

**Consolidated Regulations
of
South Island Public Service District**

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ARTICLE I - General Provisions

§ 1.1 These Regulations are made and adopted by the Board of Commission of the **South Island Public Service District** (the “District”) under the authority of and pursuant to the enabling legislation of both Sea Pines Public Service District, to wit Act No. 1158 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1968 and the Forest Beach Public Service District, to wit Act No. 481 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1961, Act No. 1040 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1962. (collectively, “the enabling legislation”.)

§ 1.2 Purpose. The purpose of these Regulations is to establish rules and regulations providing for:

- (a) the quality of the water and the integrity of the water distribution system infrastructure within the District;
- (b) the efficient and conservative use of the District water;
- (c) restrictions on the use of private wells and groundwater heat pumps within the District
- (d) the proper use of the District sewer system;
- (e) restrictions on private sewage disposal;
- (f) the proper construction of building sewers;
- (g) the connection and the disposal of wastewater into the District collection system;
- (h) the adequate management of its water system during drought-related conditions;
- (i) the use of reclaimed water and the reclaimed water system;
- (j) enforcement of all provisions pertaining thereto.

§ 1.3 Headings. The headings used in these Regulations have been inserted for convenience only and do not constitute matter to be construed in interpretation.

ARTICLE II - Abbreviations and Definitions

Unless the context specifically indicates otherwise, the following terms, as used in this Ordinance, shall have the meanings hereinafter designated:

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

- | | |
|-----|---|
| CFR | - Code of Federal Regulations |
| EPA | - U. S. Environmental Protection Agency |

SCDHEC - South Carolina Department of Health and Environmental Control
USC - United States Code

§ 2. Definitions

Unless the context specifically indicates otherwise, the following terms, as used in this Ordinance, shall have the meanings hereinafter designated:

§ 2.1 **“Aesthetic Water Use”** - Water use for ornamental or decorative purposes such as fountains, reflecting pools and waterfalls.

§ 2.2 **“Application Rate”** – the rate at which reclaimed water is applied to an irrigation area expressed in inches per hour (or centimeters per hour).

§ 2.3 **“Approved Backflow Preventer”** – a device installed to protect the potable water supply from contamination by prohibiting the backflow of water or other liquids, gases or substances into the potable water supply as approved by the South Carolina Department of Health and Environmental Control (SCDHEC).

§ 2.4 **“Approved Use”** – the use of reclaimed water in a manner, and for such purpose, as approved by the District and in compliance with all applicable regulatory agency requirements.

§ 2.5 **“Approved Use Area”** – a site, with well-defined boundaries, designated by the customer, and approved by the District, to receive reclaimed water for irrigation.

§ 2.6 **“As Built”** – A record drawing of the actual installation of structures, materials and equipment. **“As-Built Drawings”** – (see Record Drawings)

§ 2.7 **“Authorized Representative of the User”**

a) A responsible corporate officer, if the User is a corporation. For the purpose of this definition, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation.

b) A general partner or proprietor if the User is a partnership or sole proprietorship respectively.

c) a duly authorized representative of the individual in (a) or (b) of this definition if:

i) the authorization is made in writing by the individual described in paragraph (a) or (b);

ii) the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the wastewater originates; and

iii) the written authorization is submitted to the Control Authority.

§ 2.8 “**Available**” - means that a reclaimed water distribution main is or will be located at a property line of a property on which an irrigation system is installed or proposed, or a property proposed to be serviced with reclaimed water.

§ 2.9 “**Backflow**” - The reversal of flow in a water distribution system as a result of backpressure or back siphonage.

§ 2.10 “**Biochemical Oxygen Demand**” – the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20° C. Expressed in terms of milligrams per liter and as further defined in Standard Methods for the Examination of Water and Wastewater. 19th Ed.

§ 2.11 “**Building Drain**” – that part of the lowest piping of a drainage system which receives the discharge from soil, waste pipe, and other drainage pipes inside the walls of the building and conveys it to the building (house) sewer, beginning ten (10) feet outside the building wall.

§ 2.12 “**Building Sewer**” - the extension from the building drain to the public sewer or other place of disposal.

§ 2.13 “**Collection System**” – system of sanitary sewers.

§ 2.14 “**Control Authority**” – the “South Island Public Service District” (Also, the “District”)

§ 2.15 “**Control Manhole**” – a sanitary sewer access, located to allow for the proper sampling, monitoring, and observation of any industrial wastewater discharge.

§ 2.16 “**Conventional Pollutant**” – BOD, TSS, pH, fecal coliform bacteria, oil and grease and such additional pollutants as are now or may be in the future specified and controlled in the District’s NPDES permit for its Wastewater Systems where said systems have been designed and used to reduce or remove such pollutants.

§ 2.17 “**Cooling Water**” – the water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

§ 2.18 “**Commercial and Industrial Use**” - Water use integral to the production of goods and/or services by any establishment having profit as its primary aim.

§ 2.19 “**Connection Charges**” – Charges imposed as a condition of the District providing service so that each connecting property bears its equitable share of the costs of the public water system and of the costs of facilities that benefit the property. Connection charges include the general facilities charges and direct facilities charges.

§ 2.20 “**Conservation**” - Reduction in water use to prevent depletion or waste of the resource.

§ 2.21 “**Cross-Connection**” – Any actual or potential connection or physical arrangement between a public water supply and any other source or system through which it is

possible to introduce into the potable water system used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross connections.

§ 2.22 **“Cross-Connection Control”** – The use of a backflow prevention assembly, air gap or other control designed to prevent backflow contamination from a cross-connection.

§ 2.23 **“Cross Connection Control Program”** – A water quality protection program providing policies and procedures to be followed to prevent cross-connections.

§ 2.24 **“Customer”** - Any person, company or organization using finished water owned or supplied by the South Island Public Service District.

§ 2.25 **“Design Area”** – a site, with well-defined boundaries, proposed to receive reclaimed water for irrigation purposes only, as delineated in the Application for Reclaimed Water Service.

§ 2.26 **“Designated Use Area”** – the area designated in the Application for Reclaimed Water Service permitted to receive reclaimed water.

§ 2.27 **“DHEC”** – the South Carolina Department of Health and Environmental Control. (Also, SCDHEC).

§ 2.28 **“District”** – South Island Public Service District

§ 2.29 **“District Service Area”** – The area to which the District is authorized to provide water and sewer service. Any area to which the District provides service and operations by contract with another entity or owners outside of the defined service area may, for the purposes of this Ordinance, be considered a part of the district’s service area.

§ 2.30 **“Domestic Water Use”** - Water use for personal needs, or for household purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry or institution.

§ 2.31 **“Domestic Waste”** – liquid wastes

- (a) from the non-commercial preparation, cooking, and handling of food or
- (b) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions.

§ 2.32 **“Drought Alert Phases”** - There are four drought alert phases to be determined by the Drought Response Committee for the State of South Carolina. The four phases are:

- (a) Incipient Drought
- (b) Moderate Drought
- (c) Severe Drought
- (d) Extreme Drought

§ 2.33. **“Drought Response Management Areas”** - There are four drought management areas corresponding to the major river basins in South Carolina. The four areas are:

- (a) West or Savannah
- (b) Central or Santee
- (c) Northeast or Pee Dee
- (d) Southern or Ashepoo, Combahee, and Edisto.

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

§ 2.34 “Drought Response Committee” - A committee composed of State and local representatives created for the purpose of coordinating responses to water supply shortages within Drought Management Areas and making recommendations for action to the South Carolina Department of Natural Resources and/or the Governor. The Committee is composed of State agency representatives from the South Carolina Emergency Management Division of the Office of the Adjutant General, South Carolina Department of Health and Environmental Control, South Carolina Department of Agriculture, South Carolina Forestry Commission, and South Carolina Department of Natural Resources, as well as local committees representing counties, municipalities, public service districts, private water suppliers, agriculture, industry, domestic users, regional councils of government, commissions of public works, power generation facilities, special purpose districts and Soil and Water Conservation Districts.

§ 2.35 “Easement” – An acquired legal right for the specific use of land owned by others.

§ 2.36 “Emergency” – Any natural or human-caused event or set of circumstances which disrupts or threatens to disrupt or endangers the operation, structural integrity or safety of the public water system; constitutes an immediate health hazard to the potability of the District’s water supply or endangers the health and safety of the public; or otherwise requires immediate action by the District

§ 2.37 “Environmental Protection Agency” – The United States Environmental Protection Agency or, where appropriate, SCDHEC, or other duly authorized official of said agency

§ 2.38 “Essential Water Use” - Water used specifically for fire fighting, maintaining in-stream flow requirements and to satisfy Federal, State or local public health and safety requirements.

§ 2.39 “Existing Source” – any source of discharge, the construction of which commenced prior to the publication by EPA of proposed National Categorical Pretreatment Standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act

§ 2.40 “Fats, Oil, and Grease” - Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as “Grease” or Greases”

§ 2.41 **“Finished Water”** - Water distributed for use after treatment. The terms “water use,” “water user,” and “water customer” refer to finished water use unless otherwise defined.

§ 2.42 **“Fire Hydrant Assembly”** – A fire hydrant and the piping and valve connecting it to a water main.

§ 2.43 **“Fire Protection System”** – A privately-owned and maintained water system used for fire extinguishments only, inclusive of fire sprinkler systems, private-purpose fire hydrants, and the water mains and appurtenances feeding such systems.

§ 2.44 **“Food Service Establishment”** – any commercial facility which prepares and/or packages food or beverages for sale or consumption, on or off site. Food service establishments shall include, but are not limited to restaurants, motels, hotels, cafeterias, hospitals, schools, bars, catering facilities and any other facility, which, in the District’s opinion, would require a grease interceptor by virtue of its operation.

§ 2.45 **“Garbage”** – solid wastes from domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of food.

§ 2.46 **“Grease Interceptor/Grease Trap”** - The device that is utilized to effect the separation of grease and oils in wastewater effluents from food service establishments. Such traps or interceptors may be of the “outdoor” or underground type normally referred to as large grease interceptors, or the “under-the-counter” package units normally referred to as the smaller grease traps. However, for purposes of this standard, the words “trap” and “interceptor” are generally used interchangeably.

§ 2.47 **“Industrial Wastes”** – the liquid waste from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

§ 2.48 **“Institutional Water Use”** - Water used by government, public and private educational institutions, churches and places of worship, water utilities, and organizations within the public domain.

§ 2.49 **“Irrigation Water Use”** - Water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

§ 2.50 **“Minimum Design Capability”** - The design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the public sanitary sewer

§ 2.51 **“Natural Outlet”** - any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

§ 2.52 **“Non-essential Water Use”** - Categories of water use other than Essential Water Use. Examples of non-essential water use include landscape irrigation and the washing of buildings, parking lots, automobiles, etc.

§ 2.53 **“Non-potable Water”** – water that has not been treated for, or is not acceptable for, human consumption in conformance with Federal, State and local water standards. Non-potable water includes reclaimed water.

§ 2.54 **“Offsite Facilities”** – facilities under the control of the District including, but not limited to reclaimed water transmission mains, reclaimed water pipelines, treatment plants and other appurtenances and property. For reclaimed water service, offsite facilities shall be those upstream of the point of connection with the customer’s onsite facilities located at and starting at the downstream end of the meter tailpiece.

§ 2.55 **“Offsite Facilities”** – facilities under the control of the District including, but not limited to reclaimed water transmission mains, reclaimed water pipelines, treatment plants and other appurtenances and property. For reclaimed water service, offsite facilities shall be those upstream of the point of connection with the customer’s onsite facilities located at and starting at the downstream end of the meter tailpiece.

