

**AS AMENDED ON JANUARY 23, 2006**

ORDINANCE No. 1983

AN ORDINANCE ENACTED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND TO AMEND TITLE 13 PUBLIC SERVICES OF THE CITY CODE.

WHEREAS the City Council approved Ordinance No. 1918, the Water and Sewer Extension Policy on December 20, 2004; and

WHEREAS through the implementation of Ordinance No. 1918 for over a year, the City staff developed amendments to improve the Water and Sewer Extension Policy; and

WHEREAS the City staff has developed amendments to Title 13, Public Services to update the City Code.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the City of Salisbury, Maryland, in regular session, that the amendments to Title 13 Public Services of the City Code in the attached document be approved.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, the amendments set forth in this Ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 9<sup>th</sup> day of January, 2006, and having been published as required by law, in the meantime, was finally passed at its meeting on the 23<sup>rd</sup> day of January, 2006.

ATTEST:

\_\_\_\_\_  
Brenda J. Colegrove  
City Clerk

\_\_\_\_\_  
Michael P. Dunn  
President of the City Council of the  
City of Salisbury

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Barrie P. Tilghman  
Mayor of the City of Salisbury

## **Title 13**

### **PUBLIC SERVICES**

#### **Chapters:**

- 13.01 Abbreviations and Definitions**
- 13.02 General Provisions – Connection to the City’s Water and Sewer Mains**
- 13.04 General Provisions - Water and Sewer Service Charges**
- 13.08 Water**
- 13.12 Sewer**
- 13.16 Sanitary**
- 13.20 Private Water Systems**
- 13.24 Air-Conditioning and Refrigeration**
- 13.28 Stormwater Management**

## Chapter 13.01

### Abbreviations and Definitions

#### Sections:

13.01.010	Purpose
13.01.020	Abbreviations
13.01.030	Definitions

**13.01.010 Purpose.** This chapter defines abbreviations and words used in Title 13, Public Services. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

#### 13.01.020 Abbreviations.

APWA	American Public Works Association;
BOD	Biochemical oxygen demand;
CFR	Code of Federal Regulations;
COD	Chemical oxygen demand;
EDU	Equivalent Dwelling Unit;
EPA	United States Environmental Protection Agency;
gpd	Gallons per day; GPD; a measure of water flow.
IU	Industrial user;
l	Liter;
MDE	State of Maryland Department of the Environment;
mg	Milligrams;
mg/l	Milligrams per liter;
<u>MGD</u>	Million gallons per day; a measure of water flow;
NPDES	National Pollutant Discharge Elimination System;
O and M	Operation and maintenance;
POTW	Publicly owned treatment works;
ppm	Parts per million;
RCRA	Resource Conservation and Recovery Act;
SIC	Standard industrial classification;
SIU	Significant industrial user;
SWDA	Solid Waste Disposal Act (42 U.S.C. 6901, et seq.);
TSS	Total suspended solids
U.S.C.	United States Code;
WTW	City of Salisbury wastewater treatment works;
WWTP	City of Salisbury wastewater treatment plant.

### **13.01.030 Definitions.**

"Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

"Administrative Fee" a fee to cover the cost of record keeping and to recover any handling charges and/or payment processing costs incurred by the City as a result of processing developer reimbursements. This fee is to be deducted from developer reimbursements by the City Finance office.

"Approval authority" or "MDE" means the state of Maryland Secretary of the Department of the Environment and/or his designated agents and/or agencies.

"Authorized Representative" of the Industrial User.

1. If the industrial user is a corporation, "authorized representative" means:
  - a. The president, secretary, treasurer, or a 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. The manager of one or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having a gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents have been assigned or delegated to the manager in accordance with corporate procedures;
2. If the industrial user is a partnership or sole proprietorship, an authorized representative means a general partner or proprietor, respectively;
3. If the industrial user is a federal, state or local governmental facility, an authorized representative means a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
4. The individuals described in subsections (1), (2) and (3) of this definition may designate another authorized representative if the authorization is in writing and submitted to the city of Salisbury wastewater pretreatment program, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for the environmental matters for the company.

"Backbone Infrastructure" includes the water and sewer mains, pumping stations, tanks, etc. which will provide the primary service for a new service area. The water mains and tanks are typically sized for fire flow demand.

"Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

“Branch Mains” are typically water and sewer mains eight inches or less in diameter that are intended to serve communities off of main lines or within proposed or existing developments.

"Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning ten feet outside the inner face of the building wall.

"Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

"Bypass" means the intentional diversion of wastestreams from any portion of the industrial user's treatment facility.

“Capacity Fee” is based on the number of EDUs that the customer is projected to generate at total build-out of the development project. It is calculated by multiplying the Capacity Unit Fee by the projected EDU value (average daily water) for a particular development project. The fee shall be charged for each new connection to the City's system, regardless of location, to pay for the systems' growth and expansion projects as outlined in the City's water and sewer CIP.

“Capacity Unit Fee” is intended to pay for capacity in the “central system.” It is based on the growth and expansion projects as outlined in the City's water and sewer CIP. The fee is a unit rate based on the capacity costs expressed in dollars per EDU.

“Capital Costs” shall be construed to include necessary studies, investigations, designs, construction, project management and other related administrative and overhead costs incurred by the City.

“Capital Improvement Plan” is a 10-year plan showing the City's capital outlay needs for the water treatment plant, water distribution system, wastewater collection system and wastewater treatment plant and setting forth a plan for financing those needs.

"Categorical pretreatment standard" or "categorical standard" means any regulation containing pollutant discharge limits promulgated by the United States EPA in accordance with Sections 307 (b) and (c) of Act (33 U.S.C. 1317) which apply to a specific category or industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405--471.

“Central System Line Fee” is the Line Fee for new water and sewer users within the City's Central System where there are existing mains from which the property is to be served. This fee reimburses the City for the construction costs of the existing mains that serve the property and is proportional to the size of the property to be served.

“Central System Line Unit Fee” is the in-place construction cost per linear foot for eight-inch diameter water and sewer mains. The fee is calculated as the average construction contract cost for installing eight-inch water and sewer mains throughout the City of Salisbury water and sewer systems for the previous twelve months as determined by Salisbury Public Works.

"Cesspool" means a lined or partially lined pit into which raw wastewater is discharged and from which the liquid seeps into the surrounding soil.

"City" means the mayor and city council for the city of Salisbury and their duly appointed officers and/or representatives.

"Color" means the true color due to substances in solution expressed in color units on a platinum-cobalt scale.

"Combined sewer" means a sewer receiving both surface runoff and sewage.

"Composite sample" means a sample of wastewater consisting of a number of combined individual samples collected at uniform intervals based on an increment of either time or flow.

“Comprehensive Connection Charge” is the charge to new customers connecting to the system that includes the Capacity Fee, Facility Fee, Line Fee, and Sewer-Connection and Water-Meter/Tap Fee.

"Cooling water" means the water discharged from any use, such as cooling or refrigeration, to which the only pollutant added is heat.

“Easement” is a grant of the use of a parcel of land to the City or a person or persons or the public for a specific, limited purpose, without including fee simple ownership of the land.

"Engineer" means the director of public works of the city of Salisbury or his duly authorized representative.

"Environmental Protection Agency," or "EPA" means the United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the regional water management division director or duly authorized official of said agency.

“Equivalent Dwelling Unit (EDU)” is the average water needed to serve a typical single family home; including allowances for inside and outside use. For the purpose of this chapter, one EDU shall equal 250 gallons per day (gpd) of water.

"Existing source" means any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment

standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

"Facility Fee" fee is based on the number of EDUs that the customer is projected to generate at total build-out of the development project. It is calculated by multiplying the Facility Unit Fee by the projected EDU value (average daily water) for a particular development project. The fee shall be charged to properties connecting to water/sewer extensions outside of the City's core or central system.

"Facility Unit Fee" is intended to recover the costs of system extensions to a service area outside of the Central System. These facilities will typically be the "backbone" of a new service area and may include major water and sewer transmission mains, pumping stations, and water storage tanks. The fee is a unit rate based on the cost of the system extension expressed in dollars per EDU.

"Floatable grease" means grease, fat, wax or oil in a physical state such that it will separate by gravity from wastewater by treatment in an approved facility.

"Garbage" means any solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

"Grab sample" means a sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

"Grease," "fats," "wax" or "oils" means those substances, whether emulsified or not, which may solidify or become viscous at temperatures between zero degrees centigrade and sixty-five (65) degrees centigrade.

"Growth Improvement" is the improvement required only to provide additional capacity to accommodate growth-and primarily benefits new users.

"Groundwater" means all the water under the surface of the ground not identified as flowing in well-defined channels.

"Holding tank waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump trucks.

"Indirect discharge" or "discharge" means the introduction of (nondomestic) pollutants into the city of Salisbury wastewater treatment works from any nondomestic regulated under Section 307(b), (c) or (d) of the Act.

"Individual water supply system" means a water supply system from which water is not available to the people at large, its location and outlets being on private property.

"Industrial user (IU)" means a source of indirect discharge.

"Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

"Industry" means any person, establishment, firm, company, association or group, whether public or private, engaged in a manufacturing or service enterprise.

"Instantaneous maximum allowable discharge limit" means the maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

"Interference" means a discharge which alone or in conjunction with a discharge or discharges from other sources: (1) inhibits or disrupts the city of Salisbury wastewater treatment works, its treatment processes or operations or its sludge processes, use or disposal; and (2) therefore is a cause of the city of Salisbury wastewater treatment work's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

"Line Fee" is the cost of extending water distribution and sewage collection mains to exclusively serve a specific geographic area, development or neighborhood.

"Lot" is a plat or parcel of land occupied or intended to be occupied by a principal building or use or group of buildings and accessory buildings and uses, including all open spaces and yards having frontage on a road as defined herein.

"Main Lines" are the water and sewer mains, which are part of a system extension as a backbone for a new service area.

"Master Plan" is the water and sewer plan, which outlines scope and costs of potential extensions and, service areas for those extensions.

"Maximum Daily Demand" is the water consumption, in volume of water, used on the highest consumption day of the year, otherwise known as the peaking factor.

"Medical waste" means isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, potentially contaminated laboratory wastes and dialysis wastes.

"Meter Assembly" is the piping, fittings, and valves within the water meter vault or pit that supports and secures the water meter.



"Meter Box" is also referred to as "meter vault" and "meter pit", the underground structure that houses and protects the water meter and water meter assembly.

"National Pollution Discharge Elimination System Permit" or "NPDES permit" means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

"Natural outlet" means any outlet into a watercourse, pond, ditch or lake or other body of surface or groundwater.

"New source" means:

1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of the proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided that:

a. The building, structure, facility or installation is constructed at a site at which no other source is located, or

b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source, or

c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered;

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (1)(b) or (c) of this definition but otherwise alters, replaces, or adds to existing process or production equipment;

3. Construction of a new source as defined under this definition has commenced if the owner or operator has:

a. Began, or caused to begin as part of a continuous on-site construction program:

i. Any placement, assembly, or installation of facilities or equipment, or

ii. Significant site production site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary

for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

"Noncontact cooling water" means water used for cooling which does not come into direct contact with any raw material intermediate product, waste product, or finished product.

"Parts per million (ppm)" or "milligrams per liter (mg/l)" means the relative concentration of substance in sample of waste, by weight, in terms of the weight of such substance per unit volume of the waste.

"Pass through" means the discharge of pollutants through the WTW and/or WWTP 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 city of Salisbury wastewater treatment plant's NPDES (including an increase in the magnitude or duration of a violation).

"Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities. The masculine gender shall include the feminine, the singular shall include the plural and the plural shall include the singular where indicated by the context of its use.

"Person" means a person, persons, partnerships, firms, corporations and cooperative enterprises.

"pH" means the measure of acidity or alkalinity of a substance expressed in standards units.

"Pollutant" means any dredged soil, solid waste, incinerator residue, sewage, garbage, sewer sludge, munitions, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, municipal and agricultural waste, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity, odor).

"Potable water" means water which is safe for human consumption.

"Pretreatment" or "treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in the

wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the city of Salisbury wastewater treatment plant. The reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

"Pretreatment requirements" means any substantive or procedural requirement relating to pretreatment other than a pretreatment standard imposed on an industrial user.

"Pretreatment standards" or "standards" means prohibitive discharge standards, categorical pretreatment standards and local limits.

"Private Water Supply" means a supply other than an approved public water supply, which serves one or more buildings.

"Privy" means a building either portable or fixed directly to a pit or vault, equipped with seating and used for excretion of bodily waste.

"Prohibited discharge standards" or "prohibited discharges" means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 13.12.070(B).

"Public sewer" means a sewer which is owned or controlled by the city of Salisbury or its duly authorized representatives and in which all owners of abutting property have equal rights. It includes that portion of the building sewer within the street right-of-way or public easement up to but not including the "clean-out" (if any) adjacent to the curb, sidewalk or edge of paving.

"Public Sewer Main" means the common sewer directly controlled by the City of Salisbury.

"Publicly owned treatment works (POTW)," "city of Salisbury wastewater treatment works," "wastewater treatment works," "treatment works" or "works (WTW)" means a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by the city of Salisbury. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances (sewers) which convey wastewater to the city of Salisbury wastewater treatment plant, but does not include pipes, sewers or other conveyances not connected to the city of Salisbury wastewater treatment plant. For the purposes of this chapter, this meaning shall also include any of the above mentioned facilities which convey wastewaters to the city of Salisbury wastewater treatment works from persons outside the city who are, by contract or agreement with the city, users of the city of Salisbury wastewater treatment works. These terms also include the city of Salisbury entity having jurisdiction over the industrial users and the responsibility for the

maintenance of the treatment works.

“Public Water Main” means a water supply pipe for public use controlled by the City of Salisbury.

