

**BROAD CREEK PUBLIC SERVICE DISTRICT
REGULATIONS FOR WATER AND SEWER SERVICE**

DATED DECEMBER 2, 2005
as amended June 29, 2011

HILTON HEAD ISLAND, SOUTH CAROLINA

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REGULATIONS GOVERNING THE USE OF BOTH THE WATER SUPPLY AND DISTRIBUTION SYSTEM AS WELL AS THE SEWAGE COLLECTION, TREATMENT AND EFFLUENT DISPOSAL SYSTEM OF THE BROAD CREEK PUBLIC SERVICE DISTRICT, THE INSTALLATION AND CONNECTION OF SERVICE PIPES TO SAID SYSTEMS, THE DISCHARGE OF WATER AND WASTE INTO THE PUBLIC SEWERS OF THE BROAD CREEK PUBLIC SERVICE DISTRICT, AND THE USE OF PRIVATE WATER WELLS WITHIN THE BROAD CREEK PUBLIC SERVICE DISTRICT, COUNTY OF BEAUFORT, STATE OF SOUTH CAROLINA.

**ARTICLE I
INTRODUCTIONS AND DEFINITIONS**

Section 1. Governing Law. These regulations are made and adopted pursuant to and subject to the enabling legislation of the Broad Creek Public Service District, to wit Act 1739, ratified August 3, 1972 as amended by Act 575, ratified July 11, 1973.

Section 2. Classification of Headings. Section headings contained herein are solely for the purpose of aiding the speedy location of subject matter and are not in any sense to be given weight in the construction of these regulations. Accordingly, on any questions with respect to the construction of these regulations, it is to be construed as though such section headings have been omitted.

Section 3. Definitions.

(a) WEF (Water Environment Federation) Manual of Practice, No. MIOP-5 (Gravity Sanitary Sewer Design and Construction) shall mean a manual dealing with technical guidelines for the design and construction of sanitary sewers.

(b) "Commission" shall mean the governing body of the Broad Creek Public Service District, consisting of those residents of the District appointed by the Governor of the State of South Carolina upon recommendation of a majority of the Legislative Delegation of Beaufort County.

(c) "District" shall mean the Broad Creek Public Service District as created by the General Assembly of the State of South Carolina, Act 1739, ratified August 3, 1972 as amended by Acts 575, ratified July 11, 1973.

(d) "District Standard Construction Specifications" shall mean those general conditions and specifications and technical provisions contained in the booklet entitled "Standard

Construction Specifications," dated March 1976 (revised October 1983) and prepared by Hussey, Gay & Bell, Consulting Engineers, as amended from time to time.

(e) "Effluent" shall mean wastewater partially or completely treated flowing out of the treatment plant.

(f) "Secondary Treatment" shall mean treatment by biological processes which produce removal efficiencies of BOD and SS of 85% and which may or may not be followed by effluent storage.

(g) "Secondary Effluent" shall mean the liquid portion of wastewater leaving secondary treatment process.

(h) "Advanced Waste Treatment (AWT)" shall mean any physical, chemical or biological treatment process used to accomplish a degree of treatment greater than that achieved by secondary treatment.

(i) "AWT Effluent" shall mean the liquid portion of wastewater leaving advanced waste treatment processes.

(j) "Force Main" shall mean a closed sewer line in which sewage is forced through the pipe by means of a pump rather than by gravity.

(k) "gpm" shall mean gallons per minute.

(l) "Master Plan" shall be defined as that composite of plans, plats and specifications prepared by the engineering firm of Hussey, Gay & Bell, consulting engineers, of Savannah, Georgia, dated March of 1972, as amended from time to time.

(m) "Plumber Service" shall mean a plumbing service being performed by a licensed plumber under the laws of the State of South Carolina.

(n) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface water.

(o) "Person" shall mean any individual, firm, company, association, society, corporation, or a group.

(p) "psi" shall mean pounds per square inch.

(q) "Public Sewer" shall mean a sanitary sewer which is controlled by the District and one in which all owners of abutting properties have equal rights.

(r) "Sanitary Sewer" shall mean a sewer which carries domestic sewage and into which storm, surface and ground waters are not intentionally admitted.

(s) "Service Pipes" (also referred to as "Service laterals") shall mean the sanitary sewer extension from the building drain to the public sewer or the water service extension from the building to the meter.

(t) "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments together with such ground, surface and storm waters as may be present.

(u) "Sewer" shall mean a pipe or conduit for carrying sewage.

(v) "Shall" is mandatory; "May" is permissive.

(w) "Short Term Rental" shall mean rental of any single family or condominium dwelling for any periods of greater than a total of fifteen (15) days in a calendar year but less than a six (6) month term, whether such term is reflected in a lease agreement (either written or oral) between an owner and tenant directly or subject to a third party rental management agreement.

(x) "Storm Drain" shall mean a sewer which carries storm and surface water but excludes sewage and industrial wastes other than unpolluted cooling water.

(y) "Storm Water" shall mean any water whose source is rain.

(z) "Surface Water" shall mean any water contained on the surface of the ground such as lakes, lagoons, creeks, rivers, oceans, sound or bay.

(aa) "Tap" shall mean the physical connection of the service lateral to the public sewer or the water system as the case may be.

(bb) "Transient Rental Facility" shall mean a single family or condominium dwelling used for Short Term Rental purposes.

(cc) "Watercourse" shall mean a channel in which a flow of water occurs either continuously or intermittently.

ARTICLE II

GENERAL POLICY APPLICABLE TO WATER SUPPLY AND DISTRIBUTION SYSTEM, SEWAGE COLLECTION AND TREATMENT SYSTEM, EFFLUENT DISPOSAL SYSTEM, AND PRIVATE WATER WELLS WITHIN THE DISTRICT

Section 1. Policy of District. It shall be the policy of the District to keep pace with development within the boundaries of the District and, accordingly, to construct or to cause to be constructed or expanded, necessary facilities for water supply and distribution as well as sewage collection and treatment in conjunction with requests for new service as described in Section 2 of this Article. The District shall adhere to the South Carolina Department of Health and Environmental Control ("DHEC") standards and shall have the responsibility for all operations, maintenance, repair and replacement of any defective portion of the System.

