible for only the incremental portion of the pump station design and construction cost associated with the changes requested by the Commission to enable service beyond the development for which the pump station is required.
7. Included in the wastewater impact fee is a cost component to cover the expenses generated by the Commission's staff in the engineering, plan review, testing, inspection (except as noted in Item 2-E above), commissioning, and takeover of new wastewater systems. The engineering services fee will be reviewed periodically, along with the impact fee. See Policy S88011 in the Commission's Developer Policies.
8. The Commission will not certify to SCDHEC acceptance of the wastewater system until such time as all administrative requirements have been met either by the developer and/or his engineers/agents. The Commission will not accept wastewater taps onto any new wastewater system extension which has not received full acceptance by the Commission and an Operating Permit from SCDHEC.
9. ***Wastewater Extensions by the Commission.*** It is sometimes requested of the Commission to extend wastewater collection lines, at its expense, within established subdivisions. In order to establish the feasibility for constructing these projects, the Commission will use the criteria as outlined in Policy No. S88005 in the Commission's Developer Policies.
10. Sanitary sewer extensions will not be permitted to connect with any portion of the Commission's sanitary sewer tunnel system that was not originally designed to receive sewer influent from the surface sewer collection system.
11. In accordance with CWS Developer Policy S16002, the Commission will allow connection of Satellite Sewer Systems, as defined and permitted by SCDHEC, to the Commission-owned sanitary sewer system.

**SECTION L**  
**BUILDING SEWER AND UTILITY SERVICE LATERALS**

1. All utility service laterals and building sewer connections shall be constructed in accordance with the Commission's *Minimum Standards for the Design and Construction of Water and Wastewater Systems (CWS Minimum Standards)*, and the Commission's Developer Policies.
2. No more than two (2) single-family dwelling units, one (1) two-family dwelling unit, or up to four (4) multi-family dwelling units, may be connected to one (1) six-inch (6") house service lateral, or six-inch (6") building service lateral, except in rare cases as approved of the Commission. Multi-family buildings consisting of more than four (4) dwelling units, shall be connected to an eight-inch (8") service lateral.
3. The top of all utility service laterals shall be placed by the developer to within forty-eight inches (48") ( $\pm 12$ ") of the finished grade, and to within eighteen-inches (18") ( $\pm 12$ ") of the horizontal dimension as indicated on the sewer system "as-built" drawings. Service wyes (when utilized) shall be installed so as to provide a suitable connection for each building being served.
4. All PVC utility service laterals shall be installed with an electronically or magnetically detectable tape buried directly over the sewer line and twelve-inches (12") below the ground surface continuously, in accordance with the *CWS Minimum Standards*, and the Commission's Developer Policies.
5. No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first notifying and obtaining approval from the Commission.
6. All applicable sewer Impact, Tap and Cost-to-Extend Fees, in accordance with the provisions of Exhibit "B", must be paid to Commission before connection is made to public sewer.
  - A. Cost-to-Extend Fees, as established herein, are based upon meeting the following conditions related to the construction of utility service laterals:
    - (1) Construction shall be limited to open trench excavation across no more than two (2) lanes of paved roadway surface having a maximum width of twenty-six feet (26'), excluding curb, gutter and sidewalks.
    - (2) Construction shall not require the relocation of existing underground or overhead utilities, i.e., water mains, gas mains, sewers, telephone and electrical power cables and wires, or the relocation of existing structures located within public rights-of-way.



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- (3) Construction shall not require the relocation or reconstruction of existing storm sewers or drainage structures due to grade conflicts which may exist between existing storm sewers and proposed utility service laterals.
- B. Utility service lateral extensions involving construction costs in excess of the published cost-to-extend fee as a result of items not meeting the conditions listed in Note 6A above must be paid by the applicant upon presentation of an estimate by the Commission before construction can begin.
- C. In the circumstance where a conflict between storm drainage piping or a utility service lateral becomes apparent in the course of new sewer construction or construction of highway facilities, and the sanitary sewer facilities of the Commission lie within the highway right-of-way, and no other alternatives are available, then a conflict box will be constructed by the Commission at its expense.
- D. In the circumstance where the private property owner, at his own expense, installs storm drainage piping in a ditch in the public right-of-way in front of his property, and if the proposed storm drainage piping installation will conflict with the utility service lateral, the property owner will pay the full cost of any utility service lateral relocation or conflict box installation as necessary.
- E. In a circumstance where a conflict exists between any new storm drainage piping and any Commission sanitary sewer, and said sewers lie within the Commissioner's sewer easements, the Commission will not incur the cost of a conflict box and may require the use of alternate methods of installation, if possible.
- F. The fees, rates, and charges for the use of the Commission's wastewater system for disposal and treatment of sewage or other water shall, at all times, be subject to change by act of the Commissioners of Public Works in order to meet the cost of operation, maintenance of the sewage disposal system and treatment facilities.
- G. The Commission reserves the right to fix and determine by contract, charges for services to be rendered to any person, firm or Governmental entity situated outside the City of Charleston, utilizing the wastewater system(s) of the Commission for the disposal and treatment of sewage or other water (where adequate capacity is available) provided such service is determined by the Commission to be cost-effective and the required jurisdictional authority is obtained.

In all cases, the applicable Impact, Tap, Cost-to-Extend and other fees in effect at time of service application will be charged. Sewer service provided to outside-city parcels will be charged the prevailing outside-city wastewater rate(s) and fees in effect at the time of the billing.

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The provision of sewer service in all cases must be cost-effective as determined solely by the Commission. All main and service line extension costs necessary to connect to the Commission's existing mains must be borne by the customer / developer, in accordance with Policy S88001 for approach mains in effect at the time of service application.

7. All costs and expenses incident to the installation and connection of the building sewer to the connection point provided by the Commission shall be borne by the customer / developer. This shall include the cost to install a grinder pump station where applicable and in accordance with the Commission's Policy on Acceptance of Sewer Services and Sewer Availability. The owner shall indemnify the Commission from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
8. A separate and independent building sewer shall be provided for every building. Where one (1) building stands to the rear of another on a single lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the Commission may grant permission for the building sewer from the front building to be extended to the rear building and the whole considered as one (1) building sewer, upon presentation of evidence by the applicant that it is not feasible that the two (2) buildings so connected will ultimately be on separate building lots.
9. Existing building sewers shall be used in connection with new replacement buildings when they are found by the Commission to meet all of the requirements of this resolution. The published Change-in-Use and Tap Fees will be paid by the applicant, if applicable, for reuse of existing utility service laterals. The published Impact, Cost-to-Extend and Tap Fee for a new utility service lateral or an additional utility service lateral will be paid by the applicant, if applicable.
10. The building sewer shall be constructed to such a point as directed by the Commission. When the lowest floor of a building is at an elevation less than one (1') foot above the top of the next upstream manhole in the sewer system, the building sewer must include a backflow preventer or backwater valve and relief over-flow fittings prior to connection to the Commission's sewer system, and the property owner shall be required to execute a Hold Harmless Agreement (see Exhibit "D") with the Commission which shall be to the effect that the Commission will not be held responsible for any damage occurring from connection to the sanitary sewer system. Such agreement shall be made on a form prepared by the attorney for the Commission and provided to the property owner by the Commission. Said Hold Harmless Agreement shall be recorded in the R.M.C. Office for Charleston County.
11. No person shall maintain or make a connection of roof downspouts, exterior foundation drains, area drains, rainwater collection systems, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to the Commission's sanitary sewer. See Section L. 12-14 below for exceptions. Customers who are discovered having unauthorized and/or malfunctioning connections of this type will be subject to

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the requirements and conditions in CPW's Smoke Testing, Sewer Surcharge Policy, approved January 13<sup>th</sup>, 1998 and contained in the *Water and Wastewater Policies, Procedures and Standards Manual*. (See Exhibit "B", Smoke Testing Surcharge Fee.)