“Right-of-Way” is a strip of land occupied or intended to be occupied by a street, alley, crosswalk, water line, sanitary or storm sewer line, storm drain, drainage ditch, or for another special use.

“Regulatory Improvement” is the improvement needed to meet regulatory requirements and benefits all users.

"Sanitary sewer" means a sewer which carries sewage and to which storm surface and groundwater are not intentionally admitted.

"Screening" means the removal of solids from liquid wastes by screening through twenty (20) mesh screens or finer.

"Septic tank" means a settling tank in which settled sludge is in immediate contact with the wastewater flowing through the tank and the organic solids are decomposed by anaerobic bacterial action.

"Septic wastes" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Sewage" or "wastewater" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwater as may be present.

"Sewer" means a pipe or conduit for carrying sewage, wastewater, surface water and/or stormwaters.

“Sewer-Connection and Water-Meter/Tap Fee” is intended to cover the cost of tapping the water and sewer mains and providing the water meter, corporation stop, and stub out for the user water and sewer connections.

“Sewer Lateral” is the section of sewer pipe extending from the Public Sewer Main to the Right of Way or Property Line owned by the public authority or public utility.

"Shall" is mandatory; "may" is permissive.

"Significant industrial user" or "SIU" means any user of the city's wastewater treatment works who: (1) is subject to categorical pretreatment standards; (2) discharges having an average of twenty-five thousand (25,000) gallons per day or more of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater); (3) discharges a flow equal to or greater than five percent of the hydraulic or organic capacity of the city of Salisbury wastewater treatment plant (WWTP); (4) is designated as such by the WTW on the basis that the IU has a reasonable potential for adversely affecting the WTW's operation or for violating any pretreatment standard or requirement; or (5) is found by the WTW, MDE or the EPA to have significant impact either alone or in combination with other contributing industries to the WTW, the quality of the sludge, the WWTP effluent quality, or air emissions generated by the system.

"Site Plan" is a construction plan, prepared to scale by a registered professional engineer or other qualified professional, showing accurately and with complete dimensioning, the boundaries of a site and the location of all roadways, structures, parking, utilities, topographic modifications, and other principal site development features proposed for a specific parcel of land or portion thereof.

"System Extension" is the major, public water or sewer infrastructure extended from the central system, prompted by proposed development and oversized to serve a new service area, i.e. water and sewer mains that are eight inches or greater in diameter, pumping stations, tanks, etc.

"Sludge" means solid, semi-solid or liquid residue removed during the treatment of industrial flows and/or wastestreams, sewage or potable water.

"Slug" or "slug load" means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 13.12.070(B), cause interference of the treatment works, pass-through the WWTP, endanger sewer worker safety, contaminate the sludge, cause a violation of any permit issued to the WWTP or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge.

"Standard industrial code (SIC)" means a classification, pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

"State" means the state of Maryland (See "Approval authority").

"Storm drain" or "storm sewer" means a sewer which carries storm and surface and drainage, but excludes sewage and industrial wastes, other than noncontact cooling waters.

"Stormwater" means any flow occurring during or following any form of natural precipitation and resulting therefrom, including snowmelt.

"Superintendent" means the superintendent of the city of Salisbury wastewater treatment plant or his authorized deputy, agent or representative.

"Surface water" means a pond, lake or a stream of water flowing in a definite direction or course. A surface stream includes the springs in which the stream originates and those that contribute to its flow. The stream flow may vary and, in times of drought, may even cease to flow at all for a period of time. (Prior code § 132-41)

"Suspended solids" or "total suspended solids" or "TSS" means the total suspended matter that either float on the surface of or are in suspension in water, sewage or other liquids and which are water and wastewater.

"Toxic pollutant" means one of one hundred twenty-six (126) pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provisions of Section 307 (33 U.S.C. 1317) of the Act, as amended by EPA and/or MDE.

"Treatment plant effluent" means any discharge of pollutants from the WTW into the waters of the state.

"User" means any person who contributes, causes or permits the contribution of wastewater into the WTW.

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

"Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state of Maryland or any portion thereof.

"Wastewater" means the liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated, which is contributed to or permitted to enter the city of Salisbury wastewater treatment works.

"Wastewater discharge permit" means as set forth in Section 13.12.090.

"City of Salisbury wastewater treatment plant," "wastewater treatment plant" or "treatment plant (WWTP)" means that arrangement of devices and structures, of the city of Salisbury wastewater treatment works, used to provide treatment for sewage, wastewater and industrial waste. (Ord. 1559 § 3, 1993)

## Chapter 13.02

### General Provisions – Connection to the City’s Water and Sewer Mains

#### Sections:

- 13.02.010 Authority
- 13.02.020 Legislative Intent
- 13.02.030 Definitions
- 13.02.040 Applicability
- 13.02.050 Responsibilities
- 13.02.060 General Connection Policies.
- 13.02.070 Comprehensive Connection Charge
- 13.02.080 City Infill or Redevelopment Projects
- 13.02.090 Extension Reimbursement Policy

#### 13.02.010 Authority.

**A. State of Maryland.** Article 23, Section 2 of the Annotated Code of Maryland.

**B. City.** The City of Salisbury Charter grants the City the power to establish, own, control, operate, maintain, and manage a plant or plants and system or systems for supplying water to and for the city and the inhabitants thereof, and adjacent to the city in § SC 5-1-(A)(28). § SC 5-1-(A)(31) of the Charter gives the City the power to grant franchises and regulate the putting of sewers on or under its public ways. § SC 12-1 empowers the City to operate the water system and the water works and to construct and operate a sanitary sewerage system and a sewage treatment plant. The City is empowered to determine an appropriate fee or assessment for connection of water and sanitary sewer mains in § SC 12-7.

#### 13.02.020 Legislative Intent.

**A. Overview.** The City of Salisbury desires to establish a consistent Comprehensive Connection Charge. The City will establish a methodology for the Comprehensive Connection Charge calculation. A Comprehensive Connection Charge policy will be adopted which will specify funding of improvements and appropriate reimbursements.

**B. Goals.** The goals of the Comprehensive Connection Charge are as follows:

1. To establish a consistent methodology for calculating a Comprehensive Connection Charge.

2. Capital costs due to growth are paid by new or increased water or sewer usage; The “Growth Pays for Growth” concept.

3. New or increased water or sewer usage will be charged a portion of the cost of the central or core system through a "Capacity Fee."

4. Property owners shall fund water and sewer extension projects when they desire to extend the City's water and sewer infrastructure into new service areas.

5. Property owners that fund such projects may be reimbursed through connections according to the City of Salisbury's adopted Extension Reimbursement Policy.

6. To establish policy flexibility to allow for periodic review and adjustments of fees and terms of agreements.

7. The Facility Fees are to be indexed yearly in order to cover the costs of inflation impacting the costs of past improvements.

8. Basis of proposed methodology for Capacity Fee is that the "value of service" is equal to all users.

9. In appropriate cases, to provide incentive for development and redevelopment within the City's Central System.

**13.02.030 Definitions.** Chapter 13.01 provides the definition of words used in this chapter.

**13.02.040 Applicability.** This chapter applies to any property owner that desires to establish or change water and/or sewer service or usage within or outside the corporate limits of the City. Specifically including but not limited to:

A. All property owners applying for connection to the City's public water and/or sewer system,

B. Redeveloping property, development expansions or modification of water or sewer usage for any property.

**13.02.050 Responsibilities.**

A. The Director of Public Works shall:

1. Develop and maintain a policy and procedures handbook which provides detailed information, procedures, and examples of the Comprehensive Connection Charge, developer reimbursement and other relevant development policies.

2. Review and update the City's Water and Sewer Master Plan periodically.



3. Provide recommended adjustments for annual variances in the Comprehensive Connection Charge structure in coordination with the Director of Finance by resolution to the Office of the Mayor and City Council no later than September 30<sup>th</sup> of each year. The proposed Comprehensive Connection Charge structure shall become effective on the first day of the next calendar year. The specific recommendation, at a minimum, shall include:

a. The Capacity Unit Fee based on the ten-year Water and Sewer Capital Improvement Plan approved by the Mayor and City Council.

b. The Sewer-Connection and Water-Tap/Meter Fee based on the actual costs for the previous fiscal year. To provide a transition from 1999 rates, a one-time adjustment period shall be calculated as follows: actual costs in 2005 exceed the 2005 Sewer-Connection and Water-Tap/Meter Fee by varying amounts depending on the size of the service. There will be a phase-in period from 2006 through 2008 in which the Sewer-Connection and Water-Tap/Meter Fee will only partially recover actual costs through 2007 but will be incrementally increased to completely recover actual costs by 2008. The computed fee in those years will be as follows:

$$\begin{aligned} 2006 \text{ Fee} &= 2005 \text{ Fee} + (2005 \text{ Costs} - 2005 \text{ Fee}) \times 33\% \\ 2007 \text{ Fee} &= 2006 \text{ Fee} + (2006 \text{ Costs} - 2006 \text{ Fee}) \times 66\% \\ 2008 \text{ Fee} &= 2007 \text{ Fee} + (2007 \text{ Costs} - 2007 \text{ Fee}) \times 100\% \end{aligned}$$

c. The Central System Line Fee for new water and/or sewer users within the City's Central System where there are existing mains. This Central System Line Fee will be based on the average contract cost for installing eight-inch diameter water and sewer mains for the previous twelve months.

B. The Director of Finance shall:

1. Provide a recommended Comprehensive Connection Charge structure in coordination with the Director of Public Works on an annual basis by resolution to the Office of the Mayor and City Council no later than September 30<sup>th</sup> of each year. The proposed Comprehensive Connection Charge structure **shall** become effective on the first day of the next calendar year. This rate structure shall include an Administrative Fee for record keeping and payment processing costs.

2. Provide a report to the Mayor and City Council on an annual basis no later than September 30<sup>th</sup> of each year, which will include a list of:

a. The Consumer Price Index for urban areas, commonly abbreviated as the CPI-U.

b. Developer reimbursements for the previous fiscal year.

c. Un-reimbursed developer costs as of the end of the City's fiscal year and indexed using the Consumer Price Index for urban areas (CPI-U).

3. Develop and implement procedures for collecting and recording developer reimbursements.

4. Deposit comprehensive connection charges in an appropriate special fund to insure that the fees and all interest accruing to the special fund are designated for improvements reasonably attributable to new or increased growth and are expended to reasonably benefit the new or increased growth.

#### **13.02.060 General Connection Policies.**

A. Property owners requesting connection to the City's public water and sewer systems shall be required to connect to both the public water and public sewer system when available.

B. The City shall reserve the right to evaluate each request for service and to deny the extension of the City's facilities in those cases where it is not in the best interest of the City.

C. The City shall have the flexibility to determine how much of the master-planned infrastructure shall be constructed when presented with a new development project.

D. Any public water and sewer facilities constructed or installed hereunder shall be the property of the City and constructed within City-owned easements and rights of way in accordance with City Standards and Specifications. The City shall specify the size, type, quality of materials, and their location. The City, or at the City's option, a pre-approved utility contractor, will perform the actual construction.

E. Property owners requesting connection to the City's public water and/or sewer systems that are not located within the City's corporate limit shall either submit a request for annexation if the property is contiguous with the City's corporate limit or execute a pre-annexation agreement if the property is not contiguous to the City's corporate limit if a public health emergency exists pursuant to paragraph G, below.

F. Property owners requesting annexation shall not be connected with water and/or sewer service until the City approves the annexation and the annexation has become effective in accordance with state law, except in a public health emergency described in paragraph G, below.

G. The Director of Public Works shall have the authority to approve water and/or sewer connections to properties outside the corporate limits of the City where water and/or sewer is available when the Wicomico County Health Officer or designee provides a notification of the need of an immediate connection due to public health concerns, and the property owner complies with paragraph F, above.

H. Property owners in previously identified Urban Service Districts may apply for connection to water and/or sewer service.

### **13.02.070 Comprehensive Connection Charge.**

#### **A. Overview and General Policies.**

1. The Comprehensive Connection Charge includes four specific fees, which are: Capacity Fee, Facility Fee, Line Fee, and Sewer-Connection and Water-Meter/Tap Fee. The Comprehensive Connection Charge for all customers will be calculated under the methodologies discussed in this chapter.

a. The Capacity Fee will apply to all new or increased water and/or sewer usage. The Capacity Fee is based on the number of EDUs that the user is projected to generate.

b. The Facility Fee and the Line Fee portions will vary depending on a user's location and the required infrastructure that must be installed for service to that user.

c. The Sewer-Connection and Water-Meter/Tap Fee is based on the size of the user's water and/or sewer connections.

2. The Capacity Fee, Facility Fee, and Line Fee are the respective amounts of each fee that a property owner will pay for water and/or sewer services for a specific property, development project, redevelopment project, or change in and/or water usage.

3. The Capacity Unit Fee and Facility Unit Fee are the respective amounts of each fee's cost per EDU.

4. The Facility Unit Fee will be indexed yearly in order to cover the costs of inflation impacting the costs of past improvements.

5. There are two types of new water and/or sewer users: a) property owners contiguous to the City's Central System; b) property owners not contiguous to the City's Central System. The City's Central System is defined as the publicly owned water and sewer infrastructure that was operational on January 1, 2005.

a. The first type of new user shall be charged a Line Fee for connection to existing water and/or sewer mains, called the Central System Line Fee, in addition to other applicable fees of the Comprehensive Connection Charge. Additional information on the Central System Line Fee is in § 13.02.08. The Central System Unit Line Fee will be established on an annual basis by the Department of Public Works and approved by the City Council through resolution.

b. The second type of user shall be charged a Facility Fee for a new service area, in addition to other applicable fees of the Comprehensive Connection Charge. A “new service area” consists of an area outside the “central” system.