Section 2. New Service/Application. Any person within the District desiring water and sewer service, either commercial or residential, shall connect to the existing District's system at their own expense and shall construct the necessary facilities to effect such a connection. It will be necessary for each such occurrence that an application be made in writing on forms furnished by the District and a water and sewer agreement be entered into between said person and the District. Application forms shall be specifically and properly completed and personally signed by the person applying, or a duly authorized representative. The application shall set forth the type of building and the number and character of water and sewer service desired, including information on the number and character of plumbing fixtures. The format for water and sewer agreements will be determined by the District. An application, when accepted by the District, or upon its performance of the service applied for, shall constitute a contract between said person and the District which shall bind said person to pay to the District for the services rendered at its published rates therefor and to comply with all rules and regulations applicable to the service. The applicant for water and sewer service shall follow the District's master plan for water and sewer where one exists for the area of proposed development. If a master plan for water and sewer does not exist, it will be the responsibility of the applicant to have a master water and sewer plan prepared and approved by the District prior to entering into a water and sewer agreement.

This section is also intended to apply to any remodeling, reconstruction and/or expansion which may take place either in a commercial or residential setting where an existing structure may be torn down, remodeled and/or expanded and where a building permit is required by municipal authorities for such work. In such event a new application must be submitted to the District by the owner and the owner shall be responsible for any aid to construction or capacity demand fee then in existence.

Section 3. Water and Sewer Agreements for Commercial and Multi-Unit Projects. The terms and conditions of a water and sewer agreement will be determined by the District. Before the District will review an application for water and/or sewer service to a proposed commercial or multi-unit residential development to consist of more than one single family or condominium unit, the applicant must submit a request for service which shall consist of a letter

outlining the improvements intended, the number of customers and/or users, the type and characteristics of water and sewer use, based upon the approved master plan, the location and available capacity of the effluent disposal site, and a plat prepared by a registered engineer, (on a scale approved by the District) denoting exactly how the applicant proposes to be served. Any irrigation system within the development must be separately metered with a backflow prevention device installed. Upon the District's preliminary approval of the application, a water and sewer agreement will be prepared. Before such an agreement is executed, applicant shall provide construction drawings and specifications for the proposed water and sewer improvements. Approval from the District and DHEC must be obtained prior to commencement of construction. Construction will be subject to inspection by the District and will be in accordance with the approved plans and specifications and the District Standard Specifications, as amended from time to time, which document is available for inspection at the District's office and which document is hereby incorporated in these regulations by reference. Upon completion of construction, a final inspection will be made by the District's Engineer, and corrections, if any, shall be made prior to acceptance of the work. After acceptance, the applicant shall convey to the District by proper warranty instrument all water and sewer facilities constructed as well as applicable real estate sites. In addition, the applicant shall furnish easement plats to accommodate the improvements and shall grant such easements to the District by proper instrument as may be deemed necessary by the District. A one year guarantee (maintenance bond) shall be required at 50% of the costs of the improvements. Effluent disposal sites must be transferred to the District as perpetual easements. Such plats will show the exact location of water and sewer lines, laterals, and appurtenances with dimensions shown from above ground structures. All of the work described in this Section shall be at the applicant's expense.

Section 4. Residential Property Report. Each owner shall be required to complete and submit a Residential Property Report to the District indicating whether such residential property is rented and, if so, whether such property is rented on a short term basis. If any owner shall fail to complete and submit the Residential Property Report, the District may classify the property as a Transient Facility and apply the Transient Facility User Rates as those rates are established pursuant to Section 15 herein. The Residential Property Report form shall be specifically and properly completed and personally signed by the owner, or a duly authorized representative. The falsification of information provided on the Residential Property Report shall result in a fine assessed against the owner. Such fine shall be an amount of not more than Five Hundred (\$500.00) Dollars. The Residential Property Report shall set forth the property location, whether the property is rented and whether the property is rented as a Short Term Rental as defined in Article I, Section 3. If, at any point subsequent to the Owner submitting the Report, the property is rented as a Short Term Rental or ceases to be rented as a Short Term Rental, the owner shall be required to complete and file a new Residential Property Report each time there is such a change in use.

Section 5. 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.

Section 6. Interference and Changes in Water and Sewer Pipes. No person shall make any changes in water or sewer pipes, or fixtures connected thereto, including extending such pipes to other premises, or within the premises to which water or sewer service is supplied, without first securing written permission from the District specifying the nature of the change to be made, such as the number of fixtures, connections and the like. As soon as the work has been executed, such person shall make an immediate report to the District of all such work done by him. No person shall interfere with any of the wells, water and sewer mains, pipes, plugs, meters, appurtenances and structures of the water supply and distribution system and sewage disposal system, make any unauthorized connections or tap thereto, or use/supply service from unauthorized connections.

Section 7. Excavation. All excavations for water and sewer and effluent disposal system installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work done shall be restored in a manner satisfactory to the District. Any person who may open cut the streets or roadways in which there are water or 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 freezing or breaking or from injury in any manner. This regulation shall apply to all water and sewer pipes, mains, laterals, services and connections.

Section 8. Inspection and Right of Entry. 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, setting, reading and repairing meters, turning water off or on and testing as required by these regulations. 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.

Section 9. Easements. The District's duly authorized representatives bearing proper credentials and identification 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 of the water and sewage and effluent disposal systems lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 10. Change in Ownership. In the event of any change of ownership or tenancy of any premises served by the District's water systems or sewage systems, the new owner or tenant shall immediately notify the District of the change in writing. The new owner shall be required to complete and submit a Residential Property Report to the District indicating whether such property is rented and whether such property is rented as a Short Term Rental. If any new owner shall fail to complete and submit the Residential Property Report, the District may classify the property as a Transient Facility and apply the Transient Facility User Rates as those rates are established pursuant to Section 15 herein. Further, if any new owner or tenant shall fail to give notice or shall fail to apply for service, and if the prior owner or tenant shall have failed to

terminate his contract with the District for service, the use of the services of the District's systems shall be deemed to be an acceptance and ratification by the new owner or tenant of all of the contract obligations of the prior owner or tenant to the District, and the new owner or tenant shall continue to be subject to all the provisions of this Section as fully and completely as if the new owner or tenant 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.