§ 2.56 **“Onsite Facilities”** – facilities under the control of the customer including, but not limited to, landscape irrigation systems. For reclaimed water service, the onsite facilities shall be those downstream of the reclaimed water service connection, which shall normally be the downstream end of the meter tailpiece.

§ 2.57 **“Overspray”** – application of reclaimed water to areas not included in the “designated use area”

§ 2.58 **“Pass Through”** – a discharge with exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation.)

§ 2.59 **“pH”** – the logarithm of the reciprocal of weight of hydrogen ions in grams per liter of solution.

§ 2.60 **“Pollutant”** – dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt, and municipal, agricultural industrial commercial or domestic wastes of any kind.

§ 2.61 **“Ponding”** – the retention of reclaimed water on the surface of the ground or other man-made surfaces, other than the designated use are, for a period of time following the cessation of an approved reclaimed water use activity.

§ 2.62 **“Potable Water”** – water that is suitable for human consumption, and which conforms to the South Carolina Drinking Water Act, and any other applicable standards.

§ 2.63 **“Potable Water System”** – Any part of the public water system or of a private water system that carries potable water.

§ 2.64 **“Private-Purpose Fire Hydrant”** – Any fire hydrant located on a specific parcel of property where the hydrant exists for the purpose of providing fire protection solely to the premises upon which the hydrant is located, without regard to whether the District owns or maintains the hydrant. Any hydrant located within a commercial, institutional, or industrial unit development where the traffic lanes immediately adjacent to the hydrant are not owned and

maintained by the Town, County or State as a public thoroughway shall constitute a private-purpose fire hydrant

§ 2.65 **“Private Water System”** – Any part of a water system that is not part of the public water system as defined herein.

§ 2.66 **“Properly Shredded Garbage”** – Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, and with no particle greater than three-eighths (3/8) of an inch in any dimension.

§ 2.67 **“Property Owner”** – Any individual, company, partnership, joint venture, corporation, LLC, LLP, association, society or group that owns or has a contractual interest in, the subject property or has been authorized by the owner to act on his/her behalf.

§ 2.68 **“Public Sewer”** a common sewer directly controlled by public authority.

§ 2.69 **“Public Water System”** – All pipes, wells, treatment systems, pump stations, tanks, valves and appurtenances that are owned by the district for the production, treatment, transmission, storage and delivery of potable water. The public water system does not include those facilities located on the customer side of meters, or on the customer side of the property line on meterless fire services serving single-user properties or master-metered multi-user properties, or beyond the point of the District’s main line easement on meterless fire services serving individually-metered multi-user properties.

§ 2.70 **“Publicly Owned Treatment Works” or “POTW”** – a treatment works, as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the District. This definition includes any devices or systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW Treatment Plant.

§ 2.71 **“Reclaimed Water”** – water which, as a result of treatment of wastewater, is suitable for a direct beneficial use or a controlled use that otherwise would not occur.

§ 2.72 **“Reclaimed Water Facilities”** – systems, structures, etc., used in the treatment, storage, pumping, transmission and distribution of reclaimed water.

§ 2.73 **“Reclaimed Water Service Connection”** – the point of connection of the customer’s reclaimed water line with the reclaimed water service line of the District, which shall normally be the downstream end of the reclaimed water meter tailpiece.

§ 2.74 **“Reclaimed Water Service Lines”** – reclaimed water distribution pipelines and appurtenances acquired or constructed and owned by the District, and used for the conveyance of reclaimed water.

§ 2.75 **“Redevelopment”** – Any site improvement that requires installation of water facilities greater than two inches in diameter to meet fire and/or domestic water pressure and flow requirements, or relocation of such existing facilities, except that facilities for the sole purpose of upgrading a backflow prevention assembly or retrofitting an internal fire sprinkler

system are exempt. Construction of any new building(s) or any property subdivision is defined as new development rather than redevelopment, regardless of prior use of the site.

§ 2.76 **“Residential Equivalent Unit (REU)”** - An equivalency unit defined to be equal to one single- family residence. South Island Public Service District’s allocated water capacity equals 600 gallons per day per REU.

§ 2.77 **“Run-off”** – the movement of reclaimed water beyond the boundaries of the designated use area along the surface of the ground or other natural or man-made surfaces including, but not limited to, pedestrian walkways, streets, playground surfaces, grassy slopes and drainage courses.

§ 2.78 **“Sanitary Sewage”** – the solid and liquid wastes generated in the typical day-to-day domestic household.

§ 2.79 **“Sanitary Sewer”** – a pipe that carries sewage and excludes storm, surface and ground water.

§ 2.80 **“SC Dept. of Natural Resources”** - The State agency with primacy to implement the provisions of the Drought Response Act.

§ 2.81 **“Separation”** – the horizontal and/or vertical distance between a reclaimed water pipeline and a parallel potable water pipeline, sewer pipeline, or a sludge force main. The separation shall be the clear out-to-out distance between the pipelines in question.

§ 2.82 **“Service Area”** – The area to which the District is authorized to provide potable water, reclaimed water and sewer service, more specifically defined by Act No. 596 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina, 1969, et. seq. and subsequent Ordinances of the Beaufort County Council further amending said service area. Any area to which the District provides service and operations by contact with another entity or owners outside of the defined service area may, for the purposes of this Regulation, be considered a part of the District’s Service Area.

§ 2.83 **“Service Connection”** – See “Water Service Connection”.

§ 2.84 **“Sewage”** – a combination of water-carried wastes from residences, commercial businesses, institutions and industrial establishments.

§ 2.85 **“Shall”** is mandatory; **“May”** is permissive.

§ 2.86 **“Sludge Pocket”** - Solids settled and accumulated in a grease interceptor.

§ 2.87 **“Slug Load” or “Slug”** – any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

§ 2.88 **“Spray Irrigation”** – application of reclaimed water to land to maintain vegetation or support growth of vegetation by spraying it from sprinklers or orifices in piping.

§ 2.89 **“Storm Drain”** – a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes.

§ 2.90 **“Storm Water”** – any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

§ 2.91 **“Surface Irrigation”** – application of reclaimed water by means other than spraying.

§ 2.92 **“Total Suspended Solids”** –the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

§ 2.93 **“Treatment Plant”** – that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

§ 2.94 **“Unauthorized Discharge”** – any release of reclaimed water that violates these Rules and Regulations or any applicable Federal, State, or local statutes, regulations, ordinances, contracts or other requirements.

§ 2.95 **“Unpolluted Water”** – water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.

§ 2.96 **“Unsafe Condition”** – Any condition on any premises, or in any private water system thereon, that is a hazard to public health or safety, that does or may impair or impede the operation or functioning of any portion of the public water system, or that may cause damage thereto.

§ 2.97 **“User”** - Any person, including those located outside the jurisdictional limits of the District, who contributes, causes or permits the contribution or discharge of wastewater into the POTW, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

§ 2.98 **“Wastewater”** – the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the District’s Treatment Plant.

§ 2.99 **“Watercourse”** – a channel in which the flow of water occurs, either continuously or intermittently.

§ 2.100 **“Water Emergency”** – any situation or period of time during which water is not available or its availability is limited due to shortages in supply interruptions in the water transmission or distribution systems, contamination of water supplies, or other conditions where use restrictions or prohibitions are necessary in order to efficiently and effectively safeguard the safety and health of the general public and to provide water for essential public uses.

§ 2.101 **“Water Facility”** – Any facility for the production, treatment, conveyance or storage of water, and related appurtenances, whether part of the public water system or a private water system that is connected to or intended to be connected to the public water system.

§ 2.102 **“Water Main”** – A water pipe that is part of the public or private water system used for the transmission and distribution of potable water, excluding service connections fire hydrant assemblies and fire sprinkler systems.

§ 2.103 **“Water Service Connection”** – Also called a “service” or “service connection”. The pipe and appurtenances used to provide potable water to an individual building or irrigation system, including the tap, water service line (the pipe extending from the water main to the meter setter), meter setter, meter box, meter and miscellaneous fittings.

§ 2.104 **“Water Supply Shortage”** - Lack of adequate, available water, caused by drought, to meet normal demands.

§ 2.105 **“Water System”** The entire water system within the District service area comprised of the public water system and connected private water systems.

ARTICLE III - Water Fees, Charges and Meters

§ 3.1 Water Fees and Charges. All properties using or connecting to the District’s water system shall be charged the applicable fees and charges, including water tapping charges, capacity charges, water service charges, tap fees and all other charges, ("fees and charges") in accordance with the schedule of fees and charges (the "Fee Schedule") duly adopted by the District Board of Commissioners and on file with the Office of the Clerk of Court for Beaufort County. All fees and charges, when billed, shall be considered due upon receipt and shall constitute a lien in accordance with South Carolina Code of Laws § 6-11-170 upon the property served until paid in full.

§ 3.2 Developer Fees and Requirements. The Developer of any property within the District’s boundaries shall be responsible for all costs of system extensions and on-site infrastructure to serve the project, in addition to all other fees and charges, and any other subsequently adopted fees.

§ 3.3 Water Tapping Charges.

(a) Water Tapping Charges shall constitute a standard conditions charge and may be adjusted when substantiated by actual costs attributable to extenuating circumstances.

(b) Properties connecting new fire protection systems with the public water system shall be subject to payment of water tapping charges.

§ 3.4 Charge When Meter Placed Back in Service. A service charge, as set forth in the Rate Schedule, shall be charged against water customers when their water service is restored after the District, for any reason, has taken such meter out of service. The District shall not be required to continue service until any arrears have been paid and the service charge has been paid.

§ 3.5 Meters.

(a) A water meter and meter box shall be supplied and installed by the District at the property line of the property or tract desiring service. The District shall maintain the proper operation of all meters. Customer shall at all times keep meter boxes unobstructed. The District, acting through its authorized representative, shall have unobstructed access to each meter.

(b) Whenever any water meter malfunctions, or otherwise delivers what is known by the District to be an inaccurate report of actual use, the charge to the customer shall be estimated according to pertinent available data, using best management practices. Where sufficient data is not available, the customer shall be liable for base charges.

(c) In accordance with formal covenants made by the Board of Commissioners in District borrowing transactions, all water connections made to the Public Water System shall be metered with the exception of fire protection system connections.

(d) Each separate building or premises shall be separately tapped to its own water meter, except that where more than one building or premises is located on the same lot, the District, where it deems to be in its best interest, may elect to permit multiple services from one metered connection. In such cases, the appropriate number of minimum charges will be assessed. Garages appurtenant to residential to residential dwelling units are not covered by this provision.

ARTICLE IV - Water Use Provisions

§ 4.1 Application for Service and Connection.

(a) Any person or organization desiring water service from the District shall make application at the District's administrative offices. New taps shall be applied for by a licensed plumber. Tap application, service application, and advance payment of the applicable charges must be made to the District before construction of the foundation of the structure is started. No connection shall be made between the District's water system and that of any other water system except by written permission from the District and with the installation of a back flow prevention device approved by S.C. Department of Health and Environmental Control and the District.

(b) All connections to the District's water system shall be made by the District or under its supervision

(c) Applications for service to rental properties shall be made by the property owner or rental manager. In such cases where the renter will be the account holder, the owner or rental manager shall co-sign the service application and retain ultimate responsibility for water service charges.

§ 4.2 Responsibility for distribution system infrastructure. The District shall be responsible for the water system to the customer's water meter. All water pipelines and appurtenances downstream of the water meter shall be the responsibility of the customer.

§ 4.3 New or Renovated Commercial and Multi-Family Properties. Plans and specifications shall be submitted to the District for review, to ensure compliance with District's construction standards, as amended from time to time. Upon satisfactory review, written approval will be provided.