6. The extension of water and/or sewer mains outside the City’s Central System may require major infrastructure (i.e. pumping stations, water and sewer mains greater than eight-inches in diameter, storage tanks, etc.), oversized to serve the needs of the service area, as determined by the City.

7. The City will identify the new service area to be served by extensions. The City will require a water and sewer plan and estimated cost for the extension of infrastructure.

8. The City reserves the right to negotiate the property owner’s payment, in full or part, for Capital Improvement Plan projects which are required to be constructed earlier than planned, due to the demands of proposed development projects. Subsequent adjustments in the Capacity Fee may be required.

9. The Mayor and Council may adopt a policy by separate resolution, which would allow discounts, deferrals, and payment plans for the Comprehensive Connection Charge to encourage water and sewer usage that is consistent with the City’s goals.

10. The collection of all Comprehensive Connection Charge fees shall occur at the time the water meter is set and/or sewer service is provided to the property by the City.

11. The property owner will pay the applicable Comprehensive Connection Charges (Capacity, Line, Central System Line, Facility, and Sewer-Connection and Water-Meter/Tap Fees) for each phase of the development or lot(s). As of December 21, 2004, a Capacity Fee will not be paid for a particular phase of development if the property owner has a signed Public Works Agreement and a site plan, approved by Salisbury Public Works, for that particular phase of development, or an approved Water and Sewer Application for the lot(s) to be served with water and sewer. Any property owner that has submitted a site plan to the City of Salisbury Department of Public Works and is in the final stage of site plan and Public Works Agreement approval prior to December 21, 2004 shall have the right to appeal the Capacity Fee payment requirement to the Mayor by 4 PM on January 20, 2005. The Mayor and a member of the City Council, selected by the Council, shall hear the appeal and make a final decision, after consulting with the Director of Public Works and the City Solicitor.

12. Unless otherwise determined by Salisbury Public Works, the Comprehensive Connection Charge for water and/or sewer service to a particular building unit shall be based on the unit rates in effect at the time that the water meter for that building unit is set and/or sewer service is provided to the property by the City.

## **B. Capacity Fee.**

1. Capacity Fee's Purpose: This fee is intended to pay for capacity in the City's water and/or sewer system. The fee shall be charged for each new connection or increased usage to the City's system, regardless of location, to pay for the systems' growth and expansion projects as outlined in the City's water and sewer Capital Improvements Plan. This fee will include payment for primarily two types of costs, which are:

a. Costs of "recent improvements" where "recent" would be defined by the City and would include debt service on prior improvements not currently retired in the water/sewer rate structure.

b. Costs of "planned future improvements" in the system, such as treatment plant upgrades/expansions, new water storage tanks, new and / or replacement mains, pumping station improvements, etc. These costs are growth projects outlined in the City's ten-year Capital Improvement Plan.

2. New or increase water and/or sewer usage by a property owner shall pay a one-time adjustable Capacity Fee that is intended to recover the capital costs of capacity in the water and sewer system that is used by or reserved for new or increased usage.

3. The Capacity Unit Fee shall be based on recent improvements and a ten-year water and sewer Capital Improvement Plan approved by the City Council. The CIP includes proposed major projects and equipment expenditures for the next ten budget years. The Department of Public Works will identify the "capacity expansion" vs. "maintenance and replacement" components of all water and sewer Capital Improvement Plan projects and equipment. The capacity expansion component is solely for additional capacity to accommodate growth and will be paid through the Capacity Unit Fee. All water and sewer users will fund the maintenance and replacement components through user rates.

4. The Capacity Unit Fee shall be calculated by dividing the capital costs of capacity by the incremental capacity of the improvement (in gallons) which results in a capital cost per gallon of capacity. Such costs may be expressed in terms of capital costs per equivalent dwelling unit (EDU). This cost shall be defined to be the capital cost per gallon of capacity multiplied by 250.

5. Capacity Fees may be expressed in multiples of EDUs for various size water meters, using equivalent meters as defined by the American Water Works Association Manual M1, Water Rates, or some other generally recognized industry standard.

6. The cost of the Wastewater Treatment Plant improvement project will be broken down into "expansion" vs. "regulatory" based on the City's rationale of cost distribution funding sources, etc. Expansion costs shall be paid through the Capacity

Fee. All sewer users shall share regulatory costs through the sewer usage rate structure or some other billing surcharge.

7. The Director of Public Works shall define and establish Capacity Fees for unique customer needs, or to affect other policy goals of the City government.

8. The Capacity Unit Fee is based on dollars per gallon derivation for all planned water/sewer projects, which provide expansion capacity. Therefore, the Capacity Fee at the time of connection is 250 gal/EDU x \$/gal for expansion projects. Commercial or industrial users requiring larger service will be charged for the equivalent number of EDU's used.

9. The projected EDU value (average daily water usage) for a particular property owner will be determined initially by the City and a Capacity Fee collected, and the property owner may request on subsequent adjustment, based on actual daily water usage as measured and recorded by water meter. When the project/building is fully occupied, the Capacity Fee may then be adjusted and additions or deductions applied accordingly based on an average of a minimum two consecutive years of water meter billings and other documentation as required by Salisbury Public Works. The Capacity Fee may be increased based on average of two consecutive years of water meter billings and other documentation. Any reimbursement of Capacity Fee shall be without interest.

10. Capacity Fee Waiver for Public Sponsored or Affordable Housing.

a. "Public sponsored or affordable housing" means any dwelling unit built or financed under a government program, regulation, or binding agreement that limits for at least ten years the price or rent charged for the unit in order to make the unit affordable to households earning less than 60% of the area median income, adjusted for family size.

b. Requests for a public sponsored or affordable housing Capacity Fee waiver are submitted to the Director of Public Works for review. After review, Salisbury Public Works shall submit the waiver request as a Resolution for City Council approval.

### **C. Facility Fee.**

1. Facility Fee's Purpose: The Facilities Fee is intended to recover the costs of system extensions to a service area outside of the Central System. These facilities will typically be the "backbone" of a new service area and may include major water and sewer transmission mains, pumping stations, and water storage tanks. The fee shall be charged to properties connecting to water **and/or** sewer extensions outside of the City's core or Central System.

2. If a developer, community association, property owner, or other entity requests that the City extend water or sewer service to a geographic area currently not

served by the City's water or sewer systems, the City at its sole discretion may elect to serve such a geographic area. In such cases, the entity requesting the provision of water or sewer service shall pay for the entire costs of extending the backbone system of the water or sewer utility to such geographic area, and the City may require the requesting party to oversize the lines, pump stations, storage facilities or other capital facilities to accommodate future utility customers in or adjacent to the area requesting service.

3. All such extensions of the backbone systems shall be built in City-owned easements and/or rights of way in accordance with City specifications, and shall be inspected and require approval by the City. The title to such facilities shall be vested in the name of the City, unless the City determines that it is to its advantage to title such facilities in the name of another entity. A portion of, or the entire costs less the property owner's Facilities Fee may be reimbursed to the property owner responsible for installing the facilities. The City's reimbursement policy is set forth in §13.02.090, Extension Reimbursement Policy.

4. The Facility Fee will use an incremental method to determine the cost. The incremental method is based solely on the actual incremental / sequential costs of property owner projects as they are added to the system. Property owners will "oversize" facilities in accordance with the City's directives to serve the entire service area.

5. Fees and service areas are adjusted for each area served. The incremental method is based on actual costs of backbone infrastructure needed to serve new areas. As a consequence, the more remote the service from the City's core system, the higher the fee because of greater infrastructure needs.

6. The Facility Unit Fee shall be calculated by dividing the capital costs of capacity by the incremental capacity of the proposed sewer main improvement (in gallons) which results in a capital cost per gallon of capacity. At the City's discretion, the Facility Unit Fee may be calculated by dividing the capital costs of capacity by the estimated ultimate flow in the proposed sewer main. Such costs may be expressed in terms of capital costs per equivalent dwelling unit (EDU). This cost shall be defined to be the capital cost per gallon of capacity multiplied by 250.

7. The City reserves the right to charge a Facility Fee for any infrastructure project, the construction of which has been authorized by the City prior to the effective date of this ordinance, and for which the City has not been fully reimbursed.

#### **D. Line Fee.**

1. Line Fee's Purpose: The Line Fee is intended to cover the costs of extending water-distribution and sewage collection mains to exclusively serve a specific geographic area, development or neighborhood. The Line Fee charge is paid by the property owner directly to his contractor for the cost of water distribution mains and

collector sewers installed within a community or development, which feed into the backbone infrastructure.

2. If a property owner, community association or other entity requests that properties in a specific neighborhood, development or other similarly-defined geographic area receive City water and/or sewer service, then the entity requesting such service shall be responsible for designing and constructing such water distribution and/or sewer collection system (including any related appurtenances such as storage facilities or pumping stations), using design and construction standards as may be specified by the City. Upon acceptance of such facilities by the City, title to such facilities shall be vested in the name of the City.

3. The City may, at its sole discretion (e.g., in the case of homes with failing septic systems), provide financing for the design and construction costs of such distribution system / collection system facilities (including related appurtenances), with recovery of the eligible capital costs and related interest costs to be effected via a payment mechanism to be established by the City, such as a one-time fee, a lien on real property to be repaid over time, a front foot assessment or any other such payment mechanism that is lawful and available for use by the City. The City may also require property owner construction of these facilities; therefore, no fees would be collected particularly if it is self-contained.

4. The Director of Public Works shall have sole discretion in determining which proposed improvements constitute "Backbone Infrastructure of water/sewer facilities," subject to property owner upfront funding and reimbursement under the extension policy and which improvements are subject to the "Line Fee" policy.

5. New development Line Fee water and sewer mains shall be constructed to City standards by a property owner and then turned over to the City.

6. In the event that lines are required to serve existing subdivisions, such as those with failing septic systems, this fee will enable the City to recover the cost of installing the lines.

#### **E. Sewer-Connection and Water-Meter/Tap Fee.**

1. Sewer-Connection and Water-Meter/Tap Fee's Purpose: This fee is intended to cover the cost of tapping the water and sewer mains and providing the water meter, corporation stop, and stub out for the user water and sewer connections.

2. The cost of this fee should be proportional to the projected domestic water demands, which will be reflected in the required meter size.

3. These fees shall be reviewed annually by the Department of Public Works to ensure that actual costs are being captured.



4. All other tap sizes, including combinations of meter sizes and service line size, shall be computed by Salisbury Public Works for that particular application. The cost shall be based on time, equipment and material involved with a thirty (30) percent markup on direct labor costs and fifteen (15) percent markup on equipment and materials.

**13.02.080 City Infill or Redevelopment Projects.**

A. For owners of property requesting water and sewer service within the City's Central System and to whose property existing water and sewer mains are adjacent to the property, the property owner will pay a City Central System Line Fee, in addition to any other applicable fees of the Comprehensive Connection Charge. The City Central System Line Fee shall not apply to redevelopment of property with existing water and sewer service.

B. The Central System Line Unit Fee will be based on the average contract cost per linear foot for installing eight-inch diameter water and sewer mains for the previous twelve months. It will be adjusted annually by resolution of the City Council.

C. A specific property's Central System Line Fee is calculated by taking the square root of the property's area in square feet and then multiplying the result by the Central System Line Unit Fee.

D. There may be proposed projects inside the City's Central System, which trigger reinforcing of the existing system due to inadequate capacity. In some areas, the City may be planning a future project in the Water/Sewer Capital Improvement Plan to address the problem. At the City's discretion, the developer shall fund all or a portion of the project.

E. Property owners with existing water and/or sewer service, who increase usage of water or sewer, shall pay the applicable Comprehensive Connection Charges, to include the Capacity Fee for the additional water and sewer volumes.

F. The Capacity Unit Fee is based on dollars per gallon derivation for all planned water/sewer projects, which provide expansion capacity. Therefore, the Capacity Fee at the time of connection is 250 gal/EDU x \$/gal for expansion projects. Commercial or industrial users requiring larger service will be charged for the equivalent number of EDU's used.

G. The projected EDU value (average daily water usage) for a particular property owner will be determined initially by the City and a Capacity Fee collected, and the property owner may request on subsequent adjustment, based on actual daily water usage as measured and recorded by water meter. When the project/building is fully occupied, the Capacity Fee may then be adjusted and additions or deductions applied accordingly based on an average of a minimum two consecutive years of water meter billings and other documentation as required by Salisbury Public Works. The Capacity

Fee may be increased based on average of two consecutive years of water meter billings and other documentation. Any reimbursement of Capacity Fee shall be without interest.

### **13.02.090 Extension Reimbursement Policy.**

#### **A. Overview.**

1. This policy is intended to reimburse property owners over time for their proportionate share of the Facility Fee based on their initial investment, which will be indexed using the Consumer Price Index for Urban areas (CPI-U).

2. Property owner risk will be based on the rate at which the area builds out and the sunset on reimbursement.

3. The maximum reimbursement to the property owner, installing the water and sewer infrastructure, will be the entire initial design and construction cost less the "Facility Fee" costs for the number of EDU's to be used by the property owner.

4. This policy involves full property owner funding of extension projects with no out-of-pocket costs for the City.

#### **B. Reimbursement Procedures.**

1. The Director of Finance, through the collection of the Facility Fee, will reimburse the property owner who installed the water and sewer infrastructure, as new users connect to the property owner-constructed system.

2. The Director of Finance will reimburse the developer within 45 calendar days of collecting the Facility Fee from the new user(s).

3. The Director of Finance shall charge an appropriate Administrative Fee for record keeping and to recover any handling charges and/or payment processing costs. The Administrative Fee shall be deducted from the reimbursement amount.

4. The Director of Finance shall calculate the reimbursement amount by using original construction cost figures that will be updated to current costs using the CPI-U.

5. It shall be the original property owner's responsibility to furnish the Director of Public Works with contractor invoices or other forms of cost verification to be used by the City for the reimbursement calculation.