12. Engineered rainwater harvesting systems for domestic uses that are ultimately connected directly or indirectly to a building sewer may only be authorized for connection to the public sanitary sewer following review and written approval by the Commission. All such systems shall include metering for both the harvested water supply and the stand-by public water supply. Meters for such systems shall be specified and owned by the Commission and accessible for reads at intervals prescribed by the Commission. The Commission's Cross Connection Control Policy will apply to all such systems. Any engineered rainwater harvesting system failing to meet the Commission's requirements or found to be malfunctioning shall be subject to the requirements and conditions in CPW's Smoke Testing, Sewer Surcharge Policy, approved January 13<sup>th</sup>, 1998 and contained in the *Water and Wastewater Policies, Procedures and Standards Manual*. (See Exhibit "B", Smoke Testing Surcharge Fee.) All costs for corrections to make the engineered rainwater harvesting system compliant with the Commission's policies shall be the responsibility of the owner.
  
13. Interior drains for enclosed parking garages and trash dumpster pads may only be authorized for connection to the public sanitary sewer following review and written approval by the Commission. The following requirements shall apply to all such drains:
  - A. Finished floor served by drains shall be covered by occupied space and curbed or protected by other Commission-approved means to prevent entry of rainwater and exterior surface runoff.
  - B. Access drives shall be designed and constructed to prevent rainwater and exterior surface runoff from entering floor drains connected to the sanitary sewer system.
  - C. Drains shall be separate from the building sanitary sewer piping and be connected to the public sanitary sewer independently from the building sanitary sewer.
  - D. Drains shall be designed and constructed to prevent sewer gas from entering the structure, and connected to a Commission-approved oil/sand/water separator device which shall be located prior to the connection with the utility service lateral.
  - E. Pumps, if required, shall be placed downstream of the oil/sand/water separator device.
  - F. Drains shall comply with the requirements of Section L.10, and Section M of this policy.
  - G. Any such drainage system failing to meet the Commission's requirements or found to be malfunctioning shall be subject to the requirements and conditions in CPW's Smoke Testing, Sewer Surcharge Policy, approved January 13<sup>th</sup>, 1998 and contained in the *Water and Wastewater Policies, Procedures and Standards Manual*. (See Exhibit "B", Smoke Testing Surcharge Fee.)
  - H. All costs for corrections to make the drainage system compliant with the Commission's policies shall be the responsibility of the building owner.
  - I. Published CWS tap and impact fees will apply.

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14. Area drains for residential car washing may only be authorized for connection to the public sanitary sewer following review and written approval by the Commission. The following requirements shall apply to all such drains:
- A. Car wash area shall be covered by a roof and curbed or protected by other Commission-approved means to prevent entry of rainwater and exterior surface runoff.
  - B. Access drives shall be designed and constructed to prevent rainwater and exterior surface runoff from entering car wash area drains.
  - C. Drains shall be connected to the public sanitary sewer independently from any building sanitary sewer.
  - D. Drains shall be designed and constructed to prevent sewer gas from entering the structure, and connected to a Commission-approved oil/sand/water separator device which shall be located prior to the connection with the utility service lateral.
  - E. Pumps, if required, shall be placed downstream of the oil/sand/water separator device.
  - F. Drains shall comply with the requirements of Section L.10, and Section M of this policy.
  - G. Any such drainage system failing to meet the Commission's requirements or found to be malfunctioning shall be subject to the requirements and conditions in CPW's Smoke Testing, Sewer Surcharge Policy, approved January 13<sup>th</sup>, 1998 and contained in the *Water and Wastewater Policies, Procedures and Standards Manual*. (See Exhibit "B", Smoke Testing Surcharge Fee.)
  - H. All costs for corrections to make the drainage system compliant with the Commission's policies shall be the responsibility of the building owner.
  - I. Published CWS tap and impact fees will apply.
15. The applicant for the sewer connection shall notify the Commission when the building sewer is ready for connection to the utility service lateral. The connection of the building sewer to the utility service lateral shall be the responsibility of the property owner, and shall be made by a licensed plumber or contractor. The inspection thereof by the Commission shall be made within two (2) working days of the receipt of notice from the property owner. The Commission shall inspect the connection and check the building sewer for excessive inflow. Any building sewer having excessive inflow will not be connected to the Commission's sewer. Excessive inflow will be that inflow above 50 gallons per inch diameter, per pipe mile, per day. Any improperly made connection will not be approved. Sewer connections must be made in accordance with the administrative and technical guidelines as provided for in the Commission's *Minimum Standards for the Design and Construction of Water and Wastewater Systems*, and *Water and Wastewater Policies, Procedures and Standards Manual*, specifically the Sewer Tap Fee Policy, the Sewer Tap Inspection Policy and the Renewals Policy.
16. Any unauthorized sewer connection to the Commission's sewer main will result in the violator being assessed a penalty in accordance with the provisions of Exhibit "C".

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17. All excavations for utility service lateral and sewer service connection installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the regulatory agencies having jurisdiction, and the Commission.
18. The Commission shall endeavor to keep a permanent and accurate record of the location and direction of all new sewer connections, including such dimensions, landmarks, etc., as may be necessary to make an adequate description.
19. On any service call, the Commission will investigate the condition of the Commission's sewer in the street. If the street sewer is functioning properly, the following procedure will be followed:
  - A. If a licensed plumber is working on the job to clean the building sewer on private property, then they may work with on-site Commission personnel, at no cost to the Commission, on the portion of the utility service lateral that lies within the public right-of-way between the sewer main and the sewer connection at the private property line if they so desire. Otherwise, CPW will investigate the matter from the main to the edge of the easement or right-of-way and the licensed plumber will investigate the matter within the private property boundary.
  - B. The Commission will not investigate any building sewer problems on private property except as done in conjunction with a licensed plumber's activities as described in Section L., 16.A above.
20. Building sewers shall conform with the *International Plumbing Code*, latest revision or edition, unless otherwise specified by the Commission's guidelines.
21. A building sewer or utility service lateral shall not be connected to any part of the sanitary sewer tunnel system including drop shafts and drop pipes.

**SECTION M**

***USE OF THE PUBLIC SEWERS AND ASSESSMENT OF SEWER SURCHARGES***

**1. Prohibited Waste Discharges**

- A. General Prohibitions: No person shall introduce into the Publicly Owned Treatment Works (POTW) directly or indirectly any pollutant(s) or wastewater which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in Paragraph B of this Section apply to each User introducing pollutants into the POTW whether or not the User is subject to other National Categorical Pretreatment Standards or any national, state or local pretreatment requirements.
- B. Specific Prohibitions: In addition, the following substances shall not be introduced into the POTW:
- (1) Any liquid, solid or gas, which create or could create a fire or explosion hazard in the POTW, including, but not limited to, waste-streams with a closed-cup flash point of less than 140° Fahrenheit, using the test methods specified in 40 CFR 261.21. Prohibited substances include, but are not limited to, gasoline, naphtha, fuel oil, kerosene and alcohols, or any substance which could produce a Lower Explosion Limit (LEL) of 10% or above.
  - (2) Any wastewater which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 6.0 or greater than 9.0.
  - (3) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, disposable wipes, towels, or towelettes feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, lime residues, chemical residues, paint residues, mortar, concrete, and cannery waste bulk solids.
  - (4) Any pollutant, including oxygen demanding pollutants, (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
  - (5) Any liquid or vapor having a temperature higher than 140° Fahrenheit or which results in the temperature at the POTW Wastewater Treatment Plant exceeding 104° Fahrenheit or which inhibits biological activity in the POTW resulting in treatment Interference.

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- (6) Any petroleum, oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through, but in no case in an amount greater than 100 mg/l. See requirements of Charleston Commissioners of Public Works Grease Trap and Grease Interceptor Standards, revised September 9<sup>th</sup>, 1997 in the Commission's Developer Policies.
- (7) Any waters or wastes, acid or alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewerage system.
- (8) Any noxious or malodorous gas (or gas in solution at concentrations above 10 mg/l, such as hydrogen sulfide, sulfur dioxide or nitrous oxide) or other substance, which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their repair and maintenance.
- (9) Any trucked or hauled wastewaters, except at discharge points designated by the POTW, as outlined in CPW's Category Waste Policy, in the *Water and Wastewater Policies, Procedures and Standards Manual*.
- (10) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge, or scum, to be unsuitable for disposal, reclamation and reuse or to interfere with the disposal, reuse, or reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 or 503 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, Clean Air Act, The Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.
- (11) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, sub-surface drainage, condensate, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer, except where permitted or officially authorized by the Commission. See Section L for exceptions. Failure to comply with this provision will subject the violator to penalties as outlined in Exhibit "C" Penalties. In addition, the Commission shall also impose a monthly surcharge of not less than ten (10) percent to the volumetric charges billed to any sewer customer with an unauthorized disposal into the Commission's wastewater collection system.