Section 11. Termination and Notice. A customer using the water or sewage service may terminate his contract for such service at any time by giving notice, in writing to the District, and by paying all amounts due for services up to the date of receipt of the notice by the District, provided that the date of such termination shall not be more than 15 days later than the date of the request. In case the notice is not given, the customer shall continue to be liable for service provided thereafter and for the minimum monthly rate or charge in case no water is consumed, or sewage collected, even though he may vacate the premises or the premises may be occupied by other parties who fail to make application for service. Verbal notices shall not be binding upon the District. Notwithstanding the foregoing and despite any termination notice, a customer being charged in accordance with a flat rate (minimum monthly rate) shall remain responsible for the service charge applicable for the billing period in which termination occurs.

Section 12. Discontinuance of Service. Service may be discontinued for any of the following reasons:

(a) For non-payment of any amounts due for service rendered 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.

(b) In the event a customer is delinquent on an account for service at other premises unless the customer pays a reasonable amount of his delinquent account and makes reasonable arrangement with the District to amortize the balance of such past-due account over a reasonable length of time not to exceed twelve (12) months.

(c) For failure of the customer to provide the District with a deposit as may be required by Section 16 of this Article.

(d) In the event of customer use of equipment in such a manner as to adversely affect the District's service to others.

(e) 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.

(f) For customer tampering 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.

(g) For violation of and/or non-compliance with these regulations and rules of the District.

(h) For failure of the customer to fulfill his contractual obligations for service and/or facilities.

(i) For failure of the customer to permit the District reasonable access to its equipment.

(j) For failure of the customer to furnish permits, certificates, and/or rights of way, as necessary to obtaining service, or in the event such permissions are withdrawn or terminated.

(k) Without notice in the event the District or DHEC 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.

(l) Misrepresentation or concealment in the application as to the premises or fixtures to be furnished with water service or the use to be made of such service.

(m) Waste or excessive use of water through improper or imperfect pipes, fixtures, or appliances, or any other manner.

(n) Unless otherwise provided hereinabove the District shall give a customer notice of its intentions to discontinue service prior to making the disconnection in the following manner:

i. Service may be discontinued due to non-payment of charges in accordance with Section 15 of this Article.

ii. Where the District intends to disconnect services for reasons other than non-payment as set forth above, the District shall give thirty (30) days written notice to the customer by Certified Mail to the billing address. 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.

iii. If the District physically discontinues any sewerage service, the District shall immediately notify the Division of Municipal Services of DHEC of the action and the name and address of the customer.

Section 13. Charges for Disconnection and Reconnection; Fines. Whenever service is disconnected for violation of rules and regulations, non-payment of bills, or fraudulent use of service, the District shall not be required to reconnect such service until any arrearages have been paid and a reconnection fee of One Hundred and No/100 Dollars (\$100.00) has been paid to the District. For any violation of these Regulations, such as, e.g., a discharge of storm water or other prohibited waters or wastes into the District's system, or the interference or tampering with any

of the District's equipment or infrastructure after a warning letter sent by the District to the violator, with an opportunity to cure the violation, if the violation is not cured, or continues, then a fine of up to \$1,000.00 may be levied by the District in addition to the costs incurred by the District, including labor to remedy the violation.

Section 14. Special Agreements. No statement contained in this Article shall be construed as preventing the District from entering into a Special Agreement or granting a waiver of certain regulations upon or showing by the applicant of special need or circumstance.

Section 15. Water and Sewer User Rates. A person using the water and sewer service shall be charged the applicable water and sewer connection fees and user charges in accordance with the rate schedule duly adopted and on file with the office of the Clerk of Court for Beaufort County. All persons using the water and sewer service shall make such required payments on a timely basis. All user charges, when billed, shall be considered due upon receipt and shall constitute a lien upon the property served until paid in full.

Section 16. Delinquent Accounts. The District bills on a monthly basis. Bills are due upon receipt. An account will be delinquent if not paid within thirty (30) days of the billing date. If the account remains unpaid after the delinquent date, a termination notice will be mailed to the account's billing address and a red hanger termination notice will be delivered to the physical address. If the account remains unpaid after ten (10) days from the hanger notice date, the water service will be disconnected and the account will be charged a One Hundred and No/100 Dollars (\$100.00) reconnection fee and a Twenty-Five and No/100 Dollars (\$25.00) door hanger fee.

Service will be terminated only on Monday through Thursday between the hours of 8:00 A.M. and 4:00 P.M. Service will not be reinstated until the account is paid in full, including the past due balance, late charges, hanger fee, reconnect fee and charges for service used but not yet billed.

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.

Section 17. Security Deposits. 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:

(a) 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;

- (b) A new customer cannot furnish a letter of good credit from a reliable source;
- (c) 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
- (d) A customer has previously had his water service terminated for non-payment.
- (e) A customer who is not a property owner within the District.
- (f) 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:

- (a) 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
- (b) 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.

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 III

REGULATIONS APPLICABLE TO WATER SUPPLY AND DISTRIBUTION SYSTEM

Section 1. Use of Public Water.

- (a) The District shall operate and maintain all physical facilities comprising the water system within the District.
- (b) The District's Engineer shall review and recommend approval of all plans and specifications for construction of water systems prior to their being forwarded to DHEC for review and approval.

Section 2. 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.

Section 3. Connection to Water System. All connections to mains of the District's water system shall be made by the District or under its supervision. New taps shall be applied for by a licensed plumber on an application form furnished by the District. An application will not be accepted by the District if the water meter and service location is unspecified. Should it become necessary to revise the size of a tap, the District will determine whether a new tap application is necessary. Tap application, service application, and advance payment of the applicable connection fee, are required for each building and payment therefor 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 DHEC. The provisions of this Section shall be immediately applicable to connections made after the effective date of this regulation and to all existing connections within one year after the effective date of this policy.

Section 4. Illegal Connection. 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.

Section 5. 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.

Section 6. Meters. For any water service, a water meter and meter box shall be supplied by the District and installed by the user at the property line of the property or tract desiring service. The District shall maintain the proper operation of all meters. No repairs to meters shall be made other than by the District. Any person using water under contract with the District shall at all times keep meter boxes unobstructed. The District, acting through its authorized representative, shall have unobstructed access to each meter installed on the service or services of the applicant. It is unlawful for any person to do anything or cause anything to be done to a water meter or its connections that will result in a loss to the District of its lawful revenue expected from the sale of water through the meter so disturbed. If a meter is out of order and fails to register, the person shall be charged according to the average daily consumption shown by the meter when it is in order.