#### **C. Sunset Clause**

1. The initial reimbursement period to property owner shall be twenty years with an additional optional period of ten years.

2. The ten-year optional period shall be subject to City approval.

3. The City will consider factors such as the magnitude of the project cost, the City's historical growth rate, and the projected time period to reach build out within the area served by the water and sewer extension, before making the decision to extend the reimbursement period.

**Chapter 13.04**  
**GENERAL PROVISIONS--WATER AND SEWER SERVICE CHARGES**

**Sections:**

**13.04.010 Application for water and sewer service--Approval or disapproval.**

**13.04.020 Reconnection after discontinuance of service.**

**13.04.030 Inspections--Penalty for refusal to permit inspection.**

**13.04.040 Discontinuance of service--Notice of disconnection.**

**13.04.050 Sewer charges imposed.**

**13.04.060 Computation of sewer charges.**

**13.04.070 Front-foot charges.**

**13.04.080 Billing--Delinquency in payment--Penalties for delinquency.**

**13.04.090 Reduction or increase of sewer charges.**

**Section 13.04.010 Application for water and sewer service--Approval or disapproval.** Application for water and sewer service shall be made, on prescribed forms furnished by the department of public works, by the property owner or his duly authorized agent. If the director of the department of public works is satisfied that the request described in an application conforms to the requirements of this chapter and other pertinent laws and ordinances, he shall approve the application. Should the application not conform to the requirements of this chapter and other pertinent laws and ordinances, the director of the department of public works shall disapprove such application. Such refusal shall, when requested, be in writing and will contain the reasons therefor. (Prior code § 132-5)

**Section 13.04.020 Reconnection after discontinuance of service.** Should the owner of any property fail to pay the water and sewer charges billed to him within the time limited by this chapter, and should his water and sewer service be discontinued, service shall not be resumed until all delinquent charges and the cost of disconnection and reconnection have been paid to the city, regardless of any change of occupancy. (Prior code § 132-6)

**Section 13.04.030 Inspections--Penalty for refusal to permit inspection.** All properties connected with the sanitary sewer system of the city may be inspected from time to time by employees of the department of building, housing and zoning and the department of public works\* or other agency of the city for purpose of checking the amount and nature of the effluent being discharged into the sanitary sewer system. Any person who shall refuse to permit an inspection of any such property for the purposes aforesaid shall be guilty of a misdemeanor and, upon conviction thereof by the Circuit Court for the county, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not less than ten days nor more than thirty (30) days. (Prior code § 132-7)

\* Editor's Note: See Article X, Department of Public Works, of the Charter.

**Section 13.04.040 Discontinuance of service--Notice of disconnection.** Should any property owner or occupant of property connected with the city water or sanitary sewer system refuse to permit an inspection of such property for the purposes outlined

in Section 13.04.030, then such property shall be disconnected from the sanitary sewer system and shall not be reconnected thereto until the inspection of the property has been completed and the cost of such disconnection and reconnection is paid to the city. Before disconnecting any property under the provisions hereof, the director of the department of building, housing and zoning shall give five days' notice by letter addressed to the person refusing to permit such inspection notifying such person that sewer service shall be discontinued unless the inspection provided for herein is permitted. (Prior code § 132-8)

**Section 13.04.050 Sewer charges imposed.** The charges for sewage removal, treatment and disposal are imposed upon all properties located within the corporate limits of the city, and charges for collection, removal, treatment and disposal are imposed upon all properties located outside the corporate limits of the city which are connected with the city's sanitary sewer system, in the amounts computed as hereinafter provided, and such sewer charge shall be billed and collected from the owner of each such property in the manner provided by this chapter. (Prior code § 132-9)

**Section 13.04.060 Computation of sewer charges.** The sewer charges imposed in Section 13.04.050 shall be computed as follows:

A. For properties paying metered water charges, for all consumption, the sewer charge shall be an amount equal to the amount of such metered water consumption; provided that, for properties not using city water but measuring the amount of effluent discharged into the sanitary sewer system by means of a sewage flow meter or other device approved by the city, the amount of effluent so discharged shall be considered as establishing the amount of water consumption for the purpose of determining the amount of the sewer charge.

B. Sewer charge for properties inside corporate limits, but not using city water.

1. For properties located inside the corporate limits but not using city water and not measuring the amount of effluent discharged into the sanitary sewer system by means of a sewage flow meter or other measuring device approved by the city, the sewer charge shall be computed by determining the number of water fixtures located in such property and charging for such an amount set forth in the following schedule:

**Annual In-City Rates**

Rate 1	One to two fixtures	\$ 155.40
Rate 2	Three to five fixtures	\$ 273.00
Rate 3	Six to ten fixtures	\$ 408.80
Rate 4	Eleven to fifteen fixtures	\$ 544.60
Rate 5	Sixteen to twenty fixtures	\$ 680.40

For every five or less fixtures above twenty (20) fixtures, the rate shall be rate number 5 plus seventy-five \$ 135.80) for each increment of five or less fixtures.

2. When, in the opinion of the director of the department of public works, any property, whether inside or outside the corporate limits, is desirous of connection to the city's sanitary sewer or any county urban service district sanitary sewer and has an expected flow of one hundred thousand (100,000) gallons per year or greater, he will require that the property owner install, at the property owner's expense, an appropriate measuring device for determining the basis of the sewer charge. This device shall be placed under the city's direct supervision and shall be in accordance with city standards. The device must meet city approval and shall be accessible to city personnel at all times for maintenance, repair and reading. A reasonable charge will be made for maintenance, repair or replacement.

3. Any properties now connected to the city's sanitary sewer that, in the opinion of the director of the department of public works, have a flow of one hundred thousand (100,000) gallons per year or greater will have until January 1, 1973, to install and place in service the measuring device. Any existing, operating device and its installation shall be upgraded to meet city standards by January 1, 1973.

C. For residential properties located outside the corporate limits but not using city water and not measuring the amount of effluent discharged into the sanitary sewer system by means of a sewage flow meter or other measuring device approved by the city, the sewer charge shall be computed by determining the number and kind of water fixtures located in such property and charging for the same an annual amount equal to two hundred (200) percent of those set forth for properties located in the corporate limits in the tabulation of subsection (B) of this section. Any property located outside the corporate limits required by the director of the department of public works to have a measuring device installed under authority of subsection (B) of this section shall pay an amount equal to two hundred (200) percent of the rates for properties located in the corporate limits, except county urban service district sanitary sewer, which shall pay the stipulated rate for that particular district. (Ord. 1824 § 1, 2001; Ord. 1667, 1997; Ord. 1688 § 3, 1998; Ord. 1604 § 3, 1995; Ord. 1588 § 3, 1994; Ord. 1563 § 3, 1993; prior code § 132-10)

**Section 13.04.080 Billing--Delinquency in payment--Penalties for delinquency.**

Sewer charges shall be billed to the property owners at the same time as the bills for water charges are rendered. In the event that the sanitary sewer user is not also a city water user, then sewer charges shall be billed quarterly. Property owners are responsible for payment of all sewer charges, and if any bill rendered for sewer charges shall not be paid within forty-five (45) days after the close of the billing period for which such bill was rendered, a penalty of five percent of the amount of such bill shall be payable, in addition to the amount of such bill. If any such bill shall not be paid within sixty (60) days after the close of the billing period for which the bill is rendered, sewer service shall be discontinued. The city treasurer is directed to issue one written notice by postcard or other appropriate means to the property owner at any time during such

sixty-day period warning him that sewer service will be discontinued unless payment is made as herein provided. (Prior code § 132-13)

**Section 13.04.090 Reduction or increase of water and sewer charges.** The council of the city may, by resolution adopted and spread upon its minutes:

A. Reduce or increase the water and sewer charges established in this chapter;

B. Establish, decrease or increase sewer charges for sewage having characteristics requiring special or increased treatment by the city's sewage treatment facilities. (Prior code § 132-14)

## Chapter 13.08

### WATER

#### Sections:

- 13.08.010 Tampering or destruction of water meters and fire hydrants-- Compliance--Violations.**
- 13.08.030 Installation and testing of meters--Costs.**
- 13.08.040 Payment of water charges--Nonpayment--Discontinuance and resumption of service.**
- 13.08.050 Installation of fire service connections.**
- 13.08.060 Connections to comply with applicable regulations.**
- 13.08.070 Water use during drought or emergencies.**
- 13.08.080 Limitation and discontinuance of service during drought or emergencies.**
- 13.08.090 Resumption of service.**
- 13.08.100 Refusal to permit inspections.**
- 13.08.110 Inspections authorized--Records--Penalty for refusal to permit inspection.**
- 13.08.150 Service charges for commercial and industrial activities.**
- 13.08.160 Front-foot charges.**
- 13.08.180 Authority to reduce or increase water charges.**

#### **Section 13.08.010 Tampering or destruction of water meters and fire hydrants-- Compliance--Violations.**

A. The tampering with, damaging, destroying or removing of any component of water meter installations, including covers, valves, meters and appurtenances, is declared to be unlawful.

B. The tampering with, damaging, destroying or removing of any fire hydrant or part thereof is declared to be unlawful.

C. The sale and distribution of all water from the municipal water system of and by the city be and the same is made subject to and in conformity with the regulations of this chapter.

D. The violation of any part of this section is declared to be a misdemeanor. In addition, if wastage of water or use of unmetered water results from a violation, the violator shall be responsible in damages and for restitution for the cost of water wasted or used, based on a gallonage estimate by the director of public works,\* at the current rate charged to bona fide consumers. (Prior code § 132-23)

\* Editor's Note: See Article X, Department of Public Works, of the Charter.

**Section 13.08.030 Installation and testing of meters--Costs.** The city engineer is authorized and directed to install meters of appropriate sizes on water connections



serving all properties. If the accuracy of any meter is questioned by the property owner, it shall be removed and tested. If the test shows an error in excess of five percent, the percentage in excess of five percent shall be applied on two previous readings, and the property owner's account credited accordingly. In this case, the entire cost of the test shall be borne by the water department. The city may, if requested to check water meters more frequently than once each year at any given location, make an appropriate charge for this service. (Prior code § 132-35)

**Section 13.08.040 Payment of water charges--Nonpayment--Discontinuance and resumption of service.**

A. Property owners are responsible for payment of all water charges, and if any bill rendered for water charges shall not be paid within forty-five (45) days after the close of the billing period for which such bill was rendered, a penalty of five percent of the amount of such bill shall be payable in addition to the amount of said bill. If any such bill shall not be paid within sixty (60) days after the close of the billing period for which same is rendered, water service shall be discontinued. The city treasurer is directed to issue one written notice by postcard or other appropriate means to the property owner at any time during such sixty-day period warning him that the water service will be discontinued unless payment is made as herein provided.

B. Fees. All fees adopted by the ordinance codified in this chapter and all other fees currently in effect shall remain so unless changed at a future date by the Salisbury city council. (Ord. 1563 § 5, 1993: prior code § 132-26)

**Section 13.08.050 Installation of fire service connections.** Sprinkler or fire service connections shall be constructed by the city from the street main to a point in the public sidewalk area at the property owner's request and expense, such cost to be determined by the city engineer. No fire service connection shall be installed without the submission of plans and the approval thereof by the director of the department of building, housing and zoning and the city engineer. (Prior code § 132-27)

**Section 13.08.060 Connections to comply with applicable regulations.** All connections made to the city's water supply shall be in conformity with the plumbing code of the city or any subsequent amendments thereof and in accordance with all rules and regulations of the public works department.\*

A. Prohibited Connection of Outside Irrigation Systems. Outside underground irrigation systems shall not be connected to the city's water supply system, either in the city limits or in any urban service district. Any outside underground irrigation system connected to the city's water supply system prior to the date of the final passage of this chapter shall be permitted to remain connected to the city's water supply system.

B. Variance. If, in the opinion of the director of the department of public works, the construction of a ground water well to service an underground irrigation system would be impractical and would constitute a hardship, then in that event, a variance may be

granted by the director of the department of public works permitting connection to the city water supply system. Such variance may carry conditions deemed necessary to comply with any health or water supply considerations.

C. Front-foot Assessments. Annual front-foot assessments are due July 1st each year at which time interest and penalties are added and collected using the same method as real estate taxes. If they remain unpaid, the property then may be sold at tax sale in the same manner as real estate taxes. (Ord. 1563 § 6 (part), 1993; Ord. 1556 (part), 1993; prior code § 132-28)

\* Editor's Note: See Article X, Department of Public Works, of the Charter.