§ 4.4 Service Pipes. (Service Laterals) The water service pipe for any building, lot, or premises shall not be laid over or through any other building, lot, or premises. No person shall connect or cause to be connected any building, lot or premises with the water service pipe belonging to or supplying any other building, lot, or premises except that other buildings on the same lot may be supplied from the same service pipe. For any violation of this subsection, service may be discontinued until same is corrected. Service will not be supplied to a building or property which has been condemned by lawful authority.

§ 4.5 Use of Water Without Water Use Agreement. No person shall supply water to any other property, or take or use water from any water pipe or hydrant or other device or fixture through which District water may be drawn or used, without execution of a water use agreement with the District, or unless such person shall have permission of the District, or is an employee of the District and is acting in the discharge of his duty as such.

§ 4.6 Improperly Turning Water On/Off; Meter Tampering.

(a) It shall be a violation of these regulations for any person to turn the water on or off for any premises or tamper with or disturb any water meter or meter box, to include any appurtenance of the water system, except with written authority from the District.

(b) It shall be unlawful to install or operate any device to bypass a water meter.

(c) It shall be unlawful for any property owner or other person to interfere with the efforts of a duly authorized District employee to cut off water service to a premise.

(d) Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, be subject to a fine not to exceed one

hundred dollars or imprisoned for not to exceed thirty days. (South Carolina Code of Laws, § 6-11-280).

§ 4.7 Unauthorized maintenance. No repairs to meters shall be made other than by the District. No person shall uncover, make any connection to, use, alter or disturb any District water system appurtenance including but not limited to pipes, fixtures, valves, hydrants, meters, curb stops, except with written authorization from the District. After any authorized work has been completed, a report detailing the work done shall be submitted to the District.

§ 4.8 Unauthorized Use of Water from Hydrants. It shall be a violation of these regulations for any person or company not recognized as a duly chartered firefighting organization to use water from any District fire hydrant without the express written permission from the District. Contractors who wish to obtain water from hydrants near work sites must request permission from the District to do so through written application. If such use is permitted, the permittee must pay all associated costs. Penalty for violation of this section shall be \$1000.00 per occurrence.

§ 4.9 Unprotected Cross-Connections Not Permitted.

(a) In accordance with the requirements of the South Carolina Safe Drinking Act (S.C. Code 1976, Section 44-55-10) and State Primary Drinking Water Regulations promulgated and enforced by the S.C. Department of Health and Environmental Control (R.61-58.7), unprotected cross-connections shall not be permitted. The appropriate backflow prevention device, installed at the owner's expense following the district's approval, shall protect all actual and potential cross-connections to the District water system, in accordance with the District's Cross-Connection Control Regulations which are attached hereto as Exhibit I and by reference are made a part hereof.

(b) The owner shall subsequently be responsible for initial and annual inspections and maintenance, and all fees thereof, for all backflow prevention devices, in accordance with the South Carolina Safe Drinking Water Act and the District's Cross Connection Control Program.

§ 4.10 Fire Protection Systems. All fire protection systems connected with the public water system shall protect the public water system with an approved double check valve assembly as a minimum requirement. Fire systems using additives or booster pumps shall protect the public water system with an approved reduced pressure principle assembly at the main service connection.

§ 4.11 Private Wells.

(a) Private wells deeper than 50 feet into the Upper Floridan Aquifer shall be prohibited within the District's service area. The District may require, at the owner's

expense, the proper abandonment of any well deemed to be installed in violation of this or any other applicable regulation of the District or ordinance of the Town of Hilton Head Island or any Regulation of S.C. Department of Health and Environmental Control.

(b) Any customer desiring to install a private well with a depth less than 50 feet shall submit plans and specifications to the District. Upon satisfactory review the District shall provide written approval to the customer. District personnel shall be onsite during the well construction. The well driller must notify the District at least 48 hours prior to drilling. A copy of the drilling log shall be provided to the District prior to the well being placed into service

(c) For any property having a private well into the shallow aquifer, and where such property is also connected to the District's water system, the property shall be required to install, test and maintain an approved backflow prevention device in accordance with the District's Cross Connection Control Regulations.

(d) In addition to any penalties allowed by this Regulation, the District may suspend water service to any property failing to comply with this section.

(e) No well may be located closer than one thousand feet (1000') from another well, or less than three hundred feet (300') from any surface water body or five hundred feet (500') from any tide gate. The owner of any well which is permitted by the District shall allow access by District personnel to the property at all times during normal working hours for the purpose of inspecting the well, water supply connections, and the property's potable water system. The owner shall further maintain records of water use, water level and hours of pumping; which records shall be available for inspection by District personnel upon request and shall be submitted annually on prescribed forms. Violation of any permit condition may, at the discretion of the District, require abandonment of the well in accordance with S.C. Department of Health and Environmental Control Regulations.

§ 4.12 Groundwater Heat Pumps.

(a) All ground water heat pumps installed into the Floridan Aquifer shall employ a closed loop heat exchange system of the type that does not draw water from the aquifer. All other types shall be prohibited within the District's service area. Water shall not be diverted from any point in the closed loop such that the water could be used for purposes other than heat exchange.

(b) Closed loop ground water heat exchange systems shall be properly operated and maintained in accordance with manufacturer's recommendations. Owners shall be responsible for ensuring no leakage from the ground water heat exchange system causes contamination of the aquifer. The District prohibits the use of any chemicals in ground water heat exchange systems.

(c) Any customer desiring to install a well for a ground water heat pump or to replace an existing well for a ground water heat pump, must obtain a permit from the Town of Hilton Head Island, as provided in Section 13-3-610 of the Municipal Code for the Town of Hilton Head Island. The District shall require the submission of plans and specifications and a copy of the Town permit for such heat exchange systems and wells prior to installation. Upon satisfactory review the District shall issue a letter of approval permitting construction of the heat exchange system. Well drillers shall provide a minimum of 48-hours notice to the District to ensure District personnel are on site during the installation of the heat exchange system. Prior to placing the system into service, a copy of the drilling log and the mandatory report to the S.C. Department of Health and Environmental Control shall be submitted to the District.

ARTICLE V - Sewer Fees and Charges.

§ 5.1 Sewer Capacity Charge. All properties using the District's Treatment Works shall be charged the applicable capacity charges in accordance with the schedule of fees and charges (the "Fee Schedule") duly adopted by the District Board of Commissioners and on file with the Office of the Clerk of Court for Beaufort County. All fees and charges, when billed, shall be considered due upon receipt and shall constitute a lien in accordance with (South Carolina Code of Laws § 6-11-170) upon the property served until paid in full.

§ 5.2 Developer Fees and Requirements. The Developer of any property within the District's boundaries shall be required to incur all costs of system extensions and on-site infrastructure to serve the project, in addition to capacity charges, tap fees, and any other subsequently adopted fees.

ARTICLE VI - Private Sewage Disposal

§ 6.1 Public sewer unavailable. Where a public sanitary sewer is not available under provisions contained herein, the building sewer shall be connected to a private disposal system, which meets standards promulgated by SCDHEC. Where a public sanitary sewer is available, private sewage treatment facilities of any type are prohibited within the boundaries of the District.

§ 6.2 Properties connected to private sewage treatment facilities.

(a) Prior to January 1, 2007, and at such time as a public sewer becomes available to a property served by a private system, the District may require the owner to connect , at the owner's expense to the public sewer system.

(b) Commencing January 1, 2007 the District shall require all property owners for whom sewer service was available as of January 1, 2006 to connect, at the property owner's expense, to the District's public sewer system.

(c) Commencing January 1, 2007 the District shall require all property owners to connect, at the property owner's expense, to the public sewer system within one (1) year from the date that the public sewer became available to the property.

(d) All applicable sewer service taxes shall be levied by the District, and shall be required to be paid by the property owner; as of the date connection is required under section 6.2 (a) to (d) of this Article.

(e) All normally applicable regulations, fees and charges of the District shall continue to be applicable and enforceable by the District.

§ 6.4 All buildings or other properties situated within the District and used for human occupancy, employment, recreation or other commercial use purposes, and abutting on any street, alley or right-of way in which there is now located or may in the future be located a public sewer of the District, are required, at their own expense, to install toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of these regulations, within ninety (90) days after official notice to do so.

§ 6.3 Nothing in this section shall be construed to nullify or supersede any additional requirements that may be imposed by the appropriate state or county health agency.

ARTICLE VII - Building and Sewer Connections

§ 7.1 Connections; Permit Required. No unauthorized person shall uncover, make any connection with, open into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the District.

§ 7.2 Responsibility for collection system infrastructure. The District shall be responsible for the wastewater collection system up to the customer's property line; all sewer lines and appurtenances past the property line shall be the responsibility of the property owner.

§ 7.3 Permit Classes; Fees.

- (a) There shall be two classes of building sewer permits:
- (i). For residential and commercial service; and
 - (ii). For service to establishments producing industrial wastes.

(b) For all classes of connections, the owner or agent shall apply in writing to the District, using the appropriate District form, for a sewer connection permit and shall enter into a sewer agreement. Applicable fees, inclusive of capacity and tap fees shall be paid to the District at the time the application is filed. All connections must adhere to the District's Construction Standards, as amended from time to time.

(c) For industrial waste connections, an industrial pre-treatment application shall be required in addition to the afore stated requirements. Nothing herein shall obligate the District to accept or to continue to accept industrial strength wastes that the District deems as detrimental to its sewer works or treatment process.

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

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

§ 7.6 Specifications. The size, slope, alignment, materials of construction of a building sewer and the methods used in excavation, placing of the pipe, jointing, testing and backfilling trench shall all conform to the requirements of the building and plumbing code of the Town of Hilton Head Island and other applicable regulations of the District. In no case shall the size of the pipe installed be less than the nominal diameter specified by the Districts Administrative Procedures and Guidelines for Water and Sanitary Sewer System Design, 1998 et. Seq. All connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the District before installation.

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

§ 7.8 Connection to Storm Drain System Prohibited. No person shall maintain or make a connection of roof, downspouts, exterior foundation drains, areaway drains, pool drains, backwash drains or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer. No person shall discharge or cause to be discharged, directly or indirectly, any storm water, surface water, groundwater, roof runoff, subsurface drainage, pool water, filter backwash, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

§ 7.9 Qualified Personnel to Perform Work. A person professionally qualified to perform such services shall perform the installation and connection of the building sewer to the property line.

§ 7.10 Inspections. The applicant for the building sewer permit shall notify the District before any underground portions of the building sewer are covered. The District shall make the inspection within six working days of the receipt of notice. Upon receipt of written notice from the District of a favorable inspection, connection may then be made to the public sewer under the supervision of the District.

§ 7.11 Excavations. All excavations for building sewer installations shall be guarded by the owner or his agent with barricades and lights as applicable so as to protect the public from hazards. The owner shall restore streets, sidewalks, parkways and other public property disturbed in the course of the work to their original condition in a manner satisfactory to the District. Any person who may open cut the streets or roadways in which there are sewer pipes of the system shall provide for the covering and protection of such pipes where they are exposed by such opening, and covering and protection shall be such as to preserve the pipes and prevent same from breaking or from injury in any manner. The owner shall hold the District harmless from any and all liabilities rising in connection with said excavations

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

ARTICLE VIII - Sewer Use Provisions

§ 8.1 Prohibited Acts.

(a) It shall be a violation of these regulations for any person to place, deposit or permit to be deposited in any unsanitary manner within the boundaries of the District, or in any area under the jurisdiction of the District, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be a violation of these regulations for any person to discharge to any natural outlet within the District or in any area under its jurisdiction any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of these Regulations.

(c) It shall be a violation of these regulations for any person to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of sewage, where public sewers are available, except that portable toilet facilities provided by commercial vendors on a temporary basis at construction sites, sporting events and the like shall be exempted from this provision.