Section 7. Maintenance. The property owner shall be responsible for maintenance of water pipes connecting the building served with the outlet side of the District's meter or from the property line to the building.

Section 8. Use of Water Without Permit. No person shall supply water to any other property, person or user, from the pipes or meters serving water from the system, or use water from any such water pipe, meter 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. No person shall turn water off or on from any District water service. No person shall take or use water from any fire hydrant, valve, pipe, other device or fixture, opening or connecting of the system or to open any such hydrant, valve, pipe or other fixture for the purpose of taking or using water, 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. No person who has an agreement with the District for the use of water for any purpose whatever, including construction purposes tamping, irrigating, testing, flushing and the like, shall use or consent to the use of water not specifically authorized by the District.

Section 9. Tests/Return of Water. No person other than an employee of the District shall return water into any service pipe.

Section 10. Fire Protection Service and Miscellaneous Design Requirements. Language pertaining to old effective date of this provision eliminated. All water systems are required to comply with the following standards and criteria:

(a) A minimum water supply shall be capable of delivering at least 1000 gpm for a period of three hours, at a minimum pressure of 20 psi at any fire hydrant with consumption at the maximum daily rate.

(b) The minor distributors supplying residential districts shall be of at least 6 inches in size arranged so that they form a gridiron ("loop system") in all areas of the distribution system. Where long lengths of pipe are necessary, and where fire protection will be affected, 8-inch or larger mains shall be used. In new construction 8-inch or larger pipe shall be used where dead ends and a poor gridiron are likely to exist for a considerable period or where the layout of the streets and the topography are not well adapted to a good gridiron. Arrangements using very small mains, designed for domestic service only and not providing fire protection where fire protection is supplied by larger mains within five hundred feet (500') will be considered. The use of dead-ended 6-inch and smaller mains to provide fire protection shall be prohibited.

(c) A sufficient number of valves shall be installed so that a break or failure will not affect more than 1/4 mile of arterial mains or eight hundred feet (800') of mains in residential districts. Valves shall be maintained in good operating condition and the recommended inspection frequency is once a year and more frequently for larger valves.

(d) The principal requirement considered in a water supply is the ability to deliver water at sufficient rates to permit fire department pumpers to obtain an adequate supply from hydrants. To overcome friction loss in the hydrant branch, hydrant and suction hose, a minimum residual water pressure of 20 psi is required during flow.

(e) Fire hydrants in residential areas should be spaced so that no house is further away than five hundred feet (500') from a hydrant.

(f) No person shall have in his possession any key to any fire hydrant, except such key as may be furnished by the District.

(g) Engineers designing water systems must provide the District with a water design to include provisions for fire flow in addition to domestic flow. All design and construction shall conform to the Broad Creek Public Service District Standard Construction Specifications, as amended from time to time.

(h) All water systems and fire hydrants will meet AWWA specifications and standards.

Section 11. Wells. The construction and use of ground water wells for irrigation and/or heat pump systems will be considered for approval by the District on a case-by-case basis upon written request from the property owner as set forth below. The District will approve or disapprove applications based upon the location and potential effect of the well (s) on the ground water table and surrounding bodies of water as well as proximity to other utility infrastructure or septic systems. The District shall have the authority to impose fines on owners in the event that such well or its use is not compliant with District's guidelines.

(a) Use of Shallow Wells. Any owner within the District desiring to install a shallow well (less than forty feet (40') deep) shall make application, in writing, on forms furnished by the District; which forms shall specifically set forth the purpose of the well, property to be served by the well, and the specifications for well construction. No wells, shallow or otherwise, shall be installed without a permit from the District and the District shall require payment of an annual license fee as set by the District. Shallow wells may only be used for the purpose of supplying water for irrigation of landscaping and vegetation. 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. Reference is made to Section 12 of this Article whereby the District may require the installation of backflow preventers or other cross connection control. 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, result in revocation of the permit in which case the owner shall abandon the well in accordance with DHEC regulations.

(b) Wells for Ground Water Heat Pump Installations. Any owner within the District desiring to install a well for the purpose of supplying ground water to a heat pump system shall make application, in writing, on forms furnished by the District; which forms shall specifically set forth the property to be served by the well, and the specifications for well construction, including but not limited to, the maximum well depth. No wells shall be installed without a permit from the District and the District shall require payment of an annual license fee as set by

the District. No well shall exceed the depth authorized by the District in the applicable permit. If the depth of the proposed well is to be less than forty feet (40'), restrictions applicable to shallow well locations set forth above shall apply. Upon approval of the well application, the District will issue a permit for construction which shall be posted conspicuously at the site. The permit shall expire six (6) months after the date issued unless construction is commenced within the six (6) month period. All well installations shall be accomplished by a well driller licensed by the State of South Carolina. Upon completion of construction, the property owner and well driller shall be required to submit as-built plans, including the actual location and depth of each hole, for the well certified by the driller and bearing his South Carolina license number. Prior to placing the system in operation, the District shall be notified so that an inspection may be made of the final installation. Reference is made to Section 12 of this Article whereby the District may require the installation of backflow preventers or other cross connection control. 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. Violation of any permit condition may, at the discretion of the District, result in revocation of the permit in which case the owner shall abandon the well(s) in accordance with DHEC regulations.

Section 12. Backflow Preventers/Cross Connection Control. All water service connections shall be subject to the Cross Connection Control Regulations of the District which are attached hereto as Exhibit "A" and by reference are made a part hereof.

ARTICLE IV

REGULATIONS APPLICABLE TO SEWAGE COLLECTION AND TREATMENT SYSTEM

Section 1. Use of Sewers.

(a) No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property 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) No person shall discharge into any natural outlet within the boundaries of the District, or in any area under the jurisdiction of said District, any sewage or other polluted waters, except where suitable treatment has been provided by the District in accordance with subsequent provisions of these regulations.

(c) No person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(d) All persons who own 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 hereby 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.