**Section 13.08.070 Water use during drought or emergencies.** The city may declare periods when, because of drought or other emergency, the continued use of water for the sprinkling of lawns or gardens or for other outside purposes by customers, users and purchasers from the municipal water system of the city may diminish the supply to the extent that adequate reserves cannot be maintained for fire fighting or cause some other condition to exist which may be contrary to the welfare of the citizens of the city and shall give notice of such condition by announcement to the public through radio and/or television or other media. (Prior code § 132-29)

**Section 13.08.080 Limitation and discontinuance of service during drought or emergencies.** The city may, at the time of making such public announcement, fix the day and hours during which water may be used for sprinkling lawns or gardens or for other outside purposes; and in the event that any customer, user or purchaser uses such water not in accordance with the day and hours so fixed, all water service may be cut off and discontinued to the property where the water is being so used after a notice thereof has been mailed or delivered to the occupant or owner of such property where water is being used in violation of this chapter. (Prior code § 132-30)

**Section 13.08.090 Resumption of service.** Water service may be restored to the property after having been cut off and discontinued by the city, in its discretion, after reasonable assurance by the owner or occupant that further violation of this chapter will not occur. (Prior code § 132-31)

**Section 13.08.100 Refusal to permit inspections.** Should any property owner or occupant of property connect with the water supply system of the city refuse to permit an inspection of such property, then such property shall be disconnected from the water supply system of the city and shall not be reconnected thereto until the inspection of the property has been completed and a reconnection fee of twenty-five dollars (\$25.00) is paid to the city. Before disconnecting any property under the provisions hereof, the director of the department of building, housing and zoning shall give five days' written notice by letter addressed to the person refusing to permit such inspection, notifying such person that water service shall be discontinued unless the inspection provided for herein is permitted. (Prior code § 132-32)

**Section 13.08.110 Inspections authorized--Records--Penalty for refusal to permit inspection.** All properties connected with the water supply system of the city may be

inspected from time to time by the director of the department of building, housing and zoning or his authorized representative. Complete records of the inspections provided for herein shall be compiled and maintained by the department of building, housing and zoning. An owner or occupant of a property connected with the water supply system of the city who shall refuse to permit an inspection of any such property shall be guilty of a misdemeanor and, upon conviction thereof by the trial magistrate of the county of the circuit court for the county, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not less than ten days nor more than thirty (30) days. (Prior code § 132-33)

**Section 13.08.120 Schedules for metered water consumption charges established.** The schedules for metered water consumption charges applicable to properties located within the corporate limits of the city and for metered water consumption charges applicable to properties located outside the corporate limits of the city for the sale and distribution of water from the municipal water system of the city are established, approved and adopted as set out in this chapter. (Prior code § 132-34)

**Section 13.08.150 Service charges for commercial and industrial activities.**

A. Commercial and industrial activities within the corporate limits which do not use the municipal water supply for their entire operational needs and who are supplied with fire service or standby operational service shall pay the following charges:

1. For each fire service, per annum: three hundred dollars (\$300.00);
2. For each standby operational service, per annum: three hundred dollars (\$300.00).

B. Commercial and industrial activities located outside the corporate limits which are supplied with fire service, regardless of whether or not they use the municipal water supply for their entire operational needs, and commercial and industrial activities outside the corporate limits who do not use the municipal water supply for their entire operational needs and who are supplied with standby operational service shall pay the following charges:

1. For each fire service, per annum: six hundred dollars (\$600.00);
  2. For each standby operational service, per annum: six hundred dollars (\$600.00).
- (Prior code § 132-37)

B. Service Area Assessments. These assessments are currently based on the actual cost to the city of the utility construction spread out over the assessable frontage of properties served by the construction. Each July 1st the service area assessment rates are indexed in accordance with the recognized cost of living adjustment for the preceding year. (Ord. 1688 § 4, 1998; Ord. 1563 § 4, 1993; prior code § 132-39)

## Chapter 13.12 SEWERS

### Sections:

- 13.12.010 National standards incorporated.**
- 13.12.020 Objective and purpose.**
- 13.12.030 Administration.**
- 13.12.040 Definitions.**
- 13.12.050 Use of public sewers required.**
- 13.12.060 Building sewers and connections.**
- 13.12.070 Regulations.**
- 13.12.080 Pretreatment of wastewater.**
- 13.12.090 Fees.**
- 13.12.100 Wastewater discharge permit eligibility and application.**
- 13.12.110 Wastewater discharge permit.**
- 13.12.120 Reporting and notification requirements.**
- 13.12.130 Upset provision and notification.**
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- 13.12.160 Special agreements.**
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- 13.12.180 Confidential information.**
- 13.12.190 Publication of industrial users in significant noncompliance.**
- 13.12.200 Enforcement.**
- 13.12.210 Severability.**
- 13.12.220 Best management practices for controlling discharges of silver processwastewater to the city's sewerage system.**

### **Section 13.12.010 National standards incorporated.**

The following standards are incorporated as part of the regulations and requirements of this chapter:

A. Federal Categorical Pretreatment Standards. The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405--471:

B. State Requirements. The state of Maryland pretreatment requirements found in COMAR, Title 26. (Ord. 1559 (part), 1993)

### **Section 13.12.020 Objective and purpose.**

A. The objectives of this chapter are:

1. To prevent the introduction of pollutants into the municipal wastewater treatment works which will (a) interfere with the operation of the works, (b) may result in physical or biological damage to the works, or (c) cause unreasonable attention and/or expense;

2. To prevent the introduction of pollutants into the municipal wastewater treatment works which will pass through the works, inadequately treated, into the receiving waters or the atmosphere or otherwise be incompatible with the system;

3. To ensure that the quality of the wastewater treatment works sludges are maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;

4. To improve the opportunity to recycle and reclaim wastewaters and sludges from the works;

5. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater treatment works;

6. To require the use of collection and treatment facilities in a manner reasonably consistent with the purpose and capabilities for which they were designed;

7. To protect the health and safety of the wastewater treatment works personnel who may be affected by wastewaters or sludges in the course of their employment and to protect the health and safety of the general public.

B. This chapter sets forth uniform requirements for direct and indirect contributors to the wastewater collection and wastewater treatment works for the city of Salisbury and to enable the city to comply with its NPDES permit conditions, sludge use and disposal requirements and any other federal or state laws to which the city of Salisbury wastewater treatment works are subject.

C. This chapter applies to all direct and indirect contributors, regardless of geographic location, to the city of Salisbury wastewater treatment works. The chapter authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires industrial user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. (Ord. 1559 § 1, 1993)

**Section 13.12.030 Administration.** Except as otherwise provided herein, the mayor and city council or their designated agent shall administer, implement and enforce the provisions of this chapter. (Ord. 1559 § 2, 1993)

**Section 13.12.040 Definitions.** Chapter 13.01 provides the definition of words used in this chapter.

**Section 13.12.050 Use of public sewers required.**

A. Connections to the public sewers shall be made only as approved by the city engineer.

B. It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city of Salisbury any human or animal excrement, garbage or other objectionable waste.

C. It is unlawful for any person or industry to discharge to any natural or man-made outlet within the city of Salisbury any sewage or other pollutants except where suitable treatment has been provided in accordance with the subsequent provisions of this chapter.

D. Except as provided in the city plumbing code, it is unlawful to erect or maintain any privy, septic tank, cesspool or other facility intended or used for disposal of sewage.

E. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the city 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 sanitary or combined sewer of the city, is required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of the requirements of the city plumbing code.

F. No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of runoff or groundwater to a building drain which, in turn, is connected directly or indirectly to a sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers (or storm drains) or to a natural outlet approved by the engineer. Industrial cooling water or unpolluted process waters may be discharged on approval by the responsible regulatory agency to a storm sewer or natural outlet. (Ord. 1559 § 4, 1993)

### **Section 13.12.060 Building sewers and connections.**

A. No person other than authorized city employees shall uncover, make any connections with or opening into, alter or disturb any public sewer or appurtenance thereof unless otherwise approved by the engineer.

B. Permits for connections to the public sewers shall be obtained from the department of public works and shall be made on forms provided by the department of public works. In all applications involving industrial waste, as defined in this chapter, additional information, plans specifications or other pertinent information will be required for review and approval by the director of public works.

C. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

D. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by proper city authority, to meet all requirements of the plumbing code.

E. 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 conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city.

F. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building is too low to permit gravity to flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's entire cost.

G. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or applicable rules and regulations of the city. (Ord. 1559 § 5, 1993)

### **Section 13.12.070 Regulations.**

A. Clean Water Prohibition. Stormwater, surface water, groundwater, uncontaminated cooling water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, or unpolluted process water shall not be permitted to be discharged into the sanitary sewers. In residential construction, floor drains may not be connected to the building sewer.

B. Prohibited Discharge Standards. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will damage and/or interfere with the operation or performance of the city of Salisbury wastewater treatment works (WTW) or pass through the city of Salisbury wastewater treatment plant (WWTP) and pollute the waters of the state. These general prohibitions apply to all such users of the WTW whether or not the user is subject to categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements. A user shall not contribute the following substances to the wastewater treatment works:

1. Any pollutant, liquid, solid or gas, which alone or in combination with any other pollutants may create a fire or explosion hazard in the wastewater treatment works, or at the wastewater treatment plant or damage, in any way, the operations of the wastewater treatment works or the wastewater treatment plant. Included are materials and/or wastestreams with a closed cup flash point of one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Centigrade) using test methods specified in 40 CFR 261.21. At no time shall two successive readings on an explosion hazard meter exceed five percent nor any single reading exceed ten percent of the lower explosion limit (LEL) of the meter. Included are materials such as gasoline, kerosene, naphtha, and any other substances which the city, state (MDE), or EPA has informed the user is a fire hazard or

hazardous to the system;

2. Any liquid or vapor having a temperature in excess of one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Centigrade) or any heat that will inhibit the biological treatment activity of the wastewater treatment plant. Heat in such quantities that could cause the temperature of the influent wastewater into the wastewater treatment plant to exceed one hundred four (104) degrees Fahrenheit (forty (40) degrees Centigrade), unless the state (MDE), upon request of the city approves alternate temperature limits;

3. Solid or viscous pollutants in amounts which will cause obstruction of the flow or cause other interferences at the city of Salisbury wastewater treatment plant and related facilities but in no case solids greater than one-half inch in any dimension. Included, but not limited to, are materials such as floating grease, garbage, animal guts and/or tissues, whole blood, entrails, bones, hair, hides, fleshings, ashes, cinders, sand, mud straw, spent lime, stone or marble dust, metal, grass clippings, shavings, glass, glass grinding or polishing waste, rags, feathers, tar, gas, asphalt residues, residues from refining or processing of fuel and/or lubricating oils, plastics, wood, spent grains, spent hops, waste paper, paunch or manure;

4. Any discharge having a pH value of less than 5.5 or more than 10.5, or otherwise causing corrosive structural damage to the WTW or endangering city personnel;

5. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through at the WWTP;

6. Toxic pollutants, or pollutants which singly or by interaction with other pollutants, result in the presence of toxic gases, vapors, or fumes within the city of Salisbury wastewater treatment works and/or cause interference to any wastewater treatment process, constitute an acute hazard to worker health or safety, or pass through the wastewater treatment plant and pollute the waters of the state;

7. Any wastewater and/or noxious or malodorous liquids, gases or solids which either singly or by interaction with other waste, are sufficient to create a public nuisance, a hazard to life, or prevent entry into the sewers for maintenance and repair;

8. Any substances which may cause the WWTP's effluent or any product of the WWTP such residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the WWTP cause the WWTP to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being utilized;

9. Any substance which will cause the WWTP to violate its NPDES permit and/or state disposal system permit or the receiving water quality standards, including whole



effluent quality standards;

10. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge as a slug load, at a release (flow) rate and/or concentration which, either singly or by interaction with other pollutants, will cause interference with either the WWTP, or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals, or create a public nuisance. In no case shall the maximum daily average concentration limit of three hundred fifty (350) mg/l for five-day biochemical oxygen demand be exceeded;

11. Any medical wastes in amounts that could cause interference, pass through, or worker health and safety concerns within the wastewater treatment works;

12. Any wastewater containing any radioactive wastes or isotopes;

13. Any sludges, screenings, or other residues from the pretreatment of industrial waste;

14. Any trucked or hauled waste or pollutants, except at discharge points designated by the city;

15. Any water or wastes discharge containing fats, oils, or greases of animal or vegetable origin is limited to a concentration of one hundred fifty (150) mg/l;

16. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to dye waste and vegetable tanning solutions.

Wastes prohibited by this section shall be not processed or stored in such a manner that they could be discharged to the WWTP.

C. Pretreatment Standards and Requirements. All industrial users shall comply with the federal general pretreatment regulations found in 40 CFR Part 403 and the applicable national categorical pretreatment regulations set out in 40 CFR Subchapter N Parts 401 through 471 upon promulgation and all applicable federal, state or local requirements or standards.

D. Application of Pretreatment Standards and Requirements. Limitations imposed on users at the point of application shall be the most stringent limitations applicable. These may be federal, state or local requirements or standards.

E. Specific Pollutant Limitations. The following pollutant limits are established to protect against pass through and interference. No person shall cause to be discharged wastewater containing in excess of the following:

<b>Pollutant</b>	<b>Concentration</b>	<b>Limitation</b>
Five-day biochemical oxygen demand	350 mg/l	Maximum daily average
Total suspended solids	350 mg/l	Maximum daily average
Fats, oils and grease	150 mg/l	Instantaneous maximum
Total phosphorus	11 mg/l	Maximum daily average
Total mercury	0.001 mg/l	Maximum daily average
Total arsenic	0.24 mg/l	Maximum daily average
Total cadmium	0.69 mg/l	Maximum daily average
Total chromium	2.77 mg/l	Maximum daily average
Total copper	3.38 mg/l	Maximum daily average
Total cyanide	1.20 mg/l	Maximum daily average
Total lead	0.69 mg/l	Maximum daily average
Total nickel	3.98 mg/l	Maximum daily average
Total silver	0.43 mg/l	Maximum daily average
Total zinc	2.61 mg/l	Maximum daily average

Limitations for other pollutants will be set in each industrial user's individual wastewater discharge permit as established by a technically based local limits study and approved by the engineer and Maryland Department of the Environment.

F. City's Right of Revision. The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the WTW if deemed necessary to comply with the objectives in Section 13.12.020 or the general and specific prohibitions in Section 13.12.070(A) and (B).

G. Dilution/Excessive Discharge. No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation. The engineer may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (Ord. 1559 § 6, 1993)

**Section 13.12.080 Pretreatment of wastewater.**

A. Pretreatment facilities. Industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards, local limits and the prohibitions set out in section 13.12.070(B) within the time limitations specified by the EPA, state or the city,

whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the industrial user's expense. Detailed plans showing pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce a discharge acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment facility or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

#### B. Additional Pretreatment Measures.

1. Whenever deemed necessary, the engineer may require industrial users to restrict their discharge, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the WTW and determine the industrial user's compliance with the requirements of this chapter.