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**2. Conditionally Prohibited Discharges**

- A. 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 Commission, that such wastes may have a deleterious effect upon the sewers, sewage treatment plant processes, equipment, or receiving waters or which otherwise may create a hazard to life, limb, property, or constitute a public nuisance. (In forming its opinion as to the acceptability of these wastes, the Commission will give consideration to such factors as: quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, natures of the sewage treatment process, capacity of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors as described in CPW's Industrial Pre-Treatment Program.
- (1) Any waters or wastes having a 5-day BOD exceeding 290 mg/l, COD exceeding 1000 mg/l, or a suspended solids concentration exceeding 290 mg/l, without prior approval of the Commission.
  - (2) Any wastewater containing fats, wax, grease or oils of an animal or vegetable origin (whether emulsified or not) in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° Fahrenheit and 150° Fahrenheit, without prior approval of the Commission.
  - (3) Any wastewaters containing concentrations of pollutants exceeding the values set forth in the Commission's approved pretreatment program.
  - (4) Any water or wastes containing volatile or odor-producing substances in such concentrations exceeding limits which may be established by the Commission as necessary, after treatment of the composite sewage, to meet the requirements of state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
  - (5) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commission in compliance with applicable state or federal regulations.
  - (6) Highly colored wastewater (such as, but not limited to, dye wastes and spent canning solutions) in excess of 1,000 true color units.
- B. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section M, Item 2.(A) and which, in the judgment of the Commission, may have a deleterious effect upon the sewers, sewage treatment plant processes, equipment or



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receiving waters, or which otherwise may create a hazard to life, limb, property or constitute a public nuisance, the Commission may:

- (1) Reject the wastes.
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
  - (3) Require control over the quantities and rates of discharge.
  - (4) Impose sewer surcharges as may be necessary, appropriate, and reasonable to recover costs associated with transportation and treatment of non-acceptable wastewater.
- C. If the Commission permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment facilities and equipment shall be subject to the requirements of all applicable codes, resolutions, laws and discharge permits.
- D. Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Commission, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, any flammable wastes, sand, grit, or other harmful ingredients. All interceptors or traps shall be of a type and capacity approved by the Commission, and shall be located so as to be readily and easily accessible for cleaning and inspection. All interceptors shall be supplied and properly maintained continuously in satisfactory and effective operation by the owner at his expense. (See CPW "Grease Interceptor Standards" as contained in the Commission's Developer Policies.) Fees for administering a grease trap review and inspection program will be charged as shown in Exhibit "B".
- E. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the owner's expense.
- F. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Commission and any industrial concern. Industrial waste of unusual strength or character may be accepted by the Commission for treatment subject to payment by the industry, provided that the approval granted by the Commission for the agreement does not cause the Commission to contravene its NPDES permit. ***In such cases, approval from SCDHEC must first be obtained before waste acceptance is granted by the Commission.***

3. **Compliance with Federal and State Pretreatment Guidelines, Laws and Regulations**

- A. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial sub-category, the Federal Standard, if more stringent than limitations imposed under these *Resolutions* for sources in that sub-category, shall immediately supersede the limitations imposed under these *Resolutions*. The Commission shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.
- B. State requirements and limitations for discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in these *Resolutions*.
- C. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The Commission may impose mass limitations (weight related) on Industrial Users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

4. **Wastewater Discharge Permits or Approvals**

A. General Permits:

All significant industrial or non-domestic Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within ninety (90) days after the effective date of this Regulation. For intermittent or periodic discharges such as domestic septage, vector truck wastes, groundwater remediation projects, etc., CPW will issue conditional approval letters in lieu of formal general permits, provided these discharges do not meet the National Categorical Waste Standards.

For hauled wastes of this type, the acceptance and approval criteria will be in accordance with the Category Waste Policy, located in the *Water and Wastewater Policies, Procedures and Standards Manual*. For directly discharged wastes of this type, conditions of the acceptance or approval will be as outlined in the individual approval letter on a case-by-case basis.

B. Permit Applications:

Users required to obtain a Wastewater Contribution Permit shall complete, then file with the Commission, an application in the form prescribed by the Commission. Existing Users

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shall apply for a Wastewater Contribution Permit within thirty (30) days after the effective date of this Resolution, and proposed new Users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the User shall submit, in units and terms appropriate for evaluation, information requested by the Commission.

C. Permit Modifications:

Within nine (9) months of the promulgation of the National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by (B) above, the User shall apply for a Wastewater Contribution Permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Contribution Permit shall submit to the Commission within 180 days after the promulgation of the applicable Federal Categorical Pretreatment Standard the following information:

- (1) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State, or Federal pretreatment standards, and a statement regarding whether or not the 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 for the User to meet applicable pretreatment standards;
- (2) 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. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

- (a) The schedule shall contain increments of progress 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 standard (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

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- (b) No increment referred to in Paragraph (a) above shall exceed nine (9) months.
- (c) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Commission including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Commission.

D. Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of these *Resolutions* and all other applicable regulations, User charges, and fees established by the Commission. Permits may contain the following:

- (1) The unit charge or schedule of User charges and fees for the wastewater to be discharged to a public sewer;
- (2) Limits on the average and maximum wastewater constituents and characteristics;
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (4) Requirements for installation and maintenance of inspection and sampling facilities;
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (6) Compliance schedules;
- (7) Requirements for submission of technical reports or discharge reports;
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Commission, and affording the Commission access thereto;

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- (9) Requirements for notification of the Commission of any new introduction of wastewater constituents or any substantial change in the column or character of the wastewater constituents being introduced into the wastewater treatment system;
- (10) Requirements for notification of slug discharges;
- (11) Other conditions as deemed appropriate by the Commission to ensure compliance with these *Resolutions*.

E. Permits Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall apply for permit re-issuance a minimum of 180 days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification by the Commission during the term of the permit as limitations or requirements, as identified in these *Resolutions*, are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

F. Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the Commission. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit.

5. **Preventive Measures Pertaining to Accidental Discharges**

Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by these *Resolutions*. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be approved by the Commission before construction of the facility. All existing Users shall complete such a plan within ninety (90) days of the effective date of these *Resolutions*. No User who commences contribution to the POTW ninety (90) days following the effective date of these *Resolutions* shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Commission. Review and approval of such plans and operating procedures shall not relieve the industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of these *Resolutions*.

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- A. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective action.
- B. Written Notice - Within fifteen (15) days following an accidental discharge, the User shall submit to the Commission a detailed written report describing the cause 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, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
- C. Notice to Employees - 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 dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

**6. Industrial Wastewater Self-Monitoring, Reporting and Record Keeping**

- A. Self-Monitoring Requirement: Each Significant Industrial User shall perform, at his own cost and expense, flow measurement, sampling and analysis of the discharge to the public sewer. All conditions concerning the self-monitoring including the location of sampling, frequency of monitoring, method of collection, and parameters to be analyzed shall be as outlined on the Wastewater Discharge Permit.
- B. Categorical Baseline Report: Upon promulgation of a Federal Categorical Pretreatment Standard, all affected Industrial Users shall monitor and report to the Commission within 180 days of effective date of the Standard in conformance with the provisions of 40 CFR 302.12.
- C. Self-Monitoring Reporting: Each Significant Industrial User shall submit to the Commission the results of all self-monitoring in accordance with the requirements contained on each Wastewater Discharge Permit.
- D. If an Industrial User monitors any pollutant not required by the Commission or monitors any pollutant more frequently than required by the Commission, the results of such monitoring shall be included in the routine self-monitoring report.
- E. If any monitoring indicates a violation of these *Resolutions* or of any conditions of the Wastewater Discharge Permit, the Industrial User must notify the Commission within 24 hours of becoming aware of each violation. The Industrial User shall also repeat the

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sampling and analysis and submit the results of the analysis to the Commission within thirty (30) days.