(d) The discharge of wastewaters to storm drains is prohibited without exception.

§ 8.2 Prohibited Discharges.

(a) No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(b) Specific Prohibitions. Except as permitted herein (with pretreatment and the advance written approval of the District), no person shall discharge or cause to be discharged any of the following to any public sewer:

(c)

(i). Pollutants which create a fire or explosive hazard in the POTW, including but not limited to wastestreams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

(ii). Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any way to the collection system or to the operation of the collection system. At no time shall two successive readings (15 to 30 minutes between readings) on an explosion hazard meter at the point of discharge into the collection system be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials covered by this subsection include but are not limited to gasoline, benzene, naphtha, fuel oil, motor oil, mineral spirits, commercial solvents, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides and hydrides.

(iii). Any waste having a pH less than 6.5 or greater than 8.0, containing a heavy concentration of salts or having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the Treatment Plant;

(iv). Solids or viscous waste in quantities or of such size capable of causing obstruction in the flow of sewage or other interference to the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, straw, mud, shavings, metal, glass, rags, feathers, tar, plastics, wood, textile products, hair and fleshing or entrails, either whole or ground by garbage grinders;

(v). Any pollutants, including oxygen demanding pollutants, released at a flow rate and/or concentration which a user knows or has reason to believe will cause interference with the collection system. In no case shall a slug load have a flow rate or concentration that exceeds for any time period longer than fifteen minutes the quantities or flows during normal operation, or more than five times the average twenty-four hour concentration, quantities or flow;

(vi). Any waters or wastes having a 5-day biochemical oxygen demand (BOD₅) greater than 200 parts per million by weight, or containing more than 200 parts per million by weight of suspended solids, or having an average daily flow greater than 2 percent of the capacity of the system. Where necessary in the opinion of the District, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the biochemical oxygen demand or suspended solids to 200 parts per million, or control the quantities and rate of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the District and no construction of such facilities shall be commenced until such approvals are obtained in writing.

(vii). Wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW that exceeds 40 degrees Celsius (104 degrees Fahrenheit). No user shall discharge into any sewer line or other appurtenance of the POTW, without prior written authorization, wastewater with a temperature exceeding 65.5 degrees Celsius (150 degrees Fahrenheit.);

(viii). Water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100mg/L or containing substances which may solidify or become viscous at temperatures between 33 degrees and 150 degrees Fahrenheit (one degree and 65 degrees Celsius)

(ix). Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

(x). Any substances that result in the presence of toxic gases, vapors or fumes within the POTW, or noxious or malodorous substances other than normal sewage, which either alone, or by interaction with other wastes, are sufficient to cause acute worker health and safety problems, create a public nuisance or hazard to life, or are sufficient to prevent entry into the POTW, or its appurtenances for maintenance, inspection and repair;

(xi). Any trucked or hauled pollutants except those lawfully discharged at specific points designated by the District;

(xii). Any waste containing toxins or poisons in solid liquid or gaseous form in sufficient quantity, either singly or in combination with other wastes to injure or interfere with any sewage treatment process or constitute a health hazard to humans or animals, to create a public nuisance, or to create any hazard in receiving waters or the sewage treatment works;

(xiii). Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the District's NPDES permit.

(xiv). Any substances containing quantities of radioactive wastes or isotopes in excess of applicable State or Federal regulations or permits issued by State or Federal agencies;

(xv). Storm water, surface water, groundwater, artesian well water, roof runoff, cistern, subsurface drainage, cooling water, or swimming pool drainage, or condensate;

(xvi). Any discharges containing compounds that are labeled for the control of pest species of any type, such as, but not limited to, acaricides, bactericides, fungicides, herbicides, insecticides, molluscicides, nematocides and rodenticides;

(xvii). Medical wastes;

(xviii). Any substances that may reasonably be expected to cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. This shall particularly include, but not be limited to, all forms of copper containing chemicals used for root control in sewers. In no case shall a discharge to the POTW be permitted with causes the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act or any other federal or State law or regulation applicable to any reclaimed product of the POTW;

(xix). Any substance that may reasonably be expected to cause the POTW to violate its NPDES or State disposal system permit, or the State or Federal Water Quality Standards.

§ 8.3 Accidental Discharges: Notification Required. Persons responsible for accidental spills or discharges of any substance into the treatment works, which may adversely affect operation of the treatment works, shall immediately notify the District of the discharge.

§8.4 New or Renovated Commercial and Multi-Family Properties. Plans and specifications shall be submitted to the District for review, to ensure compliance with District's construction standards, as amended from time to time. Upon satisfactory review, written approval will be provided.

§ 8.5 Food Service Establishments. All food service establishments as defined herein shall comply with the Article XI of these Regulations.

§ 8.6 Requirements of Interceptors (traps)

(a) Grease, oil and sand interceptors shall be required when, in the opinion of the District and/or DHEC, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable waste, sand or other harmful substances. All interceptors shall be of a type and capacity approved by the District and shall be located as to be readily accessible for cleaning and inspection.

Grease and oil separators shall conform to the District's Grease Interceptor Standards, which are incorporated herein as Article XI.

(b) Interceptors shall be inspected periodically by the District, however, it shall remain the responsibility of the owner, to insure the interceptors are properly installed and properly and continuously maintained in a satisfactory and effective operational manner by the owner, at his expense, at all times. If, upon inspection, the District determines that cleaning and/or maintenance is required, the owner shall comply within five (5) days, 120 hours. Failure to comply may result in termination of water service, without further notice until the proper cleaning and maintenance is completed.

(c) The owner shall maintain a written record of all interceptor cleaning, maintenance and repair, for a period of no less than three (3) years. All such records shall be available for inspection by District personnel at all times.

§ 8.7 Permits to Discharge Industrial Waste.

(a) Any person who proposes to originate the discharge of any Industrial Waste into the collection system

(i) shall be required to apply for a Permit to Discharge Industrial Waste

(ii) shall not discharge into the collection system until a Permit to Discharge Industrial Waste has been issued by the District for the proposed source.

(b) In any case where a final determination has been made denying a Permit, it shall be unlawful for any Person so denied to discharge Industrial Waste into the collection system.

(c) A Permit to Discharge Industrial Waste shall be expressly subject to all provisions of these regulations.

§ 8.8 Maintenance of Treatment Facilities. Where preliminary treatment for flow equalizing facilities is provided for any waters or wastes, the owner, at his expense, shall maintain such facilities continuously in satisfactory and effective operation. The owner shall also be responsible for maintaining the sewer pipes connecting the building served from the outlet side of the District's facilities or property line.

§ 8.9 Manholes Required.

(a) The owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole. Where deemed necessary, the District may require additional waste metering devices and other appurtenances in the building sewer to facilitate preservation, sampling and measurement of the waste.

(b) Control manholes shall be readily accessible for representatives of the District, safely located and constructed in accordance with plans approved by the District. Control manholes shall be maintained by the owner so as to be safe and accessible at all times.

§ 8.10 Testing Standards.

(a) On samples taken at the control manhole, all measurements, tests and analyses of the characteristics of water and wastes to which reference is made herein shall be determined in accordance with 40 CFR 136.

(b) To facilitate proper evaluation of the effect of wastes on the system, industrial dischargers must submit written reports summarizing the maximum, minimum and average wastewater characteristics for the reporting period. Specific parameters and frequency of monitoring and reporting shall be established by the District.

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

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

§ 8.13 Removal, Transportation and Disposal of Scavenger Wastes.

(a) It shall be unlawful for any person to discharge solid or liquid waste or surface water into the sanitary sewer system unless the standards of acceptable waste established herein are met and the discharge is made through approved connections.

(b) No material shall be discharged into the sewer system through a manhole without the permission of the District manager, who will permit such action only in an emergency involving public health or safety.

(c) Normal septic tank waste shall be deposited only in an approved location and with the express permission of the District. It shall be unlawful for any septage hauler to deposit septic tank waste into the treatment plant without payment of associated fees to the District.

ARTICLE IX - Enforcement Powers and Suspension of Service

§ 9.1 Enforcement Powers and Authority of District Inspectors.

(a) The District or its duly authorized agent or employee bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and setting, reading or repairing meters. If any customer, whether owner or tenant, should refuse to allow entrance upon any premises for the purpose herein stated, service may be discontinued until the requirements of this Section shall be complied with.

(b) While performing necessary work on private property referred to in §1.1 above, the District or its duly authorized representatives shall observe all safety rules applicable to the premises established by the customer and properly communicated to the District, and the customer shall be held harmless for any injury or death of the District's representatives, except as such may be caused by negligence or failure of the customer to maintain safe conditions.

(c) The District or its duly authorized representatives shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion water system lying within its easement. All entry and subsequent work, if any, shall be done in full accordance with the terms of the applicable easement.

§ 9.2 Suspension of Sewer Service.

(a) The District may suspend the wastewater service when, in the District's opinion, such suspension is necessary to stop an actual or threatened discharge which

presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or causes the violation of any NPDES permit condition. Any person notified of a suspension of treatment service shall immediately stop or eliminate the contribution.

(b) In the event of a failure of the customer to comply voluntarily with the suspension order, the District may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the system or endangerment to any individuals. In the case of severance or plugging of the sewer connection, the District shall immediately notify DHEC and the Town of Hilton Head Island.

(c) The District shall authorize reinstatement of service upon receiving proof that the non-complying factor has been eliminated and upon receipt of all applicable fees and penalties.

§ 9.3 Suspension of Water Service

(a) The District may suspend the water service when in the District's opinion such suspension is necessary to stop an actual or threatened unprotected cross-connection which presents or may present an imminent or substantial endangerment to the health or welfare of persons. Any person notified of a suspension of service shall immediately stop the violation and comply with these Regulations.

(b) The District may suspend the water service for non-payment of service charges as prescribed in the District's schedule of fees, provided that the District has made a reasonable attempt to obtain collection and has given the customer notice in accordance with the provisions found herein.

(c) The District may suspend water service in the event of unauthorized use of the District's services, including use of water services for or in connection with or for the benefit of any user or purpose other than as described in the application for service.

(d) The District may suspend water service where it has been determined that the customer is in violation of and/or non-compliance with these Regulations, or where the customer has tampered with equipment furnished and owned by the District, including any interference or tampering with the meter measuring water supply or with the seals of any meter or with any portion of the system which was or is required by the District for controlling or regulating the utility service.

(e) The District may suspend water service for failure to permit the District reasonable access to its equipment.

(f) The District may suspend water service for failure to furnish permits, certificates, and/or rights of way, as necessary to obtaining service, or in the event such permissions are withdrawn or terminated.

(g) The District may suspend service without notice in the event the District or S.C. Department of Health and Environmental Control determines a condition to be hazardous or dangerous (including, but not limited to) conditions resulting from a customer's failure to correct a grease trap violation within five (5) days after the issuance of a citation by the District.

(h) The District may suspend service in the event it is determined that the customer is causing waste or excessive use of water through improper or imperfect pipes, fixtures, or appliances, or any other manner.

(i) The District shall have the right to discontinue service in cases where an illegal connection is found and to assess the flat rate charge for such period or portion thereof as it has been established that the user has been receiving service without payment for same.

(j) The District shall give a customer five (5) days written notice of its intentions to discontinue service prior to making the disconnection by Certified Mail to the billing address for reasons other than non-payment. If the customer does not act to remedy the circumstances giving rise to the District's desire to discontinue service, the customer's service may be discontinued at any time without further notice.

(k) The District shall authorize reinstatement of the water service upon receiving proof that the non-complying factor has been eliminated and upon receipt of all applicable fees and penalties.

§ 9.4 Legal Action. If any person tampers with any part of the District's water system or makes use of any part of the District's water system contrary to provisions contained herein, to federal or state requirements, or to any lawful order of the District, the District's attorney may commence an action for appropriate legal and/or equitable relief.