2. An industrial user may be required, at the direction of the engineer, to maintain, on his property and at his expense, a suitable storage and/or flow control facility to insure equalization of flow over a twenty-four-hour period.

3. Grease, oil and sand interceptors shall be provided when, in the opinion of the engineer, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the engineer and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly by the owner at his expense.

C. Monitoring Facilities. The city may require to be provided and operated at the user's expense monitoring facilities to allow inspection, flow and/or pH measurement and sampling of the discharge from the building sewer and/or internal drainage systems. Detailed plans shall be submitted to and approved by the engineer prior to construction of the required monitoring facility. The monitoring facility shall provide ample room to allow accurate sampling of the discharge and at all times shall be maintained in a safe and proper operating condition. The monitoring facility shall comply with all applicable city requirements and all applicable state and local construction standards and specifications.

D. Accidental Discharge/Slug Control Plans. To provide protection from accidental/slug discharge of prohibited materials or other substances regulated by this chapter, the superintendent may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years, the

superintendent shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

1. Procedures and/or facilities to prevent accidental/slug discharge. Included shall be, but not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response. Detailed plans showing the facilities and operating procedures for these facilities which shall be submitted to the city for review and approved by the engineer;

2. Description of industrial user discharge practices, including nonroutine batch discharges;

3. Description and listing of stored chemicals;

4. Procedures for immediately notifying the WWTP of any accidental or slug discharge. Such notification shall include location of discharge, type of waste, concentration and volume of discharge, and corrective measures being taken. Such notification procedures must be posted in a prominent place within the industrial user's facility to advise employees of the proper actions in the event of an accidental/slug discharge. The industrial user shall ensure that all employees who may cause or suffer an accidental/slug discharge to occur are advised of the notification procedures. The above notification procedures shall also apply for any discharge which violates any of the prohibited discharges in Section 13.12.070(B);

5. Written notification of an accidental/slug discharge shall be within five days following the event. Written notification shall be submitted to the city of Salisbury department of public works wastewater pretreatment program. Included in the written notification shall be a description of the accidental/slug discharge, corrective and cleanup measures and measures initiated to prevent similar future occurrences.

Notification by the industrial user to the city shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to the WTW or WWTP, fish kills or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable federal, state or local regulations and/or laws.

E. Tenant Responsibility. Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this chapter.

F. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the WTW or WWTP. Any person found in violation of this requirement shall be subject to the sanctions set out in Section 13.12.200. (Ord. 1559 § 7, 1993)

**Section 13.12.090 Fees.** The city council shall be enabled to establish a schedule of charges and fees which shall provide for the recovery, in part or in whole of costs of program implementation and operation from the users of the city sewage collection and treatment systems affected by this chapter. (Ord. 1559 § 8, 1993)

**Section 13.12.100 Wastewater discharge permit eligibility and application.**

A. Wastewater Survey. When requested by the superintendent, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey. The superintendent is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this chapter.

B. Wastewater Discharge Permit Requirement.

1. It is unlawful to discharge wastewater to any city sanitary sewer without first completing an application with the city department of public works for service and paying applicable tapping fees, charges and assessments. It is also unlawful for any industrial user to discharge to any city sewer without first completing an application for and obtaining a wastewater discharge permit with the city department of public works wastewater pretreatment program. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in Section 13.12.200. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law.

2. Industrial users specifically required to apply for a wastewater discharge permit shall be:

- a. Any user who is subject to national categorical pretreatment standards;
- b. Any significant industrial user as defined by Section 13.12.040;
- c. Any user whose discharge would be a violation of Section 13.12.070(B);
- d. Any user required by state pretreatment standards;
- e. All other users except residential users.

3. The superintendent may require other industrial users, including waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

C. Wastewater Permitting of Existing Conditions. Any user which discharges into the WWTP prior to the effective date of the ordinance codified in this chapter and who wishes to continue such discharges in the future, shall within thirty (30) days after the effective date of the ordinance codified in this chapter apply to the engineer for a wastewater discharge permit in accordance with Section 13.12.100(F), and shall not cause or allow discharges to the WWTP to continue after ninety (90) days of the effective date of this chapter except in accordance with a wastewater discharge permit issued by the engineer.

D. Wastewater Discharge Permitting New Connections. Any industrial user proposing to begin or recommence discharging industrial wastes into the WWTP must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin.

E. Wastewater Discharge Permitting Extrajurisdictional Users.

1. Any existing industrial user located beyond the city limits, that is discharging to the WWTP, shall submit a wastewater discharge permit application in accordance with Section 13.12.100(F) within thirty (30) days of the effective date of this chapter. New industrial users located beyond the city limits, that will discharge to the WWTP, shall submit such applications to the engineer ninety (90) days prior to discharge to the WWTP.

2. Alternately, the engineer may enter into an agreement with a neighboring jurisdiction in which an industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said user.

F. Wastewater Discharge Permit Application Contents and Fees. In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit must submit, to the city, an application fee along with the following information:

1. Name of industrial user, authorized representative, mailing address, location address (if different from mailing address), property owner name and address (if different from industrial user);

2. Standard industrial classification (SIC) number;

3. The nature and concentration (and/or mass, where required by standard or by the city) of pollutants in the user's discharge regulated by the city, state or federal pretreatment standards including but not limited to those mentioned in Section

13.12.070(E). This shall include the submittal of sampling and analysis results of the discharge for existing sources or for new sources a reasonable estimation based on historical data for users of like type. All sampling and analysis shall be completed in accordance with the procedures set forth in Section 13.12.120(H). A statement regarding the compliance status of the user's discharge shall also be submitted with the application;

4. Time and duration of discharge;

5. Average daily and thirty-day peak wastewater flow rates, including daily, monthly and seasonable variations if any;

6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, appurtenances by the size, location and elevation and all points of discharge;

7. Description of activities, facilities and plant processes on the premises including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be discharged to the WWTP;

8. Number and type of employees, hours of operation, and proposed or actual hours of the wastewater pretreatment plant (if needed);

9. Each product by type, amount, process or processes and rate of production;

10. Type and amount of raw materials processed (average and maximum per day);

11. If pretreatment facilities, new or additional and/or operation and maintenance are needed to obtain compliance with the required pretreatment standards a compliance schedule, as set forth in Section 13.12.150, shall be submitted with the application;

12. Any other information as may be deemed by the city to be necessary to evaluate the permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

G. Application Signatories and Certification. All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

H. Wastewater Discharge Permit Decisions. The city will evaluate the data furnished by the user and may require additional information. After the evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to the terms and conditions herein. (Ord. 1559 § 9, 1993)

### **Section 13.12.110 Wastewater discharge permit.**

A. Wastewater Discharge Permit Duration. Permits shall be issued for a specific time period, not to exceed five years. A permit may be issued for a period less than five years or may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in this chapter are modified or other just cause exists.

#### **B. Wastewater Discharge Permit Contents and Conditions.**

1. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city.

2. Permits at a minimum shall contain the following:

- a. Effective and expiration dates;
- b. Statement of nontransferability as specified in Section 13.12.110(C);
- c. Effluent limitations based on applicable general pretreatment standards, categorical pretreatment standards, local limits and/or state and local law;
- d. Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards, categorical pretreatment standards, local limits and/or state and local law;
- e. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the compliance date beyond applicable federal deadlines.

3. Permits may contain the following:

- a. Limits on average and maximum rate and time of discharge and/or requirements for flow regulation and equalization;
- b. Requirements for installation and maintenance of inspection and/or sampling facilities;



c. Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

C. Permit Transfer. A wastewater discharge permit is issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred to a new owner, new user, different premises or a new or changed operation without the prior written approval of the city.

D. Permit Appeal. Any person, including the industrial user, may petition the city to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.

1. Failure to submit a timely petition shall be deemed to be a waiver of the administrative appeal.

2. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

4. If the city fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for the purposes of judicial review.

5. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Wicomico County District Court within thirty (30) days of the final administrative decision.

E. Permit Modification. The city may modify the wastewater discharge permit for good caused including but not limited to, the following:

1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements, including newly promulgated national categorical standards;

2. To address significant alterations or additions to the industrial user's operation, process, or wastewater discharge volume character since the time of the wastewater discharge permit issuance;

3. A change in the wastewater treatment plant that requires either temporary or permanent reduction or elimination of the authorized discharge;

4. Information indicating the permitted discharge poses a threat to the WWTP, city personnel, or the receiving waters;

5. Violation of any terms or conditions of the wastewater discharge permit;

6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

7. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

F. Reapplication Requirement. A user shall apply, to the city, for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The reapplication must be completed in accordance with requirements set forth in Section 13.12.100(F) and (G). (Ord. 1559 § 10, 1993)

### **Section 13.12.120 Reporting and notification requirements.**

Upon request of the city, any discharger or potential discharger or potential discharger of industrial wastes into the WWTP may be required to submit plans, reports, questionnaires, notices or analytical data to evaluate waste discharge characteristics and ensure compliance with this chapter. These may include baseline monitoring reports, compliance schedule progress reports, violation reports and notice of slug loadings, upset, bypass, or any other reporting requirement specified in 40 CFR 403.12.

A. Baseline Monitoring Reports. Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to be discharging to the WWTP, shall be required to submit to the city a report which contains the information listed below. At least ninety (90) days prior to commencement of discharge, new sources and users that become significant industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the city a report which contains the information listed below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards.

1. Identifying Information. Name of industrial user, authorized representative, mailing address, location address (if different from mailing address) and the name of the operator and owners;

2. A list of any environmental control permits held by the facility;

3. Description of nature of the activities, facilities and plant processes on the premises, including the average rate of production. Standard industrial classification (SIC) number of all operations carried out by the industrial user. Schematic process

diagram which indicates points of discharge to the wastewater treatment works from the regulated process;

4. Measured average daily, maximum daily and thirty-day peak wastewater flow rates including seasonal variations discharged to the wastewater treatment works, in gallons per day, for all regulated process streams and other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e). Verifiable estimates of these flows may be allowed by the engineer where justified by cost or feasibility considerations;

5. Measurement of Pollutants.

a. Identify the pretreatment standards applicable to each regulated process,

b. Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the city) of regulated pollutants in the user's discharge from each process regulated by the city, state or federal pretreatment standards including but not limited to those mentioned in Section 13.12.070(E). Both daily maximum and average concentration (or mass where required) shall be reported. The sample shall be representative of daily operations,

c. A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, twenty-four-hour flow proportioned composite samples must be obtained where feasible. The city may waive flow proportional composite sampling for any industrial user that demonstrates that such is infeasible. In such cases, samples may be time proportional composites with the minimum being a composite of four grabs where the user demonstrates that this will provide a representative sample of the discharge to the wastewater treatment works,

d. The user shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this subsection,

e. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow for the use of the combined wastestream formula of 40 CFR 403.6(e),

f. Sampling and analysis shall be performed in accordance with 40 CFR Part 136. Where 40 CFR Part 136 does not contain sampling and/or analytical methods for the pollutant in question or analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated methods approved by the EPA and MDE,

g. MDE and the city may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need

for industrial pretreatment measures,

h. The baseline report shall indicate the time, date, and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the WWTP;

6. Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required to meet the pretreatment standards and requirements;

7. Compliance Schedule. If additional pretreatment and/or O and M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 13.12.150 and 40 CFR 403.12(b)(7);

8. All baseline monitoring reports must be signed and certified in accordance with Section 13.12.100(G).

B. Compliance Date Report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of introduction of wastewater into the WWTP, any significant industrial user subject to pretreatment standards and requirements shall submit to the city a report containing the information described in subsections (A)(4) through (6) of this section. For industrial users subject to equivalent mass or concentration limits established by the city and/or MDE in accordance with the procedures of 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long time production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

C. Periodic Compliance Reports. Significant industrial users shall submit, at a minimum, semiannual reports (on dates specified in their wastewater discharge permits) indicating flows, the nature and concentrations of pollutants in the discharge, waste disposal report and compliance status. Where the city or MDE has imposed mass limitations the periodic compliance report shall indicate the mass of pollutants regulated by pretreatment standards as required by 40 CFR 403.12(e)(3). Industrial users using equivalent or concentration limits in lieu of production based limits are required to report long-term production rates in periodic compliance reports as required by 40 CFR 403.12(e)(3). Additional reporting requirements may be included in the wastewater discharge permit of the user. The specific standards or the city itself may require these reports to be filed more frequently. In addition, the city may require other users to

submit periodic compliance reports.

D. Changed Discharge Notification. All industrial users shall notify the city thirty (30) days prior to any substantial change in volume or character of pollutants in their discharge, including the listed or characteristic hazardous waste for which the user has submitted initial notification under 40 CFR 403.12(p).

E. Accidental, Slug Load or Problem Discharge Notification. All users shall immediately notify the city and the WWTP of all discharges that could cause problems to the WWTP, including slug loadings that would violate the specific prohibition of 40 CFR Part 403.5(b). All notifications must be in accordance with the requirements in Section 13.12.080(D)(4) and (5).

F. Violation Notification--Automatic Resampling and Reporting. If sampling performed by a user indicated a violation, the user shall notify the city within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the city within thirty (30) days after becoming aware of the violation, except the user is not required to resample if:

1. The city performs sampling at the industrial user at a frequency of at least once per month; or
2. The city performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

G. Compliance Schedule Progress Report. Each user under a compliance schedule shall submit to the city a report no later than fourteen (14) days after each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine months elapse between such progress reports.

H. Sampling and Analysis. All analysis, including sampling techniques, submitted in support of any application, report, evidence or required by any permit or order shall be performed in accordance with 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question or where the administrator (as defined in 40 CFR Part 136) determines that Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the city or other persons, approved by the administrator.