- F. **Record Keeping Requirements:** All Industrial Users who discharge or propose to discharge wastewaters to the wastewater treatment system shall maintain such records of production and related facts, effluent flows, and pollutant amounts of concentrations as are necessary to demonstrate compliance with the requirements of these *Resolutions* and any applicable State or Federal pretreatment standards or requirements. Records shall be maintained for a minimum of five (5) years. This period of retention shall be extended during the course of any unresolved litigation or when requested by the Commission. Such records shall be made available upon request of the Commission and to officials of the U.S. Environmental Protection Agency and South Carolina Departments of Health and Environmental Control.
- G. The owner or operator of any premise or facility discharging industrial wastes into the system shall install, at his own expense, suitable monitoring equipment to facilitate the accurate observation, sampling, and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.
- H. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Commission's requirements and all applicable construction standards and specifications.

**7. Sampling and Analysis**

All sampling and laboratory analysis shall be performed in accordance with procedures established by EPA and contained in 40 CFR Part 136. Where 40 CFR Part 136 does not include sampling or analytical technique for the pollutant in question, the Commission shall provide the technique to be used on the basis of recommendations from the SCDHEC. All laboratory analysis shall be performed in a State of South Carolina certified laboratory. Sampling techniques must meet proper chain-of-custody procedure.

**8. Enforcement Procedures - Notification of Violation**

Whenever the Commission finds that any person has violated or is violating these *Resolutions*, or any prohibition, limitation or requirement contained herein, it may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof. A reasonable time may be defined as meaning immediately in the event of a violation affecting health, life or damage to the wastewater treatment facilities or violations which cause interference with wastewater treatment operations. A reasonable time may be less than thirty (30) days under other circumstances, but in such other circumstances not less than twenty-four (24) hours.

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**9. Orders**

- A. The Commission may enter into a Consent Order or other similar document of voluntary compliance establishing an agreement with the Industrial User responsible for non-compliance.
- B. The Commission may issue an Administrative Order to an Industrial User who has violated or continues to violate these *Resolutions*, the Wastewater Discharge Permit or other Orders of the Commission. Such Administrative Orders may direct that, following a specific time period, action by the Industrial User must be taken to correct any violation. Orders may also contain other requirements as might be reasonably necessary to address the non-compliance.

**10. Show Cause Hearing**

- A. The Commission may order any person who causes or allows a violation of these *Resolutions* to show cause before the hearing authority, appointed by the Manager, why further enforcement action should not be taken. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the Commission regarding the violation, and directing the offending party to show cause before said authority why an order should not be made directing further enforcement action including the termination of service. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
- B. The Commission may itself conduct the hearing and take the evidence, or may designate any of its members or any officer of the Commission to:
  - (1) Issue, in the name of the Commission, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings.
  - (2) Take the evidence.
  - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Commission for action thereon.
- C. After any public hearing, testimony taken before the Commission or any person designated by it, must be under oath and recorded stenographically. The transcript or any part thereof, so recorded, will be made available to the party or to any member of the public upon payment of the costs therefore.



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- D. After the Commission has reviewed the necessary information, it can issue an order to the party responsible for the discharge directing that, following a specified time period, the water and/or sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. The Commission may issue further orders and directives as are necessary and appropriate. If water and/or sewer service is terminated, the owner will be responsible for all appropriate reconnection and reactivation fees.

**11. Harmful Contributions; Commission's Response and User's Responsibility**

- A. The Commission may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the Commission, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, or the environment; or causes interference in the POTW's processes; or causes the Commission to violate any condition of its NPDES permit.
- B. Any person notified verbally or in writing regarding a violation of the *Wastewater Use and Rate Resolution* or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Commission shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Commission shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Commission within fifteen (15) days of the date of occurrence.

**12. Revocation of Wastewater Contribution Permit**

Any Users who violate the following conditions of these *Resolutions*, or applicable state and federal regulations, are subject to having their permit revoked in accordance with the procedures of Section M (10) of these *Resolutions*.

- A. Failure of a User to factually report the wastewater constituents and characteristics of his discharge;
- B. Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;

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- C. Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
- D. Violation of conditions of the permit.

**13. Legal Action**

- A. Any discharge in violation of the substantive provisions of these *Resolutions* or an Order of the Commission shall be considered a public nuisance. If any person discharges sewage, industrial wastes or other wastes into the treatment system contrary to the substantive provisions of these *Resolutions* or any Order of the Commission, the Commission may commence an action for appropriate legal and/or equitable relief in the appropriate Court. This remedy shall be in addition to the right to terminate service as provided in Section M (11). In any legal action, the Commission may recover all damages sustained to the treatment facilities, as well as any penalties incurred by the Commission by reason of the violation by any User of these *Resolutions*, the rules and regulations of the City, or State or Federal laws, rules and regulations, plus all attorney fees, cost and expenses incurred by the Commission in the enforcement of these regulations.
- B. Any User by its use of the wastewater treatment facilities of the Commission does consent to and agree to comply and abide with the terms and conditions of these *Resolutions*, the rules and regulations promulgated hereunder and to the enforcement procedures and penalty provisions herein.

**14. Surcharges**

A schedule of surcharges has been established which takes into consideration the total cost for the treatment of wastes. In this schedule, a BOD<sub>5</sub> concentration of 0 to 290 mg/l and a total suspended solids concentration of 0 to 290 mg/l is considered to be a standard sewage waste. Any wastewaters having a concentration in excess of the stated limits is subject to a surcharge in accordance with a schedule set forth by *Resolution* of the Commission. (See Exhibit "A") This surcharge is based on the equitable recovery of wastewater treatment costs as required for those municipalities receiving Federal assistance for the construction of wastewater treatment facilities and is in compliance with the regulations of 40 CFR Part 35. This issuance of this surcharge schedule does not in itself permit, nor does it imply, that any such high strength wastewater will be received by the Commission for treatment. In each instance, the actual acceptance of the waste for treatment is subject to review and evaluation by the Commission. In some instances, pretreatment may be required before acceptance of the wastewater for final treatment by the Commission.

15. **Confidential Information**

Information and data on User obtained from reports, questionnaires, monitoring programs, records, inspections, sampling and analysis shall be available to the public or other governmental agencies without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Commission that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User. Any data concerning the nature and concentration of pollutants in the effluent shall not be considered to be confidential.

16. **Public Report of Non-Compliance**

The Commission shall annually publish, in the largest daily newspaper of local distribution, a list of the Users which are in significant non-compliance with any pretreatment requirements or standards during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the User(s) during the same twelve-month (12) period.

17. **Funding**

Costs associated with the continuing operation of CPW's pretreatment program include those costs associated with engineering reviews, permit processing, inspections, review of monitoring data, investigations and enforcement of compliance, and sampling. The funds to recover these cost will be obtained through an annual permit fee charged to those facilities who are under the purview of the pretreatment requirements. Each permit will be calculated annually, based on a schedule established by CPW.

**SECTION N**  
**POWERS AND AUTHORITY OF INSPECTORS**

1. Officials representing EPA, SCDHEC and the Commission or other duly authorized employees of the Commission bearing proper credentials and identification shall have the right at all reasonable times to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing and to inspect and copy records in accordance with the provisions of these *Resolutions*. Officials or representatives shall have no authority to inquire into any proprietary production processes beyond that point having a direct bearing on the kind and source of discharge to sewers, waterways or pretreatment facilities.
2. While performing the necessary work on private properties referred to in Section N (1) above, the Commission and its duly authorized employees shall observe all safety rules applicable to the premises established by the company. The Commission shall indemnify the company against any loss or damage to its property by the Commission employees and against liability claims and demands for personal injury, or property damage asserted against the company and growing out of the inspection and sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions.
3. The Commission and its duly authorized employees, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Commission holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with terms of the duly negotiated easement pertaining to the private property involved.