§ 9.5 Penalties. Any person who willfully or negligently fails to comply with any provision set forth herein shall be deemed to be in violation of these Regulations and, therefore, subject to civil penalty not to exceed \$2,000.00 for each day of violation, in accordance with South Carolina Code of Laws § 6-11-285. In addition to the penalties provided herein, the District may attempt to recover reasonable court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated provisions contained herein.

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

§ 9.7 Supply of Water/Liability. The District shall not guarantee an uninterrupted supply of water or water at any particular pressure for any purpose. The District reserves the right to shut off the water in its main at any time for the purpose of making repairs or extensions or for other purposes incidental to the public water supply and shall not be responsible for any damage caused by low pressure. The District shall have the right to turn off water service at the main for the protection of the District or the user in cases where a private water system has been installed, or a building has been burned or torn down, or where the consumer has been found to be using water illegally, and to assess the regular schedule of fees for reconnection and restoration of service.

§ 9.8 Reimbursement. There shall be no reimbursement for an applicant's capital expenditures for water and sewer improvements, including connection to the District's effluent disposal system, except where it be shown that revenues received by the District because of the new improvements warrant consideration for a rebate plan. No reimbursement will be made, however, until such revenues are received.

§ 9.9 Delinquent Accounts. The District bills on a periodic basis. Bills are due upon receipt. An account will be delinquent if not paid within thirty (30) days of the billing date, (the "Delinquent Date").

§ 9.10 Water Service Disconnection Procedure.

(a) If the account remains unpaid after the Delinquent Date, a late notice will be mailed to the account's billing address. If the account remains unpaid after twelve (12) days from the date on which the late notice has been delivered, the water service will be disconnected and the account will be charged a Fifty and No/100 Dollars (\$50.00) service fee.

(b) Service will not be reinstated until the account is paid in full, including the past due balance, late charges, and service fees.

(c) In the event that a civil action in the name of the District is filed after an account has become delinquent, the District may recover, in addition to the amount due to the District, a ten percent (10%) penalty on the amount due plus reasonable attorney's fees along with the costs and expenses of the legal proceedings. In addition to said penalties, the District may charge interest at the rate of eighteen percent (18%) per annum for fees and charges remaining unpaid subsequent to the billing period in which a late penalty is imposed. In a civil action, the District's lien may be foreclosed against such

lot, parcel of land or building served by the District, in accordance with the laws relating thereto.

§ 9.11 Security Deposits.

(a) The District may require from any customer, or from any prospective customer, a deposit intended to guarantee payment of bills for service, if any of the following conditions exist:

(i) The customer's payment record during the preceding twenty-four (24) months to a water utility shows a delinquency resulting from the non-payment of charges within forty-five (45) days of billing;

(ii) A new customer cannot furnish a letter of good credit from a reliable source;

(iii) A customer has no deposit, and the customer's account with the District is presently in arrears for more than forty-five (45) days from the date of billing; or

(iv) A customer has previously had his water service terminated for non-payment.

(v) A customer who is not a property owner within the District.

(b) Such deposit as may reasonably be required by the District in cases involving service for short periods or special occasions. Deposits shall be refunded completely with interest, if any, after:

(i) Two (2) years upon written request of the customer unless the customer's account has been considered delinquent one or more times during the preceding twenty-four (24) months; or

(ii) The customer terminates his contract with the District for services in accordance with Section 9 of this Article and pays all amounts due for services furnished to the date of termination, any minimum service charge applicable, and any termination fee charged by the District.

(c) The District shall refund the deposit within thirty (30) days after becoming obligated to do so. Where a customer has been required to make a deposit, this shall not relieve the customer of the obligation to pay the service bills when due. When such deposit has been made and service has been discontinued for reason of non-payment of a bill, the District shall apply the deposit of such customer toward the discharge of the customer's account, and shall as soon thereafter as practicable refund to the customer any excess of the deposit.

ARTICLE X - Change in Ownership or Tenancy

§ 10.1 In the event of any change of ownership of any premises served by the District's water systems or sewage systems, the attorney for the buyer shall immediately notify the District of the change in writing, and remit any charges due at closing. If the District is not notified of change in ownership, the use of the services of the District's systems shall be deemed to be an acceptance and ratification by the new owner of all of the contract obligations of the prior owner to the District, and the new owner shall continue to be subject to all the provisions of this Section as fully and completely as if the new owner had applied for service and the application had been accepted by the District. Reference is made to Section 2 of this Article relating to any remodeling, reconstruction or expansion of any premises. Such new owner shall be deemed to have been notified of the requirement for a new application for water and sewer service and the payment of Aid-to-Construction and/or capacity demand fee consistent with the District's posted rate schedule.

§ 10.2 In the event of any change of ownership where tenancy is involved or any change of tenancy, the tenant has to complete a renter's application signed by the tenant and the owner or the owner's representative. Any charges not paid by the tenant shall be the responsibility of the owner.

ARTICLE XI - Grease Interceptor Standards

§ 11.1 Introduction. The introduction of fats, oils and grease into the District's wastewater collection system has been recognized as a serious cause of sewer line blockages and potential sanitary sewer overflows. These standards have been developed as an adjunct to the District's Sewer Use Regulation, to provide uniform permitting, maintenance and monitoring requirements for controlling the discharge of fats, oils and grease from food service establishments discharging into the District's wastewater collection system.

Failure to comply with the requirements of this standard shall be considered violations of applicable sections of the existing Sewer Use Regulations, and consequently will be subject to applicable penalties and/or denial or discontinuance of service as specified in Article VIII of these Regulations.

§ 11.2 General Requirements. The following design, administrative, operational, and other requirements are applicable to all food service establishments, new and existing. Installation, maintenance and repair of grease interceptors shall be at the expense of the food service establishment. Particular requirements for grease trap/interceptor construction, specifically pertaining to both new and existing food service establishments, can be found in Section IV of these standards.

(a) All food service establishments shall have grease-handling facilities of a type, design, and capacity approved by the District, and shall be readily and easily accessible for user cleaning, and also for Inspection by District personnel. Establishments whose grease-handling facilities are not in accordance with this standard shall be given a compliance schedule with a deadline not to exceed six (6) months from initial notification date.

(b) All such grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain Minimum Design Capability or effective volume of the grease interceptor, but not less often than every thirty (30) days. At the time of servicing, the grease interceptor shall be emptied completely. None of the removed water shall be returned to the interceptor.

(c) Users who are required to pass water through a grease interceptor shall:

(i) Provide for a minimum hydraulic retention time of twenty-four (24) minutes at actual peak flow or 12 minutes at the calculated theoretical peak flow rate as predicted by the Uniform Plumbing Code fixture criteria between the influent and effluent baffles with twenty (20) percent of the total volume of the grease interceptor being allowed for sludge to settle and accumulate, identified hereafter as a "sludge pocket".

(ii) Remove any accumulated grease cap and sludge pocket as required, but at intervals of not longer than thirty (30) days, at the users expense. Grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this pocket and thereby reduce the effective volume of the grease interceptor.

(iii) Operate the grease interceptor in a manner so as to maintain said device such that attainment of the grease limit is consistently achieved.

(d) All food service establishment grease-handling facilities/operations shall be subject to periodic review, evaluations, and inspection by District personnel at any time. Results of inspections will be made available to facility owners, with overall ratings assigned and recommendations for correction/improvement (if necessary) delineated. Inspections will include:

(i) Accessibility of manholes for inspection and maintenance.

(ii) Complete inspection of the grease interceptor, including inlet and outlet tees, grease cap and sludge pocket. Volume of grease cap and sludge pocket must be less than twenty-five (25) percent of total grease interceptor minimum design capability.

(iii) Review of maintenance records to include date and time of maintenance, invoices, amount of waste removed from interceptor, name and permit number of grease hauler, disposal location.

(e) An automatic grease removal system may be conditionally permitted, upon prior written approval from the District.

(f) The use of biological additives is strictly prohibited.

(g) Any facility receiving three (3) consecutive unsatisfactory evaluations shall be subject to penalties/restrictions as provided for in the Use and Rate Resolution for noncompliance with the Resolution requirements.

(h) Violations of this South Island Public Service District Grease Interceptor Standards will be considered grounds for discontinuance of water and/or sewer service.

(i) Food service establishments whose operations cause or allow excessive grease to discharge or accumulate in the sewer collection system are liable to the District for all costs related to the District's service calls for line blockages, line cleanings, line and pump repairs, etc. including all labor, materials, equipment, and overhead. Failure to pay all service-related charges may also be grounds for water/sewer service discontinuance.

(j) In the maintaining of the grease interceptors, the owner(s) shall be responsible for the proper removal and disposal, by appropriate means, of the captured material.

(k) The owner shall maintain a written record of all interceptor cleaning, maintenance and repair, for a period of no less than three (3) years. All such records shall be available for inspection by District personnel at all times.

(l) The grease interceptor maintenance log shall include dates of waste removal, name of person removing the waste, volume removed, and method of disposal. Any preventive maintenance or repair performed on the interceptor shall also be included on the maintenance log. Removal of collected materials not performed by owner(s) personnel, shall be performed by waste disposal firms currently licensed by SCDHEC.

(m) All grease traps/interceptors shall be designed and installed in accordance with this standard to allow for complete access to inspection, maintenance, etc.

§ 11.3 Construction Standards.

(a) General

(i) Domestic sewage lines such as bathrooms and hand washing facilities shall not be tied into grease interceptors.

(ii) Garbage disposal units and dishwashers shall not be tied into grease handling equipment.

(b) New Facilities

(i) All newly constructed food service establishments shall install a grease interceptor, approved by the District. Grease interceptors shall be sized according to the District's Grease Interceptor Sizing Formula, with no interceptor less than 1,000 gallons total capacity.

(ii) All grease trap/interceptor plans and specifications must be prepared by a professional engineer and reviewed and approved by the District prior to installation.

(iii) The construction and location criteria for grease interceptors shall be in accordance with Environmental Protection Agency (EPA) Guidance Document, "On-site Wastewater Treatment and Disposal Systems," Chapter 8.

(iv) Grease interceptors shall be installed level, have a minimum of two compartments and shall be capable of separation and retention of grease and storage of settled solids. The dividing wall must be equipped with an extended elbow or sanitary tee terminating 6 inches to 12 inches above the tank floor. An extended outlet sanitary tee must also be provided at the outlet of the second chamber that terminates 6 inches to 12 inches above the tank floor. A control manhole with a minimum diameter of 24 inches shall be required over each compartment and sanitary tee, for monitoring and inspection purposes. Covers shall have a gas tight fit and be readily removable to facilitate inspection, grease removal and wastewater sampling activities.

(v) Design, construction and installation must be of adequate load-bearing capacity. Flow control devices shall be required where the water flow through the interceptor may exceed its rated flow. Interceptors shall be installed in a location outside of the building, which provides easy access at all times for inspections, cleaning and proper maintenance including pumping.

(vi) Where grease interceptor capacity of greater than 1,500 gallons is required, installation in series will be required.

(vii) Above criteria (i - v) apply primarily to outdoor-type grease trap units.

(viii) No new food service facility shall be allowed to initiate operations until grease-handling facilities are installed, inspected and approved by authorized District personnel.

(c) Existing Facilities

(i) All existing food service establishments shall have grease-handling facilities approved by the District. Food service establishments without any grease-handling facilities will be given a compliance deadline not to exceed six

(6) months from date of notification, to have approved and install grease-handling equipment, in compliance with this standard. Failure to do so will be considered a violation of the existing Sewer Use Regulation and will subject the establishment to penalties and/or service discontinuance.