I. Records. Users shall retain and make available upon request, for inspection and/or copying, of an authorized representative of the city, the state or EPA all records required to be collected by the user pursuant to this chapter. These records shall remain available for a period of at least three years after their collection. This period shall be

extended during any litigation concerning compliance with this chapter or wastewater discharge permit conditions.

#### J. Hazardous Waste Notification.

1. The user shall notify the city, the EPA Regional Waste Management Division Director and the state hazardous waste authorities in writing of any discharge to the WWTP of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar year to the WWTP, the notification shall also contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the waste, an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place within one hundred eighty (180) days of the effective date of 40 CFR Part 261. Industrial users who commence discharging after the effective date of 40 CFR Part 261 shall provide the notification no later than one hundred eighty (180) days after discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j) and Section 13.12.120(D). The notification requirement in this section does not apply to pollutants already under self-monitoring requirements of 40 CFR 403.12(b), (d), and (e) and Section 13.12.110.

2. Users are exempt from the requirements of subsection (J)(1) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous waste, unless the wastes are acute wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous waste in a calendar month, or of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

3. In any case of new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste, the user must notify the city, EPA Regional Waste Management Division Director and the state hazardous waste authorities in writing of the discharge of such substance within ninety (90) days of the effective date of such regulations.

4. In the case of any notification made under the above subsections of this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practical.

5. All reports shall include the following certification statement, signed by an authorized representative of the industrial user:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(Ord. 1559 § 11, 1993)

### **Section 13.12.130 Upset provision and notification.**

A. An "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

B. An upset can be used as an affirmative defense to an action brought for noncompliance with categorical pretreatment standards provided the industrial user meets certain conditions. An industrial user who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the industrial user can identify the cause or causes;
2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
3. The industrial user has submitted the following information to the city within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must follow within five days): a description of the indirect discharge and the cause of noncompliance; the period of noncompliance, including exact dates and times, or if not corrected, the anticipated time the noncompliance is expected to continue; steps being taken or planned to reduce, eliminate and prevent recurrence of the noncompliance;
4. In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have the burden of proof;
5. Industrial users will have the opportunity for judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical

pretreatment standards;

6. The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails. (Ord. 1559 § 12, 1993)

### **Section 13.12.140 Bypass requirements.**

An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure the efficient operation. These bypasses are not subject to the provisions of subsections (A) and (B) of this section.

#### **A. Notice.**

1. If an industrial user knows in advance of the need to bypass, it shall submit prior notice to the city, if possible, at least ten days before the date of the bypass.

2. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards or requirements to the city within twenty-four (24) hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The city may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

#### **B. Prohibition of Bypass.**

1. Bypass is prohibited, and the city may take enforcement action against the industrial user for a bypass unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were not feasible alternatives to the bypass such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent bypass which occurred during normal periods of equipment downtime or preventive



maintenance; and

c. The industrial user submitted notices as required under subsection (A) of this section.

2. The city may approve an anticipated bypass, after considering its adverse effects, if the city determines that it will meet the three conditions listed in subsection (B)(1) of this section. (Ord. 1559 § 13, 1993)

### **Section 13.12.150 Compliance schedule.**

If additional pretreatment or operation and maintenance will be required for an industrial user to comply with the provisions of this chapter or a state or federal pretreatment standard or requirement, the city may require the industrial user to submit for approval a schedule specifying the shortest time frame for the industry to achieve compliance. This schedule will contain increments of progress in the form of dates for the commencement and completion of major events, such as feasibility studies, pretreatment plant design, start and end of construction, start and end of major phases of the construction and final compliance date, of additional pretreatment to bring the industrial user into compliance. (Ord. 1559 § 14, 1993)

### **Section 13.12.160 Special agreements.**

No provision contained in this chapter shall be deemed to prevent any special agreement or arrangement between the city and any person whereby wastewater of unusual strength or characteristic may be accepted by the city for the treatment which will not violate or cause the city and/or the user to violate federal or state pretreatment standards or requirements or to violate discharge standards and will not be harmful to the system. Under no circumstances shall federal or state pretreatment standards and requirements be waived. (Ord. 1559 § 15, 1993)

### **Section 13.12.170 Compliance inspection and monitoring.**

The city, state and/or federal officials may at any reasonable time, upon the presentation of proper credentials and identification, be allowed onto the premises of a user for the purposes of inspection, monitoring, reviewing the records and copying the records of the user to determine compliance with all applicable pretreatment standards and requirements and the standards and requirements of this chapter. While performing the necessary work on the industrial user's premises, all persons shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the performance of necessary work by city employees, except as may be caused by negligence or failure of the user to maintain safe conditions as required by the Maryland Occupational Safety and Health Administration

(MOSHA). The city, state and/or EPA shall have the right to set up, on the user's property such devices as are necessary to conduct sampling, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, state and/or EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. (Ord. 1559 § 16, 1993)

### **Section 13.12.180 Confidential information.**

A. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or to the governmental agency without restrictions unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made upon written request to governmental agencies for uses related to this chapter, the national pollutant discharge elimination system permit of the WWTP, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the city, state or any city, state and federal agency in judicial review and enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

B. Information accepted by the city as confidential shall not be transmitted to the general public by the city until and unless notification is given to the user. (Ord. 1559 § 17, 1993)

### **Section 13.12.190 Publication of industrial users in significant noncompliance.**

The city shall publish annually in the largest daily newspaper a list of industrial users which at any time during the previous twelve (12) months were in significant noncompliance with applicable pretreatment requirements. For the purpose of this section, an industrial user is in significant noncompliance if its violation(s) meets one or more of the following criteria:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

B. Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of the measurements for each pollutant parameter taken

during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD5, TSS, FOG and 1.2 for all other pollutants except pH);

C. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the city determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of city/WWTP personnel or the general public);

D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the city's exercise of its emergency authority under 40 CFR 403.8 (f)(1)(vi)(B) to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance;

H. Any other violation or group of violations which the city determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. 1559 § 18, 1993)

**Section 13.12.200 Enforcement.** Administrative enforcement remedies shall be as follows:

A. Notification of Violation. Whenever the city finds that any user has violated or is violating any pretreatment standards and requirements be they local, state or federal or any condition of this chapter or the user's wastewater discharge permit, the city shall serve the user with a written notice of violation stating the standard or requirement violated and the nature of the violation. The city may require the user to respond within thirty (30) days of the notice of violation with a plan for the satisfactory correction thereof which shall be submitted, if required, to the city by the user.

B. Consent Orders/Consent Agreements. The engineer is empowered to enter into consent orders/consent agreements, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders/consent agreements may also contain milestone dates and agreed upon penalties for noncompliance during the period the order is in force. Consent

orders/consent agreements shall have the same force and effect as the administrative orders issued pursuant to Sections 13.12.200(A)(4) and (5) and shall be judicially enforceable.

### C. Show Cause Hearing.

1. The city may order any user which causes or contributes to violations of this chapter, a wastewater discharge permit, agreement or order issued hereunder or any other pretreatment standard or requirement, to show cause before the city council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of the hearing to be held by the city council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the city council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of the user.

2. The city council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the public works department to:

a. Issue in the name of the city council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

b. Take the evidence;

c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city council for action thereon.

3. At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

4. After the city council has reviewed the evidence, it may issue an order to the user responsible for the violation directing that, following a specified time period, the sewer and/or water service may be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed and are properly operated.

5. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

D. Compliance Orders. When the engineer finds that a user has violated or continues to violate this chapter, a wastewater discharge permit or orders issued hereunder, or

any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance. If the user does not come into compliance, sewer and/or water service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

#### E. Cease and Desist Orders.

1. When the engineer finds that a user is violating this chapter, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the engineer may issue an order to the user directing it to cease and desist all such violations and directing the user to:

a. Immediately comply with all requirements;

b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

2. In the event of a failure of the user to comply voluntarily with the cease and desist order, the city shall take such steps as deemed necessary, including immediate severance of the sewer and/or water connection, to prevent or minimize damage to the WTW system and/or the WWTP, or endangerment to any individuals. The city shall reinstate the sewer service, and/or the water service upon proof of the elimination of the violation(s). A detailed written statement submitted by the user describing the causes of the violation and the measures taken to prevent any future violation(s) shall be submitted to the city within fifteen (15) days of the date of issuance of the order. Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

F. Supplemental Enforcement Action. The engineer may assess a fee to the user responsible for a noncomplying discharge that results in expenses, to the city, that exceed the cost of normal operations as compensation to the city for said expenses. These fees may include but shall not be limited to cleanup cost, repair cost and treatment cost. All labor shall be assessed at the hourly rate of the employee(s) involved with an additional thirty (30) percent for overhead.

#### G. Revocation of Wastewater Discharge Permit.

1. Any user who violates the conditions of this chapter, or any other pretreatment standard or requirement, is subject to having their permit revoked in accordance with the procedures of this section of this chapter. Violations subject to revocation of the wastewater discharge permit shall include but are not limited to the following:

a. Failure of a user to accurately report the wastewater constituents and characteristics of its discharge;

b. Failure of the user to report significant changes in operation or wastewater volume, constituents and/or characteristics prior to discharge;

c. Refusal of reasonable access to the user's premises for the purposes outlined in Section 13.12.170, including inspection and monitoring; or

d. Violation of conditions of the user's wastewater discharge permit;

e. Failure to pay any charges, fees or fines associated with the wastewater pretreatment program.

2. Any user notified of a revocation of the wastewater discharge permit shall immediately eliminate the discharge. In the event of a failure of the user to comply voluntarily with the revocation order, the city shall take such steps as deemed necessary, including immediate severance of the sewer and/or water connection, to eliminate the discharge. The city may reinstate the wastewater discharge permit upon written proof of the elimination of the violation(s).

H. Judicial Enforcement Remedies. If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in Wicomico County District or Circuit Court.

#### 1. Injunctive Relief.

a. In General. The engineer may bring an action for an injunction against any person who violates any provision of this chapter or any rules, regulation, order, or permit adopted or issued under this chapter.

b. Findings. In any action for an injunction under this section, any finding of the Wicomico County District or Circuit Court after hearing is prima facie evidence of each fact the court determines.

c. Grounds. On a showing that any person is violating or is about to violate this subtitle or any rule, regulation, order, or permit adopted or issued by the city, the court shall grant an injunction without requiring a showing of a lack of an adequate remedy at

law.

d. Emergency. If an emergency arises due to imminent danger to the public health or welfare, or imminent danger to the environment, the engineer may sue for an immediate injunction to stop any pollution or other activity that is causing the danger.

2. Civil Penalties. Any user who is found to have violated or continues to violate an order of the city council or who has violated or continues to violate any provision of this chapter and the orders, rules, regulations and permits issued hereunder, or who violates any other pretreatment standard or requirement shall be liable for fines of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court cost, court reporter's fees and other expenses of litigation by appropriate suit at law against the user and/or person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

### 3. Criminal Prosecution.

a. Any person who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or the user's wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six months or by both.

b. Any user who willfully or through gross negligence violates any provision of this chapter, any orders or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six months or by both.

c. Any user who willfully or through gross negligence introduces any substance into the WTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six months or by both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

I. Remedies Nonexclusive. The provisions in Sections 13.12.190 and 13.12.200 are not exclusive. The city reserves the right to take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city of Salisbury's enforcement response plan. However, the city reserves the right to take other action against any user when the circumstances warrant. Further, the city is empowered to take more than one

enforcement action against any noncompliant user. These actions may be taken concurrently.

J. Enforcement Appeals. Appeals of enforcement actions may be made in writing to the city following the procedures set forth in Section 13.12.110(D). (Ord. 1559 § 19, 1993)

### **Section 13.12.210 Severability.**

If any provision, paragraph, word, section or article of the ordinance codified in this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect. (Ord. 1559 § 20, 1993)

### **Section 13.12.220 Best management practices for controlling discharges of silver process wastewater to the city's sewerage system.**

The city of Salisbury establishes the implementation of the Code of Management Practices for Silver Dischargers providing for best management practices for controlling discharges of silver process wastewater to the city's sewer system.

A. Purpose. The purpose of this section is to prevent the metal silver, designated as a toxic pollutant by the United States Environmental Protection Agency (USEPA), from being discharged to the sewer system without treatment. This section requires facilities performing processing of photographic materials to install and maintain pretreatment equipment that is designed to achieve a level of treatment appropriate to the size of the facility. Unlike other metals reduction strategies, this silver control regulation does not require facilities to attain specific numerical limits, but rather to incorporate the strategy of best management practices.

B. Definitions. For the purpose of this section:

1. "Best management practices (BMP'S)" are typically a schedule of activities, prohibitions, maintenance policies and other management procedures that are implemented to prevent or reduce the discharge of pollutants into the public sewer system. BMP's also include pretreatment requirements, pretreatment equipment installation, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage.

2. "Best management practices plan (BMPP)" is an operational methodology using BMP's to prevent and/or reduce the discharge of silver to the city sewer system.

3. "Total silver process wastewater" means the sum of all aqueous solutions used in silver imaging processes, including photography film developers, fixers, bleach-fix, stabilizers, low flow washes, rinse waters, other washes and all similar solutions.



4. "Silver rich solutions" include fixers, bleach-fixes, stabilizers (e.g. plumpness stabilizers and chemical washes), low-flow washes and all functionally similar solutions.

5. "Silver test paper" means test paper coated with an analytical reagent which reacts by changing color in relationship to the amount of silver in solution. A reference color code allows users to determine the approximate amounts of silver in solution.

