

RESOLUTION NO. 2019-01

A RESOLUTION TO AMEND THE ST. MARY'S COUNTY SEWER USE REGULATION

WHEREAS, the Commissioners of St. Mary's County enacted a Sewer Use Ordinance on May 25, 1997 pursuant to 1977 Laws of Maryland, Chapter 618 which was codified as Section 26-14 of Article 19 of the Code of Public Laws of Maryland (St. Mary's County Code §26-14) in order to regulate the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer systems, and to provide penalties for violations thereof in the Sanitary Districts of the County of St. Mary's, Maryland.

WHEREAS, the St. Mary's County Metropolitan Commission, in accordance with changes in federal statutes, specifically General Pretreatment Regulations for Existing and New Sources of Pollution, as set forth in the Code of Federal Regulations, Title 40, Part 403, was required to amend the Sewer Use Ordinance to incorporate a pretreatment requirement subject to approval by the Maryland Department of the Environment.

