



## SEWER AD HOC COMMITTEE

May 26, 2015  
4:00 PM  
4<sup>th</sup> Floor Conference Room

*In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building*

### CALL TO ORDER

Mr. Washington called the meeting to order at approximately 4:00 PM

- 1. An Ordinance Amending the Richland County Code of Ordinances, Chapter 24, Utilities; Article IV, Sewers and Sewage Disposal; Division 2, Use of Public Sewers; Section 24-81, Use of Public Sewers Required; so as to clarify that section only applies to new construction**
  - a. Septic tanks that are functioning properly should not be disallowed in Richland County. Direct staff to contact DHEC to determine why a septic that needs maintenance or repair is not allowed to be done if a public sewer is within 200 feet of the property. Property owners should not be forced to incur expenses that will burden them for years to come and replacement septic system should be allowed provided it is shown the new system can function properly. [MALINOWSKI]**
    - Mr. Hammett stated the County could make a policy decision to deny applications if an existing septic system is in place
    - DHEC is the regulatory agency for septic systems
    - The proposed amendment would indicate that septic systems are under the authority of DHEC, but would include the policy exception whereby the County wouldn't require individuals with existing systems to connect to the public sewer system
    - "Onsite wastewater systems are subject to rules and regulations under the authority of the South Carolina Department of Health and Environmental Control (SCDHEC). The County may, but is not required

### Committee Members Present

Kelvin E. Washington, Sr., Chair  
Paul Livingston  
Bill Malinowski

### Others Present:

Norman Jackson  
Tony McDonald  
Sparty Hammett  
Monique McDaniels  
Ray Peterson  
Michelle Onley

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to, deny access to a public sewer system based on operational needs or other issues, including, but not limited to, insufficient capacity, public safety, environmental issues, or a property owner-applicant provided onsite wastewater system (e.g., septic tank) alternative that meets or exceeds SCHEC standards for such systems, and which the owner-applicant retains the responsibility to maintain in proper working order.”

- Mr. Rush asked for a legal opinion of the what “adjoining” means
- Mr. Smith stated typically State agencies include a definitional section which includes how they define certain words used within the regulations. If a definitional section is not included you would define the word as its “regular” meaning.
- DHEC regulations definitional section states: “Accessible for the purpose of this regulation, a wastewater system connection is accessible when it adjoins the property in question.”
- Mr. Hammett stated DHEC indicated in an email they would consider across a road as adjoining.
- Mr. Peterson stated DHEC’s interpretation is that the sewer line is typically within the roadway right-of-way; therefore, the property abuts the right-of-way and is adjoining.

Mr. Malinowski moved, seconded by Mr. Washington, to proceed with Third Reading subject to any adjustments proposed by Legal. The vote in favor was unanimous.

## **2. Lower Richland Sewer Update**

- Design is about 85% completed
- Request for a DHEC construction permit is slated for July
- The project will be bid in September
- Construction is anticipated to begin in November and completed mid-Summer 2016
- Three schools in Lower Richland have received Consent Orders: Hopkins Middle and Hopkins Elementary were included in the project budget, but Gadsden Elementary was not. DHEC has indicated there may be grant funding through the State Revolving Fund to add Gadsden Elementary to the project as well. An update should be received within the next 30-60 days.

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- Mr. Peterson stated the purpose of the Consent Orders is to inform the School District they must connect to the Lower Richland Sewer System when it becomes available. Gadsden Elementary was added to the Consent Orders with the condition they are going to have to run a line from Gadsden Elementary School up to the proposed sewer line.
- Mr. Malinowski stated it is his understanding that the wastewater treatment plants at the schools could function properly if houses were hooked up to them so there is a constant flow.
- Mr. Peterson stated the additional flow would provide a more consistent operation for the facility, but overall the small treatment facilities were only designed for the schools and would probably not be able to accommodate the round the clock flow from additional houses.
- Mr. Malinowski requested additional information as to what other options, if any, were explored and their results.
- Mr. Peterson stated DHEC does several different inspections, but basically the inspections entail physically going to the sites and inspecting the facilities. In addition, they submit monthly self-monitoring report where they analyze the water quality and the various parameters on their permit. If the permit limits are exceeded, the enforcement action is taken.
- Staff will be scheduling a meeting with the Hopkins and Lower Richland Citizens United to answer any questions
- Schedule additional rounds of public information meetings

### **3. Lower Richland Sewer Litigation Update [EXECUTIVE SESSION]**

#### **ADJOURNMENT**

The meeting adjourned at approximately 4:42 PM.

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council