(ii) In the event of an existing food service establishment's grease-handling facilities are either under-designed, substandard or poorly operated, the owner(s) will be notified, in writing, of the required improvements and given a compliance deadline not to exceed six (6) months to conform with these requirements of this grease standard.

(iii) For cases in which "outdoor" type grease interceptors are infeasible to install, existing food service establishments will be required to install an adequate and approved automatic grease removal system. In such cases the owner shall be given a compliance deadline not to exceed six (6) months, to have the system approved and installed.

1) Plans and specifications must be submitted to, and approved by, the District prior to installation of the system. Written conditional approval will be granted. Users not meeting the conditions of the letter may be required to upgrade their grease removal system.

2) Floor drains and other potential sources of grease shall not be tied into the grease removal system.

(iv) For cases in which "outdoor" units are feasible to install, construction requirements will be as specified in Section 11.4 B of this Article, i.e. New Facilities.

(d) New Food Service Establishments in Existing Buildings

(i) Where practical, new food service establishments locating in existing buildings will be required to comply with the grease trap standards applicable to new facilities, i.e., outdoor-type grease trap units (minimum size 1,000 gallons) shall be installed. (Section 11.4 B).

(ii) Where physically impossible to install "outdoor" units, automatic grease removal systems may be conditionally allowed, as with existing food service establishments. Prior to installation, approval of the unit type, size, location, etc. must be obtained from the District.

§ 11.4 Enforcement. Enforcement of this standard shall be in accordance with the Enforcement Provisions as set forth in Article IX of these Regulations. Failure to comply with this standard may be grounds for penalty imposition and/or discontinuance of service. Additionally, failure to comply may result in notification to SCDHEC for request of enforcement action which may lead to revocation of food service permits.

ARTICLE XII - Drought Response Management Plan

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

§ 12.2 Drought Management Plan

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

(b) Designation of Water System Drought Response Representative. Administrating a Drought Plan requires the skills needed to undertake a comprehensive public information program and the judgment required to deal with equity issues arising from enforcement of a mandatory program. Someone who has these skills will be selected by the water system to manage the water system's program and serve as the principal contact for the news media as the water system's Drought Response Representative. The Drought Response Representative for South Island Public Service District is:

Mr. Kent Langley,
P.O. Box 5148,
Hilton Head Island, SC, 29938,
Telephone: (843) 785-6224,
E-Mail: SIPSD@hargray.com

(c) Description of Water System Layout, Water Sources, Capacities and Yields. The South Island Public Service District is located in the West or Savannah Drought Response Management Area of South Carolina. The system serves the south end of Hilton Head Island including Long Cove, Wexford, Shipyard and Sea Pines plantations, the Palmetto Bay and Point Comfort areas, and the North and South Forest Beach areas, with approximately 25,000 active customers. A description of the potable water system is included in Appendix A. The SCDHEC total permitted capacity of the water system operated by South Island Public Service District is 9.645 million gallons per day. For the Floridian Aquifer the permitted capacity is 4.645 million gallons per day and 5.0 million gallons per day for the Cretaceous Aquifer.

(d) Identification of Water System Specific Drought or Water Shortage Indicators. The state regulatory authority, SCDHEC, has designated South Island Public Service District a Capacity Use district and imposes restrictions on the groundwater flow. South Island Public Service District is required to report all groundwater withdrawals to SCDHEC. Camille Ransom monitors the aquifer levels and David Baize oversees the Capacity Use Program.

(e) Cooperative Agreements and Alternative Water Supply Sources. All water purveyors surrounding the South Island Public Service District's service area are reliant on the Savannah River as a major water source. In the event of a drought it would be unlikely that these water purveyors would be in a position to provide South Island PSD with additional water supplies.

(f) Description of Pre-Drought Planning Efforts. Before the occurrence of a water supply shortage and the need to implement the emergency provisions of the Regulation, it is important that certain pre-response measures be taken with the aim of conserving the system's source water, as well as the water distributed to the customer. In regards to the conservation measures listed below, the South Island Public Service District has taken the following actions:

(i). Identification of all major water users of the system. The major users of the South Island Public Service District water system are the Crown Plaza Hotel, the Holiday Inn Hotel, Multi-Family residences in the Forest Beach Areas and irrigation for Sea Pines Plantation.

(ii). Identification of those users with whom there are conservation agreements: The South Island Public Service District has a reclaimed water system which is used to provide irrigation to commercial customers

(iii). A vigorous public education program is critical for achieving substantial water use reductions. An effective public outreach program will keep the public informed about the water supply situation, what actions will mitigate drought emergency problems, and how well the public is doing in terms of meeting the program goals. Keeping the public involved, informed, and

participating in the decision-making process is key to implementing an effective Drought Management Plan. This is an ongoing effort by the District. Awareness and education is accomplished via regular newsletters and educational materials in local newspapers and magazines. The District also has an aggressive outreach program with local schools.

(iv). South Island Public Service District has implemented an excessive water use rate schedule as part of the Water and Sewer Schedule of Rates and Charges.

(g) Description of Capital Planning and Investment for System Reliability and Demand Forecasting. Water utilities routinely find that capital improvements to the system strongly enhance their ability to get through times of drought. It is important that every water utility aggressively plan and build for future needs. The utility must continue to provide for system operation flexibility, improved pumping and storage capacity and new technologies to meet the demands of tomorrow. South Island Public Service District is in the process of upgrading its reverse osmosis water treatment plant from 1.5 MGD to 2.9 MGD. The District is also in the preliminary stages of expanding its reclaimed water system for irrigation customers, particularly to its major users in Shipyard Plantation.

ARTICLE XIII - Drought Response Regulations

§ 13.1 Drought Response. The District has established a Drought Management Plan (the "Plan") and Drought Response Regulations for managing water demand, and evaluating supply options, before and during a drought-related water shortage as required by Drought Response Act of 2000 (South Carolina Code of Laws § 49-23-10, et seq., as amended). The District is authorized to implement the Plan at such times as the District's water supply is threatened by or experiencing a water supply shortage. Within the framework of the Plan, the District may impose restrictions and/or limitations on the use of water by type of use, customer class (commercial, institutional, residential, etc.) The Commission may implement emergency water conservation rate surcharges, as it deems necessary to protect remaining water supplies and public health. In addition to consumption surcharges, persons who violate any mandatory water conservation measures enacted through the Plan shall be assessed an additional penalty charge as prescribed in the Regulation.

§ 13.2 Declaration of Regulations and Authority: The objective of this Drought Response Regulation is to establish authority, regulations and procedures by which the South Island Public Service District will take the proper actions to manage water demand during a drought-related shortage. The Regulations satisfy the requirements of the Drought Response Act of 2000 and has the goal of achieving the greatest public benefit from limited supplies of water needed for domestic water use, sanitation, and fire protection and of allocating water for other purposes in an equitable manner.

This Regulation outlines the actions to be taken for the conservation of water supplied by the South Island Public Service District. These actions are directed both towards an overall reduction in water usage and the optimization of supply

To satisfy these goals, the South Island Public Service District hereby adopts the following regulations and restrictions on the delivery and consumption of water. This Regulation is hereby declared necessary for the protection of public health, safety and welfare and shall take effect upon its adoption by the South Island Public Service District.

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

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

Water uses that are regulated or prohibited under this Regulation are considered to be non-essential and continuation of such uses during times of water supply shortages is deemed to constitute a waste of water, subjecting the offender(s) to penalties.

§ 13.3 Moderate Drought Phase. Upon notification by the Drought Response Committee that a Moderate drought condition is present and is expected to persist, the South Island Public Service District will seek voluntary reductions on using water during certain peak water demand periods. Specifically, the goal during this phase is to achieve a reduction of 15% in residential water use and 10% in other water uses such as commercial, industrial, institutional and irrigation; and a reduction in overall water use of 10%. To accomplish this the South Island Public Service District will take the following actions:

(a) Issue a Proclamation to be released to local media, South Island Public Service District's customers and to the South Carolina Department of Natural Resources Drought Information Center that moderate drought conditions are present.

(b) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system, the voluntary conservation measures that the customers are requested to follow during moderate drought conditions, including:

(i) Reduce residential water use to 90 gallons per person per day and a maximum of 360 gallons per household per day;

(ii) Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;

- (iii) Eliminate the washing down of buildings for purposes other than immediate fire protection;
- (iv) Eliminate the flushing of gutters;
- (iv) Eliminate the domestic washing of motorbikes, boats, cars, etc.;
- (v) Reduce watering of lawns, plants, trees, gardens, shrubbery and flora on private or public property to the minimum necessary. Encourage outdoor watering to be done during off-peak hours;
- (vi) Reduce the amount of water obtained from fire hydrants for fighting or flushing necessary to maintain water quality;

(c) Intensify maintenance efforts to identify and correct water leaks in the distribution system.

(d) Continue to encourage and educate customers to comply with voluntary water conservation.

§ 13.4 Severe Drought Phase. Upon notification by the Drought Response Committee that a severe drought condition is present and is expected to persist, South Island Public Service District will seek voluntary reduction in the use of water for all purposes and mandatory restrictions on non-essential usage and restrictions on times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of 20% in residential water use, 15% in all other water use categories, and a reduction in overall water use of 15%. To accomplish these goals, the South Island Public Service District will take the following actions:

(a) Issue a Proclamation to be released to the local media, South Island Public Service District's customers and to the South Carolina Department of Natural Resources Drought Information Center that severe drought conditions are present.

(b) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the voluntary conservation measures and mandatory restrictions to be placed on the use of water supplied by the utility, including:

(i) Voluntary reduction of residential water use by the utility's customers to 80 gallons per person per day and a maximum of 320 gallons per household or REU per day.

(ii) Control landscape irrigation by staggering water times is addressed in the Hilton Head Island Code, Title 17, Chapter 10, Articles 1 through 3.

(c) Voluntary restrictions on the use of water supplied by the utility for activities including:

- (i) Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
- (ii) Eliminate the washing down of buildings for purposes other than immediate fire protection;
- (iii) Eliminate the flushing of gutters;
- (iv) Eliminate domestic washing of motorbikes, boats, cars, etc.;
- (v) Eliminate the use of water to maintain fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
- (vi) Eliminate filling or maintaining public or private swimming pools;
- (vii) Eliminate obtaining water from fire hydrants for construction purposes, fire drills or any purpose other than fire-fighting or flushing necessary to maintain water quality.

(d) Intensify maintenance efforts to identify and correct water leaks in the distribution system.

(e) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.

(f) Expand the use of education and public relations efforts and emphasize the penalties associated with violating the mandatory restrictions.

(g) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the voluntary and mandatory restrictions.

§ 13.5 Extreme Drought Phase. Upon notification by the Drought Response Committee that an Extreme drought condition is present and is expected to persist, the South Island Public Service District will impose mandatory restrictions in the use of water for all purposes and on the times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of 25% in residential water use, 20% in all other categories of water uses and a reduction in overall water use of 20%. To accomplish these goals, the South Island Public Service District will take the following actions:

(a) Issue a Proclamation to be released to the local media, the South Island Public Service District customers and to the South Carolina Department of Natural Resources Drought Information Center that extreme drought conditions are present;

(b) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the mandatory restrictions to be placed on the use of water supplied by the utility, including:

- (i) Limiting residential water use to 75 gallons per person per day and a maximum of 300 gallons per household or REU per day.
- (ii) Eliminate landscape irrigation by the utility's customers.
- (iii) Voluntary restrictions on the use of water supplied by the utility for activities including:
 - 1) Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 - 2) Eliminate the washing down of building for purposes other than immediate fire protection;
 - 3) Eliminate the flushing of gutters;
 - 4) No domestic washing of motorbikes, boats, cars, etc;
 - 5) Eliminate filling or maintaining public or private swimming pools;
 - 6) Eliminate obtaining water from fire hydrants for construction purposes, fire drills, or any purpose other than firefighting or flushing necessary to maintain water quality.
- (c) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- (d) Continue to cease installation of new irrigation taps on the water system.
- (e) Outline other conservation measures, examples are:
 - (i) Place a moratorium on the issuance of all new water service connections and contracts for all new water main extensions. As part of the public information process, provide notice to developers of the moratorium;
 - (ii) Encourage all residential water customers to voluntarily reduce overall monthly water usage to 70% of the customer's monthly average.
- (f) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
- (g) Expand the use of education and public relations efforts as conducted under the moderate and sever drought phase and emphasize the penalties associated with violating the mandatory restrictions.
- (h) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the voluntary and mandatory restrictions.