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***SECTION 0  
PENALTIES***

1. The Commission may discontinue sewer service or water service to any customer who is more than thirty (30) days in arrears with payment of charges, cost recovery, surcharges, and/or who fails to comply with these *Rules and Regulations*. After proper customer notice, sewer service may be discontinued by complete severance or plugging of the sewer connection, or the Commission may disconnect the water meter. Renewed water service or sewer reconnection may be permitted only after the person has complied with these *Rules and Regulations* and made payment of all applicable charges and penalties as provided in Exhibits “B” and “C”. Unauthorized sewer connections to the Commission's system are subject to such penalties as provided in Exhibit “C”.
2. Any person who is found to have violated an Order of the Commission or who willfully or negligently failed to comply with any provision of these *Resolutions*, and the orders, rules, and regulations, issued hereunder, shall be subject to fines as provided for in Exhibit “C”. Each violation shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Commission may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated these *Resolutions* or the orders, rules and regulations issued hereunder.
3. Any Commercial Industrial User who knowingly makes any false statements, misrepresentations, or certifications in any application, record, report, plan or other document files or required to be maintained pursuant to these *Resolutions*, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these *Resolutions* shall, upon conviction, be punished by a fine as provided for in Exhibit “C” or the maximum penalty allowed by SC state law.

The Commission may impose penalties as outlined in Exhibit “C” for: (a) unauthorized sewer construction or unauthorized connection (direct or indirect) to its sewerage works, and (b) for any unauthorized disposal into the Commission’s wastewater collection or treatment system, (c) or for unauthorized tampering of the sewer collection or treatment system or Elder Valve, etc. for each incident, per day. Each violation confirmed by the Commission will be considered a separate incident.

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***SECTION P***  
***VALIDITY***

1. All resolutions or part resolutions of regulations in conflict with this *Resolution* are hereby repealed.
2. The Commission reserves the right to take immediate action for public health, environmental, regulatory, or other emergencies not specifically covered herein as they may deem necessary in the interest of public health and safety and, further, reserves the rights to establish by *Resolution* more stringent limitations or requirements on discharges to the wastewater disposal system as deemed necessary, and to amend this *Resolution*, in part or in whole.
3. The invalidity of any section, clause, sentence or paragraph in this *Resolution* shall not affect the validity of any other section, clause, sentence or provision of this *Resolution* which can be given effect without such invalid part or parts.

**SECTION Q**  
**RATES AND CHARGES**

1. The rates as set forth in Exhibit “A” for the use of the sewage disposal system of the Commission shall be based upon the quantity of water used upon the customer's premises as determined by metering of the water that is furnished by the Commission. The owner, tenant, or occupant of each lot or parcel of land which may be connected with or use the sewage disposal system, shall pay for the use of said sewage disposal system a sewer service charge computed in accordance with the applicable rate and method for the quantity of water used on or about such lot or parcel of land. Customers utilizing the Commission’s sewer collection system, who receive un-metered water supplies (e.g., well water) will be subject to monthly flat rate sewer charges in effect at the time. (See Exhibit “A”.)
2. In the event a lot or parcel of land on which a building is discharging sanitary sewage, industrial wastes, water or other liquids into the Commission's sanitary sewage system, either directly or indirectly, is a User of water supplied by the Commission, and in addition, uses water from another source which is not measured by the Commission's water meter, the Commission will either require the owner thereof to install, at their expense, equipment acceptable to the Commission for determining the quantity of water used or may opt, at its discretion, require termination of the non-CPW supply. Rates and charges which apply to the quantities of non-CPW water used shall be charged in accordance with the schedule set forth in Exhibit “A”.
3. In the event any commercial or industrial establishment, which is connected to the sewage system of the Commission, wishes to secure credit for water used in water-cooled heating, ventilating, and air conditioning systems which does not discharge into the sewage system, it may, upon written request to the Commission, be evaluated to be placed under the Commission's Cooling Tower Policy (see *Water and Wastewater Policies, Procedures and Standards Manual*). If the establishment making the request meets the conditions of the policy, it will be notified, in writing, and the appropriate billing credit will be given, as allowed for in the policy.
4. Should any customer desire to install an irrigation system supplied with Commission water, they may do so at their expense, and must apply to the Commission for said service and pay all applicable fees in effect at the time of application. Applicants must also comply with all the Commission's backflow prevention requirements in effect at the time of application. All water used through this irrigation-only service will be exempt from wastewater charges. In order to qualify for the above, customers must first have a service which is currently being billed with water and wastewater charges. Upon installation of an irrigation-only service, the existing domestic service (if remaining active) will be billed monthly for wastewater charges at 100% of the metered domestic water consumption.

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5. Customers who are discovered to have illegal or unauthorized sewer connections to CPW's wastewater collection system which have the potential to allow extraneous water or liquids to enter the CPW collection system will be subject to a monthly surcharge, following notification and a 60-day period to make the necessary plumbing corrections. See "Smoke Testing Surcharge", Exhibit "B".



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***SECTION R  
APPEALS PROCEDURE***

1. Any individual, corporation, customer, contractor, or other entity may appeal any decision of the CPW staff or management to the Board of Commissioners. In addition, any Commission policy or procedure or application of such policy or procedure may also be appealed to the Commissioners. Any and all such appeals must be directed, in writing, to the Chief Executive Officer of the Commission. The Chief Executive Officer, upon receipt of the written request, can place the subject for appeal on the agenda of a regularly scheduled Commissioners meeting for consideration by the Commissioners. The person(s) making the appeal will be given the opportunity to appear before the Commissioners to present their appeal. If deemed necessary, a special Commissioners meeting may be scheduled by the Chairman to consider any appeal.

Decisions of the Commissioners on all appeals will be considered the final position of the Commission.

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**EXHIBIT "A"  
SCHEDULE OF RATES FOR  
RETAIL AND WHOLESALE WASTEWATER SERVICE  
(Page 1 of 4)**

**I. RETAIL RATES**

<b>Retail Wastewater Service</b>		
<b>Effective : January 1, 2016 (Approved November 26, 2013)</b>		
<b>Volume Charge for wastewater service per hundred cubic feet (Ccf) (1-7)</b>		
<b>Monthly Volume</b>	<b>Inside City</b>	<b>Outside City</b>
First 2 (Minimum charge)	\$ 29.00	\$ 41.00
Over 2	\$ 7.31	\$ 9.83
Maximum Residential Wastewater Charge (6)	\$ 139.38	\$ 189.43
Non-metered Flat Rate 6 Ccf	\$ 56.05	\$ 77.37
<p>(1) Volume billed for in cubic feet (CF) for all fractional usage under a hundred cubic feet (Ccf).            (2) Billable wastewater volume for Domestic class customers with ¾", 1", or 1 ½" tap (<u>not having</u> a separate meter for irrigation purposes provided by CWS to the property on which the customer account is located) is based on 95% of metered water usage.            (3) All other customer classes, and for those Domestic class customers which <u>do have</u> a separate meter for irrigation purposes provided by CWS to the property on which the account is located, billable wastewater volume is based on 100% of metered water usage.            (4) Wastewater charges for non-residential or multi-family accounts are based on 100% of water usage.            (5) CWS Domestic Class customers who are provided retail water service by St. Johns Water Company are billed for wastewater based on 100% of water volume.            (6) Single family residences without an irrigation meter will be charged no more than the maximum rate for wastewater service. Maximum charge is based on 18 Ccf of water usage (17.1 Ccf wastewater volume).</p>		
<b>Extra Strength Surcharge</b>		
<small>*Approved December 20, 2016</small>		
<b>Type</b>	<b>Rate/CCF</b>	
Biochemical Oxygen Demand (BOD <sub>5</sub> )	\$0.00378 / mg/l over 290 mg/l	
Total Suspended Solids (TSS)	\$0.00383 / mg/l over 290 mg/l	
<p>(7) The extra strength surcharge for BOD<sub>5</sub>, as shown above, is also applicable to Ultimate Oxygen Demand (UOD). UOD is expressed in milligrams per liter (mg/l) by multiplying the BOD<sub>5</sub> concentration (mg/l) by 1.5 and adding that to 4.57 times the ammonia (NH<sub>3</sub>-N) concentration (mg/l).</p>		