C. 1. Best management practices plan for dischargers of total silver process wastewater from photographic processing facilities to the city's sewer system:

a. All pretreatment processes installed pursuant to these regulations shall achieve at least the minimum percent recovery of silver-rich solutions required by the applicable subsection of this regulation.

b. In lieu of complying with any requirements of this BMPP, persons discharging total silver process wastewater to the public sewer system may have all silver-rich solutions transported off-site for recovery, reclamation and/or refinement by a certified hazardous waste hauler. Persons that exercise this option are required to manifest and/or document all loads regarding the disposal of silver-rich solutions, including the name of transporter, the quantity removed and how the silver-rich solutions are disposed.

c. All records and measurements kept pursuant with this BMPP shall be recorded in a silver recovery log and be available at all times for inspection.

d. Persons identified as significant industrial users must obtain an industrial wastewater discharge permit developed on a case-by-case basis.

e. Persons identified as a photographic processing facility must obtain a special permit based on best management practices.

f. Design of pretreatment processes shall be based upon percent recovery of silver-rich solutions.

g. On or before March 1, 1998, any person that discharges total silver process wastewater to the public sewer system shall prepare and implement this best management practices plan. BMPP shall include the following:

h. The facility must have a spill plan to ensure spills of silver-rich solutions are not accidentally released to the publicly owned treatment works (POTW).

i. All photographic processors shall maintain their processing and holding tanks for silver-rich solutions and the silver recovery and/or management system in a manner that protects the materials from accidental release to the POTW.

j. All photographic processors shall install taps on the influent and effluent of their silver recovery units to provide access for representative monitoring of the efficiency of

their pretreatment process.

2. Dischargers of less than two gallons per day silver rich solutions and/or less than one thousand (1000) gallons per day of total silver process wastewater shall:

a. Install, operate and maintain one of the following technologies designed to recover a minimum of ninety (90) percent of the silver from silver-rich solutions:

- i. Metallic replacement unit(s) in series and operated simultaneously,
- ii. Electrolytic recovery, or
- iii. Chemical precipitation;

b. Install taps on influent and effluent of silver recovery units to provide access to representative samples for monitoring the efficiency of the pretreatment process;

c. Test for silver concentration in the influent and effluent from the silver recovery units using silver test paper and/or test kits once per week on a day that is representative of normal operations;

d. Collect one composite sample of the influent and effluent of the silver pretreatment system once every twelve (12) months on a representative day. This sample shall be analyzed for total silver using the Maryland Department of the Environment Water Management Administration Toxic Substance Analytical Protocol and 40 CFR Part 136 sampling and preservation methods by an approved laboratory. Results shall be mailed to the city's pretreatment office.

e. Keep written records of the measurements required by this BMPP in a silver recovery log book at their facility for a minimum of three years.

3. Dischargers of two to twenty (20) gallons per day silver rich solutions and/or one thousand (1000) to ten thousand (10,000) gallons per day of total silver process wastewater shall:

a. Install, operate and maintain one of the following technologies designed to recover a minimum ninety-five (95) percent silver from the silver-rich solutions:

- i. Electrolytic recovery and metal replacement, or
- ii. Chemical precipitation, or
- iii. Any combination of the above;

b. Install taps on influent and effluent of silver recovery units to provide access to representative samples for monitoring the efficiency of the pretreatment process;

c. Test for silver concentration in the influent and effluent from the silver recovery units using silver test paper and/or test kits once per week on a day that is representative of normal operations;

d. Collect one composite sample of the influent and effluent of the silver pretreatment system once every six months on a representative day. This sample shall be analyzed for total silver using the Maryland Department of the Environment Water Management Administration Toxic Substance Analytical Protocol and 40 CFR Part 136 sampling and preservation methods by an approved laboratory. Results shall be mailed to the city's pretreatment office;

e. Measure and record quantities of total silver process wastewater discharged to the public sewer system;

f. Keep written records of the measurements required by this BMPP in a silver recovery log book at their facility for a minimum of three years.

4. Discharges of over twenty (20) gallons per day of silver rich solutions and/or over ten thousand (10,000) gallons per day total silver process wastewater shall:

a. Install, operate and maintain one of the following technologies designed to recover a minimum ninety-nine (99) percent silver from the silver-rich solutions:

i. Two metallic replacement units installed in series and operated simultaneously and one electrolytic recovery unit, or

ii. One electrolytic recovery unit and chemical precipitation,

b. Install taps on influent and effluent of silver recovery units to provide access to representative samples for monitoring the efficiency of the pretreatment process;

c. Test for silver concentration in the influent and effluent from the silver recovery units using silver test paper and/or test kits once per week on a day that is representative of normal operations;

d. Collect one composite sample of the influent and effluent of the silver pretreatment system once every three months on a representative day. This sample shall be analyzed for total silver using the Maryland Department of the Environment Water Management Administration Toxic Substance Analytical Protocol and 40 CFR Part 136 sampling and preservation methods by an approved laboratory. Results shall be mailed to the city's pretreatment office;

e. Measure and record daily quantities of total silver process wastewater discharged to the public sewer system;

f. Keep written records and measurements at their facility for a minimum of three years;

g. If the facility consistently maintains its percent recovery for two years, the frequency for the collection of the composite sample of the influent and the effluent may be reduced, at the city's discretion on a case-by-case basis.

D. Implementation Effect. This section is in addition to any requirements presently established or as may be established from time to time by ordinance, resolution or policy of the city council of the city of Salisbury, department of public works or other offices, boards, commissions, agencies, divisions or departments of the city of Salisbury and all other sections of this chapter are in full force and effect, regardless of the numbering of this section or location in the chapter. (Ord. 1679, 1998)

## Chapter 13.16

### SANITARY FACILITIES

#### Sections:

**13.16.010 Sanitary and water facilities required.**

**13.16.020 Private sewage disposal systems.**

**13.16.030 Occupation of buildings unequipped with required sanitary facilities.**

**13.16.040 Owners permitting occupation of unequipped buildings.**

#### **Section 13.16.010 Sanitary and water facilities required.**

No building or other structure located within the corporate limits of the city to which city water service and city sewer service are available may be occupied as a place of human habitation unless such building or other structure is furnished with an inside sanitary toilet, in good operating condition, connected with the city sanitary sewer system and one water tap equipped with a sink, all in good operating condition, connected with the city water supply system. Such toilet and water tap shall be readily available to each occupant of such building or other structure. (Prior code § 132-1)

#### **Section 13.16.020 Private sewage disposal systems.**

No building or other structure located within the corporate limits of the city to which city water service and city sewer service are not available may be occupied as a place of human habitation unless such building or other structure is furnished with a private sewage disposal system constructed in accordance with the provisions of this chapter or other ordinance of the city regulating such matters. Such private sewage disposal systems shall be maintained in a sanitary condition and shall be adequate for and available to each occupant of such building or other structure. (Prior code § 132-2)

#### **Section 13.16.030 Occupation of buildings unequipped with required sanitary facilities.**

Any person occupying a building or other structure located within the corporate limits of the city as a place of human habitation which is not equipped with the sanitary facilities required by Sections 13.16.010 and 13.16.020 shall be deemed guilty of a misdemeanor. (Prior code § 132-3)

#### **Section 13.16.040 Owners permitting occupation of unequipped buildings.**

Any owner or owner's agent, permitting any person to occupy a building or other structure located within the corporate limits of the city as a place of human habitation not equipped with the sanitary facilities required by Sections 13.16.010 and 13.16.020 shall be deemed guilty of a misdemeanor. (Prior code § 132-4)

## Chapter 13.20

### PRIVATE WATER SYSTEMS

#### Sections:

**13.20.010 Definitions.**

**13.20.020 Applicability of provisions--Uses--Inspections--Application procedure and fee.**

**13.20.030 Construction and maintenance of water supply systems for domestic use.**

**13.20.040 Irrigation, refrigeration cooling, and filling of swimming pools.**

**13.20.050 Prohibited practices.**

**13.20.060 Time limit for compliance--Violations and penalties.**

**13.20.070 Use of private wells for industrial purposes.**

**Section 13.20.010 Definitions.** Chapter 13.01 provides the definition of words used in this chapter.

#### **Section 13.20.020 Applicability of provisions--Uses--Inspections--Application procedure and fee.**

A. The requirements of these regulations shall apply to both new and old individual water supplies and to replacement of or additions to existing systems in all areas now or hereafter served by the city's water system.

B. Building and water system contractors, plumbers, well diggers and well drillers making installations of water supply systems shall be jointly responsible for compliance with these regulations with any person for whom such installation(s) is (are) being made.

C. Individual water supply systems shall be permitted for outside irrigation purposes and refrigeration cooling purposes and the filling of swimming pools and for no other purposes, with the following exceptions:

1. Private wells equipped with hand pumps installed in atomic fall-out shelters;
2. Pumps installed and tapped to surface water used for irrigation and sprinkling systems.

D. The approving authority for individual water systems shall be the director of the department of building, housing and zoning.

E. The approving authority or his authorized agent may make inspections during construction to determine compliance with these regulations. No part of any installation shall be covered until inspected and approved by the approving authority. Any part of the installation which has been covered prior to final approval shall be uncovered upon

order of the approving authority.

F. Any person contemplating the construction of a private well for domestic use, outside irrigation purposes, refrigeration cooling purposes or the filling of swimming pools shall, previous to the beginning of any construction, make a formal application. The permit fee shall be twenty-five dollars (\$25.00) for each well. Applications for such permit, except wells referred to in subsection (C) of this section, shall be in a form provided by the bureau of inspections. Whenever, in the opinion of the director of the department of building, housing and zoning, complete plans and specifications are needed to show definitely the desired installation for which the application is made, the applicant shall furnish duplicate. If approved, one set shall be returned to the applicant marked approved, and one set shall be retained and filed as a permanent record in the office of the department of building, housing and zoning. (Prior code § 132-42)

**Section 13.20.030 Construction and maintenance of water supply systems for domestic use.**

A. Water supply under this section shall mean all private sources of potable water for domestic use, including that from bored, drilled, driven or dug wells.

B. All water supply systems shall be constructed, added to or altered in accordance with these regulations. Where an approved public water supply system is within three hundred (300) feet of the building to be served, the approving authority shall require that the water supply be obtained from that system.

C. No person owning or occupying any premises shall establish and maintain for domestic use a polluted water supply unless treatment by a process acceptable to the Board of Health and the approving authority is provided.

D. No water-supply pumping equipment shall be located within or under any building which it supplies.

E. Wells for domestic use shall be protected from surface wash or flooding by suitable sloping or ditching of ground surfaces or by suitable dikes or curbs.

F. Wells should be located at the highest point on the premises consistent with the general layout topography and surroundings, including abutting lots.

G. Shallow wells (bored, drilled, driven or dug) shall be at least one hundred (100) feet removed from sources of pollution.

H. Deep wells (bored or drilled) shall be at least fifty (50) feet removed from sources of pollution.

I. Suction pipes from wells shall be at least fifty (50) feet removed from sources of pollution.

J. All wells shall be at least fifty (50) feet removed from any sewer, except that when the sewer is constructed of cast-iron pipe with watertight lead-caulked joints, the distance of removal shall be at least ten feet.

K. Wells under construction shall be reasonably protected at all times to prevent the entrance of polluting materials.

L. Upon completion of construction or reconstruction of any water supply system or following repairs to its pumping equipment, it shall be disinfected and flushed.

M. Pumping equipment shall be installed on an impervious floor and housed within a structure having raintight walls and roof.

N. Wells shall have galvanized steel pipe casing for their full length, with a metallic strainer, and all exposed distribution lines of private water systems shall be color coded federal yellow for purposes of identification. (Prior code § 132-43)

#### **Section 13.20.040 Irrigation, refrigeration cooling, and filling of swimming pools.**

A. Water supply under this section shall mean all private sources of both nonpotable and potable water, including bored, drilled, driven and dug wells, used for outside irrigation purposes, for refrigeration cooling purposes and for the filling of swimming pools and for no other purposes.

B. Water supply systems under this section may use PVC polyethylene plastic pipe DP830 PVC 1, CS 207-60 or equal with corrosion-proof well screens and points or PVC overflow or equal. (Prior code § 132-44)

#### **Section 13.20.050 Prohibited practices.**

The following practices shall be prohibited:

A. Chain-bucket pumps;

B. Cross-connections at any point between individual water supply systems and other individual or public water supply systems;

C. Water supply connections made to a frostproof toilet;

D. Abandoned or unused wells used for disposal of sewage, sewage effluent or other polluting material;



E. Private wells installed or used for the purpose of drainage of surface or contaminated water, except that water from a private well used exclusively for cooling purposes, where only a temperature change takes place in the water, may be returned to the ground by a second private well. (Prior code § 132-45)

**Section 13.20.060 Time limit for compliance--Violations and penalties.**

A. Every private well now existing in violation of these rules and regulations shall comply with same within thirty (30) days following the date of passage of this chapter.

B. In the event of any violation hereof, any permit outstanding shall be revoked and rescinded immediately, and any person maintaining a private well in violation hereof shall be guilty of a misdemeanor. Each day that such violation continues shall be considered a distinct and separate offense, and upon conviction thereof, such person shall be fined twenty-five dollars (\$25.00) for each and every day of such violation. (Prior code § 132-46)

**Section 13.20.070 Use of private wells for industrial purposes.**

A. Notwithstanding any of the provisions of this chapter, the use or replacement of existing private wells for industrial purposes may be permitted only upon specific prior approval of the city council after formal application thereto and hearing thereon at one or more regular meetings of the council. Such council approval shall be evidenced by a resolution adopted by the council and spread upon its minutes. Such resolution shall set forth in precise terms the exact size, location, depth, use or uses and all other pertinent details with respect to the particular private well approved.

B. It shall be the intent of this section to permit the use of an existing well or to replace an existing well with one of equal depth, size and capacity but not to permit increased well capacity, except for uses permitted by this section. In the council's sole discretion, such resolution also may specify initial permit fees and annual permit renewal fees greater than those provided in Section 13.20.020, but such fees in no event shall exceed five times the amounts specified in such section. (Prior code § 132-47)