§ 13.6 Rationing. If a drought threatens the protection of public health and safety, the South Island Public Service District is hereby authorized to ration water.

§ 13.7 Enforcement of Restrictions. If any customer of the South Island Public Service District fails to comply with the mandatory water use restrictions of these Regulations, the following enforcement schedule shall be imposed:

- (a) First violation - The customer shall be given a written notice of failure to comply, which cites the date of said violation and requires immediate correction of violation.
- (b) Second violation – Service shall be terminated until violation has been corrected.
- (c) Third violation – Service shall be terminated and a fine of \$500.00 imposed.

§ 13.8 Variances. Customers, who in their belief are unable to comply with the mandatory water use restrictions of this Drought Response Regulation, may petition for a variance from restrictions by filing a petition with the South Island Public Service District within ten (10) working days after the issuance of the proclamation requiring water use restrictions. All petitions for variance shall contain the following information:

- (a) Name and address of the petitioner;
- (b) Purpose of water usage;
- (c) Special provision from which the petitioner is requesting relief;
- (d) Detailed statement as to how the curtailment declaration adversely affects the petitioner;
- (e) Description of the relief desired;
- (f) Period of time for which the variance is sought
- (g) Economic value of the water use;
- (h) Damage or harm to the petitioner or others if petitioner complies with these Regulations;
- (i) Restrictions with which the petitioner is expected to comply and the compliance date;
- (j) Steps the petitioner is taking to meet the restrictions from which the variance is sought and the expected date of compliance; and
- (k) Other information as needed.

In order for the variance to be granted, the petitioner must demonstrate clearly that compliance with the Regulation cannot be technically accomplished during the duration of the water supply shortage without having an adverse impact upon the best interests of the community. The South Island Public Service District is authorized to grant the request for variance.

In addition, the South Island Public Service District is authorized to grant temporary variances for existing water uses otherwise prohibited under the emergency condition adversely affecting health, sanitation and fire protection for the public. No such variance shall be retroactive or otherwise justify any violation of this Regulation occurring prior to the issuance of the variance. Variances granted by the South Island Public Service District shall include a timetable for compliance and shall expire when the water supply shortage no longer exists, unless the petitioner has failed to meet specified requirements.

§ 13.9 Status of these Drought Response Regulations.

If any portion of these Regulations are held to be unconstitutional for any reason, the remaining portions of the Drought Response Regulations shall not be affected.

The provisions of the Regulation shall prevail and control in the event of any inconsistency between this Regulation and other rules and regulations of the South Island Public Service District.

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

ARTICLE XIV - Reclaimed Water Use Regulations

§ 14.1 General Provisions.

(a) The purpose of Article is to establish rules and regulations for the use of reclaimed water and reclaimed water systems of the South Island Public Service District, hereinafter referred to as the “District”.

§ 14.2 Service Conditions, Fees and Charges.

(a) Service Conditions. The District shall control and schedule reclaimed water distribution to customers. The provision of reclaimed water service and the use of reclaimed water by any customer shall be subject to all the terms and conditions of these Rules and Regulations.

(b) Application Procedures

(i) An applicant meeting the requirements for reclaimed water service shall file an Application for Reclaimed Water with the District on a standard form designated by the District.

(ii) The application form shall contain detailed information concerning the applicant as follows:

- 1) The location of the property covered by the application, including the legal description.
- 2) The name, mailing address and telephone number of the owner of record of the property,
- 3) The purpose for which the property will be used.
- 4) The estimated service requirements for reclaimed water.
- 5) The owner's designated contact person, knowledgeable of the irrigation system.

The application form, signed by the owner, shall be accompanied by plans and specifications delineating the proposed reclaimed water designated use area, the proposed location, size and type of all reclaimed water service connections and onsite facilities, and any areas in which reclaimed water must be specifically included. The Application Form for Reclaimed Water Service is shown in Appendix A.

(iii) The applicant for reclaimed water shall agree to comply with the requirements of these Rules and Regulations and all applicable Federal, State and local statutes, ordinances, regulations and other requirements.

(c) Fees and Charges. All fees and charges shall be paid in accordance with the District's Schedule of Fees and Charges and shall be subject to all terms and conditions of these Rules and Regulations.

(d) Review of Application. Upon receipt of an application for reclaimed water service, the District shall review the application and conduct any necessary investigation in order to determine whether the District shall provide reclaimed water service. The District may prescribe requirements in writing to the applicant as to the facilities necessary to be constructed including design, manner of construction, method of operation and conditions of service.

(e) Establishing Service

(i) Following the completion of construction and/or installation of the reclaimed water facilities, the customer shall request the District to inspect the facilities and install the service connections.

(ii) Following final acceptance of the onsite facilities by the District, the customer shall request service start-up.

§ 14.3 Conditions for Reclaimed Water Service. Reclaimed water service and any connections for service made, as provided in these Rules and Regulations, shall be subject to the following conditions:

(a) Control of Facilities (Liability)

(i) The District shall have control of and shall maintain and repair off-site facilities, reclaimed water service lines and meters. The customer shall repair and maintain in good working condition the reclaimed water service connections and onsite facilities in the manner specified in § 14.9(b) of this Article.

(ii) The District and its agents shall be indemnified and held harmless by the customer from and against all claims, damages, losses or expenses arising from the use of reclaimed water under the permit or from the use of facilities by which reclaimed water is conveyed, except that the District shall retain liability for its established sole negligence or willful misconduct.

(b) Extension of Distribution Mains. Unless otherwise provided by written agreement between the customer and the District, the customer shall pay for all onsite facilities, including their installation as well as for reclaimed water service lines and extension of reclaimed water transmission and distribution mains in order to provide reclaimed water service to the customer.

(c) Prohibition of Changes. The customer shall not make any changes in, or additions to, the reclaimed water system. Any changes or alterations to existing onsite facilities, whether the result of intended or unintended damage, shall be reported immediately to the District.

(d) Services to Common Areas.

(i) The District reserves the right to supply reclaimed water to contiguous areas of a single ownership through a single reclaimed water service connection.

(ii) Common areas owned or operated by home owner's associations or similar cooperatives should have only one service connection whenever it is practical, and shall be operated as a single ownership.

(iii) A reclaimed water service connection and water meter shall not be used to supply property not covered by the Application for Reclaimed Water.

(e) Authorized Uses of Reclaimed Water. The only use of reclaimed water in the District's service area shall be for the irrigation of grass and landscaping of:

- (i) Golf Courses.
- (ii) Condominium complexes
- (iii) Resort hotels
- (iv) Single family residences
- (v) Athletic fields

(vi) Roadways and other green areas.

(f) Warning Labels/Signs. Warning labels or signs shall be placed prominently within the irrigated area, to notify the public that reclaimed water is being used. These signs shall have a red background engraved with the words “Reclaimed Water Used for Irrigation, Do Not Drink”. The customer has the responsibility for ensuring these signs are not removed, vandalized or hidden from view.

(g) Temporary Discontinuation of Reclaimed Water Service. By reason of circumstances beyond the control of the District, or in order to protect the facilities of the District, or for the protection of public health, safety and welfare of the residents or property owners of the District, reclaimed water service may be terminated under the conditions set forth below:

(i) On a temporary or permanent basis in the manner provided for in § 14.12 (b) and 14.12 (c) of this Article.

(ii) On a temporary basis at any time the reclaimed water, at the terminal point of the District’s Wastewater Treatment Plant takeoff, does not meet the water quality criteria of the regulatory agencies. Reclaimed water service would, in such case, be renewed at such time that reclaimed water at the terminal point of the District’s wastewater Treatment Plant would again meet the water quality criteria of the regulatory agencies.

(iii) When the District determines that a water shortage exists, or is threatened which prevents further reclaimed water service.

(iv) Conditions of Pressure and Service. Pressure and service shall be provided on an as available basis, at the location of the customer’s meter. All customers shall hold the District harmless from all damages and liabilities caused in whole or in part by pressure conditions, water quality variations, or interruptions in service. It shall be the customer’s responsibility to install booster pumps to increase pressure if necessary.

§ 14.4 Service Connections.

(a) Size, Type and Location of Service Connections.

(i) The District reserves the right to determine the size, type and location of reclaimed water service lines, the service connections, and the meters and shall also have the right to determine the type and size of backflow prevention devices and any and all other appurtenances to the service.

(ii) All materials, fittings and appurtenances intended for use in pressure pipe systems shall be designed and constructed for a minimum working pressure of 150 psi unless the specific application dictates a higher working pressure requirement. All PVC pipe and fittings shall be factory color coded lavender.

(iii) The reclaimed water service lines shall be extended to a curb line, or property line of the customer's property, abutting upon a public street, highway, road, or District's easement in which reclaimed water distribution mains are installed.

(b) **Illegal Connections.** No person shall make any connection to reclaimed water facilities of the District without approval from the District. Penalties for violations may be assessed according to § 14.12 of this Article.

(c) **Cross Connection Control and Backflow Prevention**

(i) Regulations governing cross connection control and backflow prevention are intended to protect the District's potable water supplies and are not intended to protect users from potential hazards of cross-connections in the user's onsite facilities. All cross connection control and backflow prevention shall comply with the District's Cross Connection Control Policy.

(ii) The customer shall install an approved backflow prevention assembly on the potable water supply line to the property, in accordance with the District's Cross Connection Control Policy. This assembly must be tested upon installation, and annually thereafter, by a SCDHEC Certified Inspector or Tester of Backflow Prevention Equipment. A completed test certificate shall be forwarded to the District's Cross Connection Control Coordinator.

(iii) Provision, installation, maintenance and inspection of backflow prevention assemblies shall be the sole responsibility and duty of the customer, and at the customer's expense. These assemblies shall be inspected, repaired, overhauled or replaced at the expense of the customer whenever they are found to be defective. The District shall keep records of such tests, repairs and overhauls, and such records made available to any concerned regulatory agency upon request.

§ 14.5 Additional Restrictions on the Uses of Reclaimed Water.

(a) **Run-off, Ponding and Over spray.**

(i) The onsite facilities shall be designed to meet the peak moisture demand of all plant materials used within the design area, and to apply irrigation water in a manner compatible with the infiltration rates of the soil types within the approved use area.

(ii) Conditions that directly or indirectly cause a run-off of reclaimed water outside of the approved reclaimed water use area; cause a ponding of reclaimed water; or permit over spray to pass outside of the approved use area, whether by design, construction practice or system operation, shall be eliminated.

(iii) The use of reclaimed water shall be limited to those uses permitted by Federal and State Law, and to those uses approved by the District for the reclaimed water service area.

(b) Protection of Drinking Fountains and Public Facilities.

(i) Any and all drinking fountains located within an approved reclaimed water use area shall be protected by re-siting or isolating them with a protective structure from contact with reclaimed water, whether by over spray or by direct application through irrigation or other approved uses.

(ii) Reclaimed water irrigation systems shall not be installed near food establishments or public facilities such as picnic tables. Design of systems near such facilities shall require the County Health Services Department approval.