**EXHIBIT "A"**  
**SCHEDULE OF RATES FOR**  
**RETAIL AND WHOLESALE WASTEWATER SERVICE**  
(Page 2 of 4)

**II. WHOLESALE RATES**

**A. JAMES ISLAND PSD WHOLESALE "PURCHASED TREATMENT" RATES**

**Effective January 1, 2012**

**1. James Island Public Service District**

- Master-Metered Treatment Services \$ 2.687 /1000 gallons; Allocation Factor: .7382
- Master-Metered Transportation Rates \$26.60 / Equivalent Residential Unit (ERU)
- Non-Master-Metered Treatment and Transportation Charges (per month) \$42.39 / Equivalent Residential Unit (ERU)

**B. HOLLYWOOD / PETERSFIELD WHOLESALE WASTEWATER RATES**

Note: Rates and charges per contract conditions dated February 28, 2003, or as amended.  
Current wholesale master-metered sewer rate: \$2.81 / Ccf  
Effective Date January 1, 2012

**C. TOWN OF MEGGETT WHOLESALE WASTEWATER RATES**

Note: Rate and charges per contract conditions dated April 23, 2010, or as amended.  
Current wholesale rate: \$2.81 per Ccf  
Effective January 1, 2012

**D. TOWN OF RAVENEL WHOLESALE WASTEWATER RATES**

Note: Rate and charges per contract conditions dated May 5, 2006 or as amended.  
Current wholesale rate: \$2.81 per Ccf  
Effective January 1, 2012

**EXHIBIT "A"**  
**SCHEDULE OF RATES FOR**  
**RETAIL AND WHOLESALE WASTEWATER SERVICE**  
(Page 3 of 4)

**III. CATEGORY WASTE**

**A. BASE CATEGORY WASTE CHARGES**

**Effective Date**  
**January 01, 2016**

1. Category I: Domestic Septage: \$78.13

Domestic Septage is defined as the waste which originates from a private domestic sewage treatment system which utilized a septic tank as a method of treatment or the waste generated by portable toilets.

**Effective Date**  
**January 01, 2016**

2. Category II: Vactor/Pad-Delivered Waste \$199.64

Vactor/Pad-Delivered Waste is defined as domestic sewage mixed with a high percentage of grit and solid debris. It is generally derived from the cleaning of sewer liens, pump stations and manholes and is delivered to Plum Island by Vactor truck to be disposed of on the grit receiving pad.

**Effective Date**  
**January 01, 2016**

3. Category III: Non-Domestic Scavenger Waste \$123.95

Non-Domestic Scavenger Waste is defined as non-domestic waste which includes, but is not limited to, leachates, non-toxic chemicals, groundwater, liquid commercial waste and other special waste. It is normally delivered to the plant in bulk quantity loads of 6,000 gallons or more, but in special approved cases, could be introduced to the collection system.

**EXHIBIT “A”**  
**SCHEDULE OF RATES FOR**  
**RETAIL AND WHOLESALE WASTEWATER SERVICE**  
(Page 4 of 4)

**III. CATEGORY WASTE**

4. Category IV: Special Case Waste (Calculated on a case-by-case basis)

Special Case Waste is waste that requires special consideration because of some extenuating circumstances. Examples of special case waste could be drummed waste, waste delivered under contract or waste that requires special consideration in terms of method of delivery, treatability / toxicity of the waste, strength of the waste, or other variable.

**B. EXTRA STRENGTH SURCHARGE**

Extra Strength Surcharge	
*Approved December 20, 2016	
Type	Rate/CCF
Biochemical Oxygen Demand (BOD <sub>5</sub> )	\$0.00378 / mg/l over 290 mg/l
Total Suspended Solids (TSS)	\$0.00383 / mg/l over 290 mg/l
<p>(7) The extra strength surcharge for BOD<sub>5</sub>, as shown above, is also applicable to Ultimate Oxygen Demand (UOD). UOD is expressed in milligrams per liter (mg/l) by multiplying the BOD<sub>5</sub> concentration (mg/l) by 1.5 and adding that to 4.57 times the ammonia (NH<sub>3</sub>-N) concentration (mg/l).</p>	

**Scavenger Wastewater** See Category Waste Policy, CPW *Water and Wastewater Policies, Procedures, and Standards Manual*.

NOTE: These rates may be amended from time to time, with a minimum of a thirty (30) day notice.

\* **Other Non-Domestic Wastewater** — Rates to be determined on a case-by-case basis to include costs associated with oxygen demand, suspended solids, potential toxicity effects on effluent and sludge disposal, and other risk factors associated with acceptance of the wastewater in the Commission’s wastewater system.

**IV. SCHEDULE OF RETAIL RATES FOR OTHER WASTEWATER SERVICE PROVIDERS**

The Commission (performs contractual retail) wastewater billing for certain municipal entities in its service area, including the Towns of Meggett, Hollywood, Ravenel, and Hanahan (Berkeley County) and Dorchester County, as well as the North Charleston Sewer District. For details on the rates for these agencies, contact the respective entity to obtain their published rate schedule. The Commission requires adequate written notice prior to implementing any rate changes for these wastewater service providers.

Charleston Water System  
Wastewater Use and Rate Resolutions

**EXHIBIT "B"**  
**ASSOCIATED WASTEWATER FEES**  
(Page 1 of 4)

**1. TAP FEES**

\$200.00 for six (6") inch service connection or smaller.

\$700.00 minimum for eight (8") inch service connection, or actual cost, whichever is greater.

Tap fees apply to inspections for pre-taps and new tap installations; also, see Item 4, below for additional cost-to-extend charges as may be applicable for new service installations. See Section D, No. 2, A-3.

**2. IMPACT FEE**

Current Impact Fee (Per ERU)	Impact Fee Effective <u>7/1/2016</u>	Impact Fee Effective <u>7/1/2017</u>	Impact Fee Effective <u>7/1/2018</u>
\$2,940.00	\$3,217.00	\$3,525.00	\$3,870.00

Includes \$500.00 Engineering Service Fee

See Section D, No. 2, A-5 and definition of Equivalent Residential Unit.

**3. CHANGE-IN-USE FEE**

Current Fee (Per ERU)	Fee Effective <u>7/1/2016</u>	Fee Effective <u>7/1/2017</u>	Fee Effective <u>7/1/2018</u>
\$2,440.00	\$2,717.00	3,025.00	3,370.00

See Section D, No. 2, A-2.

**4. COST-TO-EXTEND**

Flat charge                      \$3,000.00                      Effective September 1, 2005

See Section E, No. 2 and Section L, No. 6-A.

\*        Equivalent Residential Unit or Equivalent Unit is defined as 300 gallons per day of theoretical domestic wastewater flow as provided for in the Unit Contributory Guidelines found in the *Water and Wastewater Policies, Procedures and Standards Manual*.

**EXHIBIT "B"**  
**ASSOCIATED WASTEWATER FEES**  
(Page 2 of 4)

**5. ORIGNATION FEE**

\$30.00 - A one-time, nonrefundable and nontransferable fee for establishing a CWS sewer account. Such fee applies to Charleston Water System wastewater customers and customers within the former St. Andrews PSD wastewater service area.

See Section D, No. 2, A-1.

**6. DISCONNECTION/RECONNECTION**

A flat fee of \$600 will be assessed for the installation of an Elder Valve on a sewer service lateral. For discontinuance of sewer service where Elder Valves were previously installed, a wastewater non-pay processing fee of \$50 will be assessed, for each service discontinuance.

See Section D, Paragraph B

**7. WASTEWATER CONNECTION INVESTIGATION FEE**

\$200.00, charged on service investigations and/or tap locations, etc.

See Section D, No. 2-A-7.

**8. PRE-TREATMENT ADMINISTRATIVE/PERMIT FEE**

To be determined at a later date upon SCDHEC program approval.

See definition of Pretreatment Program.

**9. RETURNED PAYMENT FEE**

A \$35.00 (effective 8/6/04) returned payment fee is assessed for each returned item, added to the customer's account.