(e) All persons connecting to the District's sewer system pursuant to the terms of this Section, shall pay to the District the sewer connection (tap) fee in accordance with the established and published rates prior to actual connection of the service lateral to the public sewer.

Section 2. Building Sewers and Connections.

(a) Necessity of Permit. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a permit from the District in accordance with Article II, Section 2.

(b) Classes of Permits. There shall be one (1) class of building sewer permits for residential and commercial service, and in either case, the person shall be required to enter into a sewer agreement as outlined above in Article II, Section 2. Once a sewer agreement is obtained, a construction permit will be applied for. The construction permit application shall be supplemented by plans, specifications, or other information considered pertinent in the judgment of the District and the District's Engineer.

(c) Costs and Expenses of Connection. All costs and expenses incident to the installation and connection of the service lateral (including applicable sewer connection fees as set forth in the District's published rates) shall be borne by the person applying for such use. Said person shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation and connection of the service lateral to the public sewer.

(d) Separate Lines. A separate and independent sewer line shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. The service lateral from the front building may be extended to the rear building and the whole considered as one "building."

(e) Old Service Laterals . Old service laterals may be used in connection with new buildings only when they are found, on examination and testing by the District, to meet all requirements of this policy.

(f) Specifications. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code of the Town of Hilton Head Island and other applicable rules and regulations of the District. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in the latest WEF Manual of Practice No. MIOP-5 shall apply. A copy of this manual shall be available in the District office.

(g) Gravity flow. It is the intent of these regulations that all new sewer connections shall operate on the gravity-flow method. However, in all buildings in which any building drain

is too low to permit gravity flow to the public sewer, sanitary sewage may be carried by a means approved by the District.

(h) Applicable Statutory Requirements. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the State and District, or the procedures set forth in the WEF Manual of Practice No. MIOP-5. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the District before installation.

(i) Inspection. The applicant for the building sewer permit shall notify the District when the building sewer is ready for inspection and connection to the public sewer. The actual connection shall be made under the supervision of the District.

Section 3. Private Sewage Disposal.

(a) Private Sewage Treatment Plants. Private sewage treatment facilities of any type, such as septic tanks, will not be permitted within the boundaries of the District.

Section 4. Discharge.

(a) Discharge of Waters into Sanitary Sewers. No person shall discharge or cause to be discharged, directly or indirectly, any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(b) Discharge of Stormwaters. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the District. Industrial cooling water or unpolluted process waters may be discharged, on approval of the District, to a storm sewer, or natural outlet.

(c) Discharge of Wastes and Waters. No person shall discharge or cause to be discharged any of the following waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil and other petroleum products, or other flammable or explosive liquid, solid or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singularly or by interaction with other wastes, as to constitute a hazard to humans or animals, or create a public nuisance, or to interfere with any sewage treatment process or create any hazard in the receiving waters of the sewage treatment plant, or discharge of effluent onto golf courses for irrigation.
- (3) Any ashes, cinders, sand, mud, straw, wood or metal shavings, metal, glass, rags, feathers, plastics, wood, hair and fleshings, underground garbage, whole blood, paper dishes, cups, milk containers, waxed paper products, or any other solid or viscous substance capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works.

- (4) Any water or wastes having a pH lower than 6.0 or higher than 9.0 at any time, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (5) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
- (6) Any waters or wastes which may contain more than 100 parts per million, by weight, of fat, oil, grease, or any water or waste containing oils, greases, petroleum products or other substances that will solidify or become viscous at temperatures between 32 degrees to 150 degrees Fahrenheit.
- (7) Any waters containing suspended solids of such character and quantity that unusual provision, attention or expense is required to handle such materials at the sewage treatment plant.
- (8) Materials which exert or cause:
 - (i) Unusual concentrations of inert suspended solids (such as, but not limited to Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).
 - (ii) Excessive discoloration (such as but not limited to, dye wastes, and vegetable tanning solutions).
 - (iii) BOD (above 300 mg/1), chemical oxygen demand, or chlorine requirement in such quantities as to constitute an unacceptable load on the sewage treatment plant.
 - (iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (9) Any noxious or malodorous gas or substance, capable of creating a public nuisance or hazard to life or preventing entry into sewers for their maintenance, inspection, and repair.
- (10) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourth (3/4) horsepower (0.86 HP metric) or greater shall be subject to the review and approval of the District Manager.
- (11) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (12) Any waters or wastes containing iron, chromium, copper, zinc, cyanide, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the District and/or DHEC, for such materials.
- (13) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the District as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving regulations.

(14) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(15) Waters or wastes containing suspended solids in excess of 300 mg/l.

(d) Disposal of Waters and Wastes Prohibited Above. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 5(c) of this Article, and which in the judgment of the District and/or DHEC, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the District may:

- (1) Reject the waste,
- (2) Require pretreatment to an acceptable condition for discharge to the public sewage,
- (3) Require control over the quantities and rates of discharge, and/or
- (4) Require payment to cover the added costs of handling and treating the wastes not covered by existing sewer charges.

(e) Grease Interceptors. Grease, oil, and sand interceptors (grease traps) shall be provided by all restaurants, and other similar type of eating and commercial food preparation establishments as well as 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 wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the District and shall be located so as to be readily and easily accessible for cleaning by the owner or operator and inspection by the District. Such interceptors shall be inspected periodically by the District, however, it shall remain the responsibility of the owner to insure the interceptors are properly functioning at all times. If, upon inspection, the District determines that cleaning and/or maintenance is required, the owner must comply within five (5) days, 120 hours or the District may terminate water service without further notice until the proper cleaning and maintenance is completed. Reference is further made to the adopted Grease Trap Policy of the District, copies of which are available at the District's offices.

Section 5. Maintenance. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. 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.

Section 6. Manholes. When required by the District, the owner of any property serviced by a building sewer carrying industrial/commercial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to

facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the District. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 7. Measurements. Tests and Analyses. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special control manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

ARTICLE V

REGULATIONS APPLICABLE TO RECLAIMED WATER/EFFLUENT DISPOSAL SYSTEM

Section 1. Guidelines for Reclaimed Water Service. Connections to the system and use of the effluent disposal system shall be subject to and comply with the Guidelines for Reclaimed Water Service as adopted by the District and as may be amended from time to time. Copies of said Guidelines are available for public inspection at the District's offices or may be purchased for a nominal cost. Reference is hereby made to the Guidelines for further information pertaining to service, operation, maintenance, charges, design and construction of the effluent disposal/reclaimed water system.