(c) Hose Bibs Prohibited. No customer shall use or install any hose bibs on a reclaimed water system regardless of style, construction or identifications.

§ 14.6 Design Guidelines for Facilities.

(a) General Guidelines

(i) The design of the offsite facilities, including the preparation of plans and specifications shall be under the responsibility of an engineer registered in the State of South Carolina.

(ii) The design of the onsite facilities that will use reclaimed water, and the preparation of plans and specifications, shall be under the responsibility of a landscape architect, civil engineer or mechanical engineer registered with the State of South Carolina.

(iii) Reclaimed water distribution system piping shall be factory color-coded lavender.

(iv) The reclaimed water system including both offsite and onsite facilities, shall be separate and independent of any potable water system.

(b) Offsite Facilities

(i) A ten (10) foot separation of the reclaimed water pipeline shall be maintained at all times between a potable water pipeline and/or a parallel sanitary sewer or sludge pipeline.

(ii) On new systems, potable water, reclaimed water, and sewer lines should be located from the ground surface in order of descending quality. Potable water shall be above reclaimed water, which shall be above sewer. Minimum vertical separation should be one (1) foot between top and bottom surfaces of pipes.

(c) Onsite Facilities

(i) All onsite reclaimed water facilities shall be provided at the customer's expense. The customer shall make, at the customer's expense, any modification to the potable water system on the premises, which is required by the District, in order to permit reclaimed water service, including but not limited to the installation by the customer of approved backflow prevention assemblies.

(ii) Plans and specifications for customer reclaimed water facilities shall be submitted to the District as specified in § 14.8 of this Article.

(iii) Horizontal and vertical separations shall be as specified in 14.6 (b) of this Article.

§ 14.7 Submittals.

(a) Plans and Specifications

(i) Plans and specifications prepared by a civil engineer, mechanical engineer or a landscape architect registered with the State of South Carolina, for the construction of onsite reclaimed water facilities shall be submitted to the District for review and approved per § 14.3 of this Article.

(ii) Plans shall delineate the proposed reclaimed water service area, the proposed location, size, color and type of all reclaimed water service connections and onsite facilities.

(iii) The plans shall include the layout of existing potable water pipelines and facilities including any areas in which reclaimed water must be specifically excluded.

(b) Information on Customer's Plans

(i) The following information shall be provided on the plans for every customer applying for any reclaimed water service meter:

- 1) Application information specified in § 14.3 (b) of this Article.
- 2) Meter size (inches)
- 3) Irrigated area to be served through the reclaimed water meter (square feet or acres).
- 4) Peak flow through the meter (gpm).
- 5) Estimate of the yearly reclaimed water requirement (acre-feet)
- 6) Topographic contours of the site, or if not available, sufficient information to determine elevation differences within the site.
- 7) Direction of drainage.

- 8) Location of potable water lines, sanitary sewers and storm drains.
- (ii) The following information shall be provided for reclaimed water irrigation systems:
 - 1) Pipe schedule listing pipe sizes and materials of construction.
 - 2) Valve types and sizes
 - 3) The following information for each type of sprinkler head:
 - a) Sprinkler radius (feet)
 - b) Operating pressure (psi)
 - c) Flow (gpm or gph)
 - d) Sprinkler pattern.
 - e) Manufacturer, and model number.
 - 4) Drip irrigation information.
- (iii) The following additional information shall be identified on customer's plans:
 - 1) Exterior drinking fountains and potable water hose bibs.
 - 2) Any other public facilities.
 - 3) If no exterior drinking fountains or other public facilities are present in the design area, then it shall be specifically stated on the plans.
- (iv) Record (As-Built) Drawings
 - 1) The customer shall submit record (as-built) drawings to the District before a request for service start-up is made.
 - 2) All changes in the work constituting departures from the original design drawings shall be accurately recorded on one set of drawings and submitted to the District for approval prior to construction. Such changes shall be approved by the District before any changes, modifications, or additions are made.

§ 14.8 Facilities Operations.

(a) Offsite Reclaimed Water Facilities

(i) Operation, maintenance and monitoring of all of the District's offsite reclaimed water systems as defined in § 14.2 of this Article shall be under the management and control of the District.

(ii) No other persons except authorized representatives of the District shall have any right to enter any portion of the foregoing.

(iii) No other persons except authorized representatives of the District shall have any right to operate, adjust, repair, change, alter, move or relocate any portion of the offsite reclaimed water system.

(b) Onsite Reclaimed Water Facilities

(i) The customer shall be responsible for the safe and efficient operation, maintenance and upkeep of the onsite facilities.

(ii) The District shall have the right to monitor and inspect the onsite operation of the customer's facilities.

(iii) Pursuant to § 14.11 of this Article, the District or authorized representatives of the District shall monitor and inspect the entire reclaimed water distribution facility, including customer facilities and for these purposes shall have the right to enter upon the customer's premises during reasonable hours to verify that the customer's facilities are in conformance with the provisions of these Rules and Regulations.

(iv) The customer shall notify the District of all updates or proposed changes, repairs, modifications or additions to the onsite facilities. Changes shall be approved by the District and shall be designed and constructed according to the requirements, conditions and standards set forth in these Rules and Regulations.

(v) The customer shall comply with all applicable Federal, State, and local statutes, ordinances, regulations, contracts and requirements prescribed by the District. In the event of violation, any charges and penalties shall be applied by the District in accordance with § 14.12 of this Article.

(vi) It shall be the responsibility of the customer to notify the District of all failures in the reclaimed water system, whether or not in the customer's opinion the failures resulted in violations.

(vii) It shall be the responsibility of the customer to notify the District of all violations that occur as a result of the customer's action or the action of the customer's operations personnel.

(viii) The customer shall keep a written log of all system failures and violations including corrective action taken. District personnel shall review the log regularly.

§ 14.9 Designation of Reclaimed Water Supervisor. Each reclaimed water customer shall designate a Reclaimed Water Supervisor. The Reclaimed Water Supervisor shall be a person accepted and approved by the District to operate and maintain the onsite facilities and irrigation systems, and to assume the responsibilities outlined here below.

(a) Oversee reclaimed water service and maintain onsite facilities.

(b) Ensure all operations personnel are trained and familiarized with the use or reclaimed water, including all pertinent information contained in these Rules and Regulations and those applicable portions of the South Carolina Code of Regulations.

(c) Furnish operations personnel with operating instructions, maintenance instructions, controller charts, and record drawings to ensure proper operation in accordance with the facilities design and these Rules and Regulations.

(d) Operate and control the customer's reclaimed water system in order to prevent direct human consumption of reclaimed water and to control and prevent run-off, ponding and over spray.

(e) Prevent cross connections to potable water systems.

(f) Ensure that maintenance and inspection of backflow prevention assemblies is done regularly on an annual basis as per requirements of the regulatory agencies.

(g) Report to the District any and all failures in the onsite facilities whether or not such failures may result in violations.

§ 14.10 Monitoring and Inspection.

(a) General

(i) The District or authorized representatives of the District, shall have authority to monitor and inspect the entire reclaimed water system including both onsite and offsite facilities.

(ii) The District shall conduct monitoring programs, as it deems necessary, to ensure that customers' reclaimed water facilities are being operated in accordance with these Rules and Regulations, including the provision that cross-connections between potable water facilities and the reclaimed water facilities do not exist. In carrying out these functions the District, or its authorized representatives shall have the right to enter any customer's premises during reasonable hours upon presentation of proper credentials. Reasonable hours shall include hours when irrigation is being performed to ascertain whether the user is complying with the District's Rules and Regulations for Reclaimed Water.

(iii) The customer shall indemnify and hold the District harmless for any damage, loss, or injury alleged to have been caused by District personnel while inspecting on-site facilities, except where the District's sole negligence is duly established.

(iv) Each time there is a change of customer on any commercial, the customer shall notify the District immediately. The District will then reassess the level of protection required.

§ 14.11 Enforcement and Penalties

(a) General.

(i) Any person, firm, corporation, association, or agency found to be in violation of any provision of these Rules and Regulations, or the terms and

conditions of the customer's service agreement, or any applicable Federal, State or local statute, regulation, resolution, regulation or other requirement shall be served by the District with written notice, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period stated in such notice, permanently cease all violations. This provision is in addition to, and not by way of, derogation of any other remedies or procedures available to the District by law, regulation, or pursuant to any of the provisions of these Rules and Regulations.

(ii) Failure to permanently cease all violations within the time stated shall result in termination of reclaimed water service.

(iii) Any person, firm, corporation, association, or agency who violates any penal provision of these Rules and Regulations and who fails to comply with the requirements of the written notice by the District shall, for each day of violation beyond the reasonable time limit set by the District, be subject to a fine not exceeding \$1000 in addition to costs resulting from the discontinuation of service.

(iv) Illegal connections as described in §14.5 (b) of this article shall be disconnected immediately and any person, firm, association or agency found to be in violation of § 14.5 (b) of this Article shall be subject to a fine not exceeding \$1000 in addition to costs resulting from the disconnection of the service.

(b) Interim Discontinuation of Reclaimed Water Service

(i) In cases where the serious nature of the violations described above requires immediate action, the District may exercise discretion to immediately order discontinuance of reclaimed water service, subject to timely decision on permanent revocation or temporary suspension of a permit pursuant to a public hearing as provided herein.

(ii) Conditions or uses that create a basis for termination include, but are not limited to:

- 1) Refusal to install a required backflow prevention device.
- 2) Refusal to test a backflow prevention device.
- 3) Refusal to repair or replace a faulty backflow prevention device.
- 4) Direct or indirect connection between the District's potable water system and the reclaimed water system.
- 5) A situation that presents an immediate health hazard to the District's potable and/or reclaimed water system, as determined by the District or regulatory agency.
- 6) Operations contrary to the aforementioned restrictions resulting in overspray into unapproved areas, excessive application rates or times, or improper fine grading of the soil, or improperly maintained drainage systems resulting in run-offs, or ponding due to run-offs on

public rights-of-way or adjoining areas not approved for reclaimed water use.

(c) Permanent Revocation. The District may temporarily or permanently revoke any permit or contract. However, unless an emergency exists, as determined by the District, no permit or contract may be revoked until the customer has been given an opportunity for a public hearing as hereinafter provided.

(d) Serving Notice of Revocation

(i) Where the District determines that a permit should be revoked, the District shall prepare a written notice of revocation which includes a statement of the proposed action, a concise explanation of the reasons for the proposed action, and an explanation of the customer's right to a public hearing.

(ii) The written notice shall be sent by certified mail to the customer's last billing address or be personally served on the customer at least ten (10) days before the effective date of the proposed permanent revocation.

(iii) If, within five (5) days after receipt of such notice, the customer or authorized representative requests in writing a public hearing from the District, the District shall immediately set a hearing and give the customer written notice of the item, date and place of such hearing, either by personal service or First Class mail.

(iv) A public hearing shall be held not more than thirty (30) days from the date of receipt of said request for hearing. The hearing shall be conducted by a hearing officer designated by the District. The person designated as hearing officer shall not have been connected in any way with the decision to revoke the subject permit or contract.

(v) No hearing shall be continued except upon showing of a good cause.

(e) Re-Establishment of Reclaimed Water Service

(i) Any request to re-establish service subsequent to revocation of the permit and the termination of reclaimed water service shall be in the manner described for initially obtaining reclaimed water service from the District, which may include the collection of a customer guarantee deposit.

(ii) The District may, at its discretion, deny re-establishment of service or require that an agreement of financial security conditioned upon compliance with these Rules and Regulations be provided.

(iii) The foregoing provisions of this Article are requirements of any permit for reclaimed water service, and application for service and the permit thereof shall be subject to such provisions.

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