**10. WASTEWATER EMERGENCY RESPONSE FEE (SEWER BACK-UP)**

Wastewater Emergency Response Fee:       \$30.00

See Section D, Paragraph G



**EXHIBIT "B"**  
**ASSOCIATED WASTEWATER FEES**

(Page 3 of 4)

**11. GREASE TRAP FEES**

A one-time \$25.00 grease trap origination fee is charged for engineering review and approval of each new grease trap or interceptor prior to installation.

Also, a \$50.00 grease trap inspection fee is charged for every routinely scheduled operation and maintenance inspection conducted by CPW officials on each trap or interceptor.

**12. CATEGORY WASTE APPLICATION FEE**

A one-time \$50.00 application fee charged to a waste hauler who desires to dispose of waste at CPW's Plum Island Wastewater Treatment Plant. See Category Waste Policy, located in the *Water and Wastewater Policies, Procedures and Standards Manual*.

**13. SMOKE TESTING SURCHARGE**

\$50.00 per month — A fee charged to a property owner for malfunctioning or unauthorized building drains which allow extraneous water to enter CPW's wastewater collection system. Fee is charged after minimum of sixty (60) day notice is given to correct the on-site deficiency(s).

**14. CPW/MASC PROCESSING FEE (Municipal Association of SC Fee)**

A \$25.00 fee is charged by CWS to the customer to collect a bad debt of \$50.00 or more through the SC State Income Tax System. In addition, \$25.00 fees are assessed and collected by the SC Department of Revenue and the Municipal Association of South Carolina (MASC) for setoff debt collection.

**15. WARRANTY INSPECTION FEE**

The Commission will make inspections of the wastewater system during the warranty period. For the purpose making said inspections, the applicant further covenants and agrees to pay CPW, at the time of project closeout and before final acceptance of the system by CPW, the cost of a wastewater system warranty inspection fee. This total warranty inspection fee will be based on the certifying engineer's description of the project linear footage as described on the Project Questionnaire. The wastewater system warranty inspection fee will be charged at \$2.00 per linear foot of gravity wastewater main and \$0.50 per linear foot of wastewater force main or as adopted or amended in the future by the Commissioners.

**EXHIBIT "B"**  
**ASSOCIATED WASTEWATER FEES**

(Page 4 of 4)

**16. ENGINEERING SERVICE FEE**

\$500.00 component of each wastewater impact fee charged. Refer to Section D; No. 2A-6.

**17. HOUSE UNDER CONSTRUCTION**

This is an adjustment given only to uninhabitable new single-family residential construction where sewer is not connected to the residence. The sewer may be adjusted off the account for up to four (4) months.

**18. INDIVIDUAL WASTEWATER PUMP (GRINDER) MAINTENANCE FEE**

\$30.00 per month – A fee charged to a property owner for maintenance of the on-site individual wastewater pump station and force main that only serves a single one-family detached dwelling. Fee is charged monthly in addition to the volumetric sewer charge. Non-payment will result in discontinuation of service as prescribed herein. See #19 below.

**19. NON-PAY PROCESSING FEE**

\$50.00 - A fee to cover the cost to turn off Elder Valves and/or plug sewer laterals due to non-payment.

**20. PROPERTY MANAGER FEE**

Same as the appropriate sewer origination fee as published for the public sewer provider. See Definitions, Property Manager Program. (Effective January 30, 2012)

**21. RETURN VISIT FEE**

\$30.00 - A fee charged to the CWS customer(s) for service(s) rendered other than routine business activities such as meter reading or other internally generated requests.

The above fees may be amended from time to time with a minimum of thirty (30) day notice.

**Charleston Water System  
Wastewater Use and Rate Resolutions**

**EXHIBIT "C"  
PENALTIES  
(Page 1 of 1)**

Unauthorized Sewer Construction and Connection Penalty For each incident, lump sum penalty plus all costs to comply with CPW policies and Minimum Standards, including any amounts due for connection fees.	\$2,000.00
Unauthorized disposal into CWS's wastewater collection or treatment system. For each incident, lump sum penalty plus any applicable charges due for connection fees and/or change in use fees.	\$2,000.00
Unauthorized tampering of CWS' collection or treatment system for each incident.	\$2,000.00

The above penalties may be amended from time to time with a minimum of thirty (30) day notice.  
Refer to Section O for more information.

**EXHIBIT "D"**  
**HOLD HARMLESS AGREEMENT**  
(Page 1 of 3)

STATE OF SOUTH CAROLINA     )  
   )     **HOLD HARMLESS AGREEMENT**  
COUNTY OF CHARLESTON     )

THIS HOLD HARMLESS AGREEMENT (the "Agreement") effective this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ is made and entered into by \_\_\_\_\_ (hereinafter the "Property Owner") whose address is \_\_\_\_\_ and the COMMISSIONERS OF PUBLIC WORKS OF THE CITY OF CHARLESTON (hereinafter "CPW").

WHEREAS, the CPW has been requested by the Property Owner to provide wastewater service to \_\_\_\_\_ (Property Address); and

WHEREAS, the Property Owner has requested that CPW allows a connection to be made to its Wastewater System at \_\_\_\_\_ (Property Address); and

WHEREAS, CPW has specific Wastewater Rules and Regulations that address a situation where a property owner desires to connect to CPW's Wastewater System and the elevation is lower than one (1') foot above the top of the next upstream manhole in CPW's sewer system; and

WHEREAS, CPW, pursuant to its *Wastewater Use and Rate Resolutions*, are not permitted to allow the Property Owner to connect to its Wastewater System without this Agreement.

NOW, THEREFORE and in consideration of the mutual promises hereinafter set forth and other valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Property Owner does hereby agree to indemnify and hold harmless CPW, its officers, directors, employees, agents, and representatives harmless from any and all claims, costs, expenses, or any damages of any sort arising or solely from or related to the action of the CPW in connecting the Property Owner to the CPW's Wastewater System, unless caused by CPW's gross negligence or willful conduct solely related to the connection of the Property Owner's wastewater line to the CPW's Wastewater System.

THIS HOLD HARMLESS AGREEMENT shall include, but is not limited to, direct damages, punitive damages, and any expenses related to the investigation and/or defense of such claims or suits, including reasonable attorney's fees and any other expenses incurred by the CPW or its officers, directors, employees, agents, and representatives.

**EXHIBIT "D"**  
**HOLD HARMLESS AGREEMENT**  
(Page 2 of 3)

Should CPW, or any one acting on CPW's behalf, be required to incur attorney's fees and costs to enforce this Agreement, the Property Owner agrees to indemnify and hold them harmless for all such costs and fees.

This Agreement shall be deemed to be a contract under the laws of the State of South Carolina and for all purposes shall be governed by, and construed in accordance with the laws of this State.

This Agreement may not be orally modified, but only modified or amended in writing which must be signed by all parties to this Agreement.

IN WITNESS WHEREOF, the Property Owner and CPW have executed this Agreement as of the date first written above.

WITNESSES:

PROPERTY OWNER

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

STATE OF SOUTH CAROLINA    )  
COUNTY OF CHARLESTON     )

PERSONALLY appeared before me the undersigned witness who, being duly sworn, deposes and says that (s)he saw the within named \_\_\_\_\_ (Property Owner) \_\_\_\_\_, sign and seal the within written Hold Harmless Agreement, and as the act and deed deliver the same, and that (s)he with the other witness subscribed above witnessed the execution thereof.

\_\_\_\_\_

SWORN TO BEFORE ME THIS

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public for \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Charleston Water System  
Wastewater Use and Rate Resolutions

**EXHIBIT "D"**  
**HOLD HARMLESS AGREEMENT**  
(Page 3 of 3)

IN WITNESS WHEREOF, the Property Owner and CPW have executed this Agreement as of the date first written above.