Section 2. Use of System.

(a) The District shall operate and maintain all physical facilities comprising the "reclaimed water"/effluent disposal system.

(b) The District's Engineer shall design the effluent disposal system and additions thereto, prepare plans and specifications for construction and submit them to DHEC for review and approval.

(c) The District's Engineer shall review and recommend approval of all plans and specifications for connections to the District's effluent disposal system prior to their being forwarded to DHEC for review and approval.

(d) All connections to the District's effluent disposal system shall be made only by the District or under its supervision.

Section 3. Effluent Disposal Agreement. No connections shall be made to either the secondary effluent disposal system or to the AWT effluent disposal system without execution of an effluent disposal agreement between the District and the person requesting such a connection. Once the agreement has been executed by all parties, a construction permit will be applied for.

The construction permit application shall be supplemented by plans, specifications and other information considered pertinent in the judgment of the District and the District's Engineer.

Section 4. Connections.

(a) Expenses. All costs and expenses incident to connections to the effluent disposal system shall be borne by the person applying for such use. Said person shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of said connection.

(b) Construction. Construction will be subject to inspection by the District and shall be in accordance with the approved plans and specifications and the District Standard Specifications, as amended from time to time, which document is available for inspection at the District's office and which document is hereby incorporated in these regulations by reference. Upon completion of construction, a final inspection will be made by the District's Engineer, and corrections, if any, shall be made prior to acceptance of the work. After acceptance, the applicant shall convey to the District by proper warranty instrument all water and sewer facilities constructed as well as applicable real estate site and/or easements. In addition, the applicant shall furnish easement plats to accommodate the improvements and shall grant such easements to the District by proper instrument as may be deemed necessary by the District. A one year guarantee (maintenance bond) shall be required at fifty percent (50%) of the costs of the improvements. All of the work described in this Section shall be at the applicant's expense.

ARTICLE VI

DROUGHT RESPONSE REGULATION

Section 1. Declaration of Policy, Purpose and Intent.

Purpose: To achieve the greatest public benefit from domestic water use, sanitation, and fire protection, and to provide water for other purposes in an equitable manner, the District adopts the following regulations and restrictions on the delivery and use of water.

(a) This Regulation is hereby declared necessary for the preservation of public health, safety, and welfare and shall take effect upon its adoption by the Board of Commissioners of the District.

(b) Whenever, in the judgment of the governing body of the Town of Hilton Head Island, it becomes necessary to conserve water in the service area, due to drought, the Town is authorized to issue a Proclamation that existing drought 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 become endangered.

(c) Immediately upon the issuance of such a Proclamation by the Town regulations and restrictions set forth under this Regulation shall become effective and remain in effect until the water shortage is terminated and the Proclamation is rescinded by the Town.

(d) Water uses, regulated or prohibited under this Regulation, are considered to be non-essential and continuation of such uses during times of water shortage are deemed to constitute a waste of water, subjecting the offender(s) to penalties prescribed by Town Ordinance and/or this Regulation.

(e) The provisions of this Regulation shall apply to customers within the jurisdiction of the District; however, such regulations may be superseded or supplemented by Ordinance(s) of the Town of Hilton Head Island pertaining to drought and/or conservation of water.

Section 2. Definitions.

All of the definitions provided in the Drought Response Ordinance of the Town of Hilton Head Island are incorporated into these Regulations by reference. For the purpose of this Regulation, the following additional definitions shall apply:

(a) Aesthetic Water Use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and waterfalls. Continuously recycled water use is not included within this definition.

(b) Commercial and Industrial Water Use: water use integral to the production of goods and/or services by any establishment having financial profit as their primary aim. It does not include "reclaimed" or "treated" wastewater used for irrigation purposes.

(c) Conservation: reduction in water use to prevent depletion or waste of the resource.

(d) Customer: any person, company, or organization using water drawn from the "Ocala/Floridian aquifer" or other source and supplied by the public service district.

(e) District: the Broad Creek Public Service District.

(f) 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. Domestic water includes all water drawn from the "Ocala/Floridian aquifer." It does not include "reclaimed" or "treated" wastewater used for irrigation purposes.

(g) Drought Alert Phases:

Moderate Drought: when the Palmer Index reaches the -1.50 to -2.99 range and moderate drought conditions have been verified by best available information, and conditions indicate this situation is expected to persist.

Severe Drought: when the Palmer Index reaches the -3.00 to -3.99 range and severe drought conditions have been verified by best available information.

Extreme Drought: when the Palmer Index reaches or falls below -4.00 and extreme drought conditions are verified by best available information.

(h) Drought Response Committee: a committee composed of state and local representatives, created for the purpose of coordinating responses to water shortages within drought management areas and making recommendations for action to DHEC and/or the Governor.

(i) Essential water use: water used specifically for fire fighting, maintaining instream flow requirements, and to satisfy federal, state, or local public health and safety requirements.

(j) Even-numbered address: street addresses, box numbers or rural route numbers ending in 0, 2, 4, 6, 8, or letter A-M; and locations without addresses.

(k) Institutional water use: water used by government, public and private educational institutions, churches and places of worship, water utilities, and other lands, buildings, and organizations within the public domain.

(l) Landscape water use: Water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-ways and medians.

(m) Odd-numbered address: Street addresses, box numbers or rural route numbers ending in 1, 3, 5, 7, 9, or letters N-Z.

(n) Palmer Index: A measure of the severity of a drought, or a wet spell, in an area. Dry conditions are associated with negative values, wet conditions with positive values, and normal conditions have a value of zero.

(o) Town: the Town of Hilton Head Island.

(p) Town Council: the governing body of the Town of Hilton Head Island.

(q) Water shortage: lack of adequate available water to meet normal demands due to lower than normal precipitation, reduced stream flows or soil moisture, and/or lowering of the potentiometric surface in wells which causes water supplies to be less than usual.

Section 3. Non-essential Water Use.

Non-essential water use categories may be curtailed during severe or extreme drought. Some examples of nonessential water uses are as follows:

(a) Residential and Institutional:

(1) Washing down sidewalks, walkways, driveways, parking lots, tennis courts (hard surfaced only), or other hard surfaced areas.