COMMISSIONERS OF PUBLIC WORKS  
OF THE CITY OF CHARLESTON

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Kin Hill, P.E.  
Its: CEO

STATE OF SOUTH CAROLINA    )  
COUNTY OF CHARLESTON        )

PERSONALLY appeared before me the undersigned witness who, being duly sworn, deposes and says that (s)he saw the within named Commissioners of Public Works of the City of Charleston, by Kin Hill, P.E., its CEO, sign and seal the within written Hold Harmless Agreement, and as the act and deed of the Commissioners of Public Works of the City of Charleston deliver the same, and that (s)he with the other witness subscribed above witnessed the execution thereof.

\_\_\_\_\_

SWORN TO BEFORE ME THIS

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public for \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Charleston Water System  
Wastewater Use and Rate Resolutions

***EXHIBIT "E"***

***MAINTENANCE CONTRACT FOR INDIVIDUAL WASTEWATER PUMP STATIONS***

(Page 1 of 5)

STATE OF SOUTH CAROLINA) MAINTENANCE CONTRACT FOR

COUNTY OF CHARLESTON ) INDIVIDUAL WASTEWATER PUMP SYSTEMS

AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_ and \_\_\_\_\_ between CHARLESTON WATER SYSTEM (hereinafter referred to as "CWS" and \_\_\_\_\_ (hereinafter referred to as "Applicant").

WHEREAS, CWS is an organization established for the provision of public wastewater services in the City of Charleston, and to designated service areas in Charleston County and Berkeley County; and

WHEREAS, from time to time an Applicant requests wastewater service to a property with a single one-family detached dwelling or permitted for such within the aforementioned CWS wastewater service areas that is not immediately adjacent to an existing CWS owned gravity sewer collection system; and

WHEREAS, the Applicant's wastewater service needs for the property are 300 gallons per day or less (one Equivalent Residential Unit or less); and

WHEREAS, the Applicant is under mandate of the South Carolina Department of Health and Environmental Control (SCDHEC) to cease and desist in the use of a ground septic tank and to connect to a public wastewater facility, or is not able to obtain a septic tank permit, and is not able to obtain gravity service from a CWS owned gravity sewer main; and

WHEREAS, the Applicant's property is adjacent to an existing CWS owned sewer force main to which CWS will allow a service connection for an individual wastewater pump station; and

WHEREAS, the Applicant requests that CWS operate and maintain, subject to the terms and conditions hereinafter set forth, a portion of the Applicant's wastewater force main and/or individual wastewater pump station; and

WHEREAS, CWS has Certified Environmental System operators licensed to maintain certain wastewater utilities; and

WHEREAS, CWS and the Applicant have agreed that CWS shall, subject to the following terms and conditions, operate and maintain the Applicant's wastewater facility.

***EXHIBIT "E"***  
***MAINTENANCE CONTRACT FOR INDIVIDUAL WASTEWATER PUMP STATIONS***  
(Page 2 of 5)

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that for and in consideration hereinafter stated, the parties agree as follows:

1. CWS will operate and maintain, subject to the terms and conditions herein stated, the wastewater force main pipe, individual wastewater pump and appurtenances located on

\_\_\_\_\_

(Lot #, Street Address, Subdivision)

Tax Map No. \_\_\_\_\_

2. The Applicant agrees to and must comply with the following conditions:
  - a. The Applicant agrees to comply with the payment of all applicable CWS connection fees and charges, as may be amended from time to time and to comply with the CWS Extension Policy and its requirements as to the construction of the wastewater force main and individual wastewater pumping system.
  - b. Applicant is responsible for the costs to install the individual wastewater pump station, the force main, the connection to the building sewer, the connection to the CWS installed connection point, and all necessary appurtenances for the system operation.
  - c. Applicant agrees to install one of the two following pump systems in accordance with all CWS design standards:
    1. Model 2010iP as manufactured by Environment One Corp.
    2. Synconta 900B Pirana S series as manufactured by ABS Pumps Inc.
  - d. Applicant must comply with all requirements of the CWS Water and Wastewater Policies, and Wastewater Use and Rate Resolutions as may be amended from time to time.
  - e. The Applicant must comply with all applicable requirements of the SCDHEC as relates to the design, permitting and construction of wastewater force mains and pumping stations.
  - f. Applicant must comply with South Carolina Department of Highways and Public Transportation and/or Charleston County, and/or Berkeley County right-of-way requirements where applicable.



***EXHIBIT "E"***

***MAINTENANCE CONTRACT FOR INDIVIDUAL WASTEWATER PUMP STATIONS***

(Page 3 of 5)

- g. The Applicant agrees that CWS, or its representative, will be responsible for the maintenance of the on-site pump station and force main only. Gravity wastewater lines from the house to the wastewater pumps are the responsibility of the Applicant.
  - h. The Applicant agrees to pay the power bill for the wastewater pumps and controls, and place said account in applicant's name.
  - i. Applicant agrees to pay the prevailing individual wastewater pump maintenance fee as established by CWS, as part of the Applicant's regular monthly bill for water and/or wastewater service monthly to CWS with the Applicant's regular bill for water and/or wastewater service. This fee is subject to change depending on the cost of providing this maintenance service as evaluated annually through the CWS rate setting procedure.
  - j. Applicant agrees to pay the monthly bill charged by CWS for wastewater service at the prevailing wastewater rates as established by CWS, and that may change from time to time through the CWS rate setting procedures.
  - k. The Applicant agrees to provide CWS, or its representative, the required access at all times to maintain the on-site pump station and force main.
  - l. The Applicant agrees that if CWS makes gravity wastewater service available, the Applicant shall disconnect from its wastewater force main and connect to the new gravity system constructed by CWS, and will pay CWS the prevailing fee for such reconnection as prescribed in the current Wastewater Use and Rate Resolutions.
3. The Applicant acknowledges having been advised and given an opportunity to read and review the CWS Water and Wastewater Policies and Wastewater Use and Rate Resolutions which set forth the requirements for the provision of wastewater service by CWS to the Applicant.
4. That the Applicant agrees that this Agreement applies only to the Applicant's property described herein and owned by the Applicant at the time of this Agreement and does not apply to any land adjacent, abutting or otherwise in the general area which may be subsequently purchased or leased by the Applicant.
5. That the term of the Agreement shall be in effect until such time as a gravity wastewater system has been constructed and installed by CWS and is available for use or such time that the grinder pump is no longer in use.

**EXHIBIT "E"**

**MAINTENANCE CONTRACT FOR INDIVIDUAL WASTEWATER PUMP STATIONS**

(Page 4 of 5)

6. The cost of any replacement of equipment or upgrade in the small diameter force main and individual wastewater pump to ensure proper and effective operation of same shall be the responsibility of CWS.
7. **Force Majeure.** Neither party shall be liable in damages or have the right to terminate this Agreement for any delay or default in performing hereunder if such delay or default is caused by conditions beyond its control including, but not limited to Acts of God, Government restrictions, wars, insurrections and/or any other cause beyond the reasonable control of the party whose performance is affected.
8. The Applicant shall indemnify and hold harmless CWS from all suits, losses, damages, cost, expenses, judgments, or decrees, whatsoever, arising out of any claim brought against CWS as a result of the Applicant's failure to comply with the terms included herein for provision of wastewater service, including all cost, expenses, and attorney's fees incurred by CWS in defense of said lawsuit or claim; provided however, that the Applicant shall not be responsible for negligent acts of CWS or its agents, servants, or employees.
9. The parties hereto agree that this Agreement shall be construed and enforced under the laws of the State of South Carolina. In the event of any litigation arising from this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs as determined by the Court.

This Agreement shall bind the parties, their respective heirs, executors, successors and assigns.

WITNESS our hands and seals on the date above written.

WITNESS:

CHARLESTON WATER SYSTEM

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

Its: \_\_\_\_\_

WITNESS:

APPLICANT

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

Its: \_\_\_\_\_

Charleston Water System  
Wastewater Use and Rate Resolutions

**EXHIBIT "E"**

**MAINTENANCE CONTRACT FOR INDIVIDUAL WASTEWATER PUMP STATIONS**

(Page 5 of 5)

ACKNOWLEDGEMENT OF CHARLESTON WATER SYSTEM

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

I, \_\_\_\_\_ do hereby certify that \_\_\_\_\_  
(name of notary) (name of Applicant)

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public for South Carolina

My Commission Expires: \_\_\_\_\_