(2) Washing down buildings or structures for purposes other than immediate fire protection.

- (3) Flushing gutters or permitting water to run or accumulate in any gutter or street.
- (4) Washing any motor bike, motor vehicle, boat, trailer, airplane, golf carts, or other vehicle in public or private garages or elsewhere.
- (5) Maintaining fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.
- (6) Filling for maintaining public or private swimming pools.
- (7) Sprinkling lawns, plants, trees, and other flora on private or public property, except as otherwise provided under this Regulation.

(b) Commercial and Industrial:

- (1) Serving water routinely in restaurants.
- (2) Increasing water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife.
- (3) Irrigating golf courses and any portion of its grounds, except as otherwise provided under this Regulation, and excluding here from the use of "reclaimed" or "treated" wastewater and lagoons and/or ponds.
- (4) Obtaining water from hydrants for construction purposes, fire drills, or for, or any purpose other than fire fighting.
- (5) Serving customers who have been given a ten (10) day notice to repair one or more leaks and has failed to comply.
- (6) Expanding commercial nursery facilities, or planting or landscaping when required by site design review process'.

Section 4. Responses to Moderate, Severe, and Extreme Drought Alert Phases

Levels of drought, as set forth in the South Carolina Drought Response Act of 1985, are moderate, severe, and extreme. Proclamations issued by the Town shall coordinate an appropriate response to the level of drought which exists.

Proclamations setting forth responses to the various drought alert phases shall be made by the Town and are to be based upon drought monitoring data, recommendations, declarations, and/or notifications supplied by the regional Drought Response Committee or DHEC.

When such Proclamation is issued, these restrictions shall apply to all water users, except those using "treated" or "reclaimed" wastewater, whether such users are customers of the District or are independently withdrawing water from wells located within the District.

(a) Moderate Drought Alert Phase: If conditions indicate that a moderate drought condition is present and is expected to persist, the Town shall issue a Proclamation declaring a "Moderate Drought Alert."

(1) Goal:

- (i) A fifteen percent (15%) voluntary water use reduction for non-residential customers.
- (ii) A thirty percent (30%) voluntary water use reduction for residential customers.

(2) General Responses:

- (i) Issue in conjunction with the Town a Public Notice of Drought Conditions on water supply and demand in a newspaper of general circulation within the Town. This statement shall include a list of nonessential water uses.
- (ii) Institute an increased water supply system maintenance effort to identify and correct water leaks.
- (iii) Encourage customers to comply with the listed voluntary water-use restrictions in all categories while moderate drought conditions exist.
- (iv) Submit weekly pumpage reports for all wells.

(3) Voluntary Water-Use Restrictions on Water Users:

(i) Landscape, Golf and Garden Irrigation:

(ii) Implement conservation techniques, explore different water saving methods, and use alternative sources.

(iii) Commercial, Industrial, and Institutional:

1) Reduce aesthetic, domestic, landscaping, and water-based recreational activities such as swimming pools, water slides, and other related water activities.

(iv) Residential:

1) Reduce water use to 300 gallons per household per day.

2) Reduce domestic, landscaping, and waterbased recreational activities such as swimming pools, and other related water activities.

(b) Severe Drought Alert Phase: If conditions indicate that a severe drought condition is present and is expected to persist, the Town shall issue a Proclamation declaring a "Severe Drought Alert."

- (1) Goal:
 - (i) A mandatory fifteen percent water use reduction for all non-residential customers.
 - (ii) A mandatory thirty percent water use reduction for residential customers.
- (2) General Responses:
 - (i) Issue in conjunction with the Town Public Notice of Drought Conditions on water supply and demand in a newspaper of general circulation within the Town. This statement shall include a list of water use curtailment measures.
 - (ii) Require customers to comply with the listed water-use restrictions in all categories while severe drought conditions exist.
 - (iii) Submit weekly pumpage reports for all wells.
- (3) Water-Use Restrictions:
 - (i) Landscape, Golf and Garden Irrigation:
 - 1) Reduce water consumption by at least fifteen (15%) percent.
 - 2) Restrict irrigation use to time periods deemed appropriate and established by the District and prohibit water runoff.
 - (ii) Commercial, Industrial, and Institutional:
 - 1) Prohibit aesthetic water use.
 - 2) Reduce domestic water use to minimum levels necessary for maintaining health and safety.
 - 3) Limit water-based recreational activities to new facilities that require fillings such as swimming pools, water slides, and other related water activities.
 - 4) Prohibit water runoff in landscape design and maintenance.
 - 5) Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even numbered addresses.
 - (iii) Residential:
 - 1) Restrict water use to 300 gallons per household per day.
 - 2) Limit water-based recreational activities to new facilities that require filling such as swimming pools, and other related water activities.
 - 3) Prohibit sprinklers that result in water runoff.

4) Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even numbered addresses.

(c) Extreme Drought Alert Phase: If conditions indicate that an extreme drought condition is present and is expected to persist, the Town shall issue a Proclamation declaring an "Extreme Drought Alert." Water-use restrictions imposed during extreme drought conditions are mandatory.

(1) Goal:

(i) A thirty percent (30%) water use reduction for all customers.

(2) General Responses:

(i) Issue in conjunction with the Town a Public Notice of Drought Conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of water use curtailment measures.

(ii) Require customers to comply with the listed water-use restrictions in all categories while extreme drought conditions exist.

(3) Water-Use Restrictions:

(i) Landscape, Golf and Garden Irrigation:

1) Implement conservation techniques, explore different water saving methods, and use alternative sources.

2) Restrict irrigation use to time periods deemed appropriate and established by the District and prohibit water runoff.

3) Golf course irrigation shall be limited to tee and green areas only.

(ii) Commercial and Industrial:

1) Prohibit aesthetic water use.

2) Reduce domestic water use to minimum levels necessary to maintain health and safety.

3) Prohibit water-based recreational activities that require filling such as swimming pools, water slides, and other related water activities.

4) Use low-volume hand-held applications only and prohibit sprinklers, other broadcast devices, and water runoff in landscape design and maintenance. No automatic irrigation systems may be used.

(iii) Institutional:

1) Prohibit aesthetic water use.

- 2) Reduce domestic water use to minimum levels necessary to maintain health and safety.
 - 3) Prohibit water-based recreational activities that require filling such as swimming pools, water slides, and other related water activities.
 - 4) Use low-volume hand-held applications only and prohibit sprinklers, other broadcast devices, and water runoff in landscape design and maintenance. No automatic irrigation systems may be used.
 - 5) Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even numbered addresses.
- (iv) Residential:
- 1) Restrict water use to 220 gallons per household per day.
 - 2) Reduce domestic water use to minimum levels necessary to maintain health and safety.
 - 3) Prohibit water-based recreational activities that require filling such as swimming pools, and other related water activities.
 - 4) Use low-volume hand-held applications only and prohibit sprinklers, other broadcast devices and water runoff in landscape design and maintenance. No automatic irrigation systems may be used.

Section 5. New Service Connections.

Correspondence regarding water availability, pipeline extension agreements, and applications requesting service, received and dated after the date of this Regulation, shall include conditions relating to water shortages.

No applications for new, additional, further expanded, or an increase in size of water service connections, meters, service lines, pipeline extensions, mains, or other water service facilities of any kind shall be allowed, approved, or installed unless such action is in compliance with provisions of this Regulation.

Section 6. Water Rates.

In the event of an extreme drought related water shortage, the District is hereby authorized to monitor water use and limit households to 220 gallons per household member per day. Domestic water use above this limit will be subject to a surcharge, if any, established in the District's rate schedule. Institutional, commercial, industrial, and recreational water users will be subject to water use surcharges, if any, established in the District's rate schedule if the District deems that adequate conservation measures have not been implemented.

Section 7. Fines and Penalties.

Any person found violating this Regulation shall be subject to penalties and fines as provided in the Town's Drought Response Ordinance.

The aforementioned fines and penalties may be in lieu of, or in addition to, any other penalty provided by law.

After issuing one warning by certified mail, the District may disconnect the water service of any person or customer whenever it is determined that such person has failed to comply with the provisions of this Regulation. Services disconnected under such circumstances shall be restored only upon payment of a reconnection charge, established by the District and any other costs incurred by the District in discontinuing service. In addition, suitable assurances must be given to the District that the same action shall not be repeated during the drought or water shortage.

Section 8. Enforcement.

Law officers of the Beaufort County Sheriff's Department shall, in addition to duties imposed by law, diligently enforce the provisions of this Regulation.

Management employees of the District have the duty, and are hereby authorized to enforce the provisions of this Regulation and shall have the power and authority to issue written notices to appear when violations of this Regulation occur during any declared moderate, severe, or extreme drought or water shortage.

Section 9. Variances.

Persons not capable of immediate water use reduction, or curtailment, because of equipment damage or other extreme circumstances, shall commence gradual reduction of water use within twenty-four hours of the declaration of water use curtailment/reduction and shall apply for a variance from curtailment.

Persons requesting exemption from the provisions of this Regulation shall file a petition for variance with the Town in accordance with the Town's ordinances.

ARTICLE VII

REGULATIONS IN FORCE

Section 1. Validity.

All rules and regulations of the District, policies or parts of policies that conflict with these regulations are hereby repealed. The invalidity or unconstitutionality of any Section, clause, sentence or provision of these regulations shall not affect the validity of any other part of these regulations which can be given effect without such invalid part, or parts.

Section 2. Effective Date.

These regulations shall be in full force and effect January 1, 2006. These regulations supersede and replace in entirety the Regulations of the District with the effective date of October 1, 2004.

Index of Supplements

Appendix A	Cross Connection Control Program
Supplement A	State Primary Drinking Water Regulations
Supplement B	SCDHEC List of Approved Backflow Prevention Devices
Supplement C	SCDHEC List of Backflow Equipment Representatives and List of Backflow Prevention Re-Certification Stations
Supplement D	Definitions
Supplement E	Typical Facilities, Cross Connection or Water Use Which May Endanger the Public Water Supply
Supplement F	Emergency Response Plan
Supplement G	Steps for Gaining Approval of a New or Existing Service Backflow Prevention Assembly
Supplement H	2005 Cross Connection Program Overview
Supplement I	Procurement and Purchasing Code

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BEAUFORT COUNTY SC- ROD
BK 03072 PGS 2071-2230
DATE: 07/22/2011 02:57:31 PM
INST # 2011036606 RCPT# 652393

**CERTIFICATION OF MINUTES OF A
MEETING OF THE BROAD CREEK PUBLIC
SERVICE DISTRICT COMMISSION
HELD ON THE 29th DAY OF JUNE, 2011**

jm

I, Cary S. Griffin, do hereby certify that I am the Assistant Secretary of the Broad Creek Public Service District and that set forth below is a full and true copy of a portion of the Minutes of the Meeting of the Commission of the Broad Creek Public Service District held on the 29th day of June, 2011, relating to the adoption of certain modifications to Regulations for Water and Sewer Use and that a full and true copy of such regulations are attached hereto.

WHEREAS, notice of the proposed modifications to Regulations for Water and Sewer Use was published in the Island Packet on June 14, June 21, and June 28, 2011, and posted in compliance with Section 4 (6)(a) of the District's Enabling Legislation; and

WHEREAS, public hearing was held as scheduled on June 29, 2011.

NOW, THEREFORE, upon motion made by Mr. Katz and seconded by Mr. Hopkins, the following resolutions are hereby adopted:

RESOLVED that the proposed amendment to the Regulations for Water and Sewer Use were approved unanimously in the form previously published and intended to be effective July 15, 2011.

BE IT FURTHER RESOLVED that legal counsel and management shall take all steps necessary to fulfill the statutory requirements for adoption of the Regulations for Water and Sewer Use, namely to cause a certified copy of the proceeding Resolution to be recorded and posted in the Office of the Register of Deeds for Beaufort County and post a notice of adoption within the District in at least two places.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 21 day of July, 2011.

Witness:

Bret T. P. L.

Carlene B. Kilgore

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

)
)

Cary S. Griffin
Cary S. Griffin, Assistant Secretary

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that Cary S. Griffin personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 21 day of July, 2011.

Carlene B. Kilgore (SEAL)
NOTARY PUBLIC FOR SOUTH CAROLINA

My commission expires: 3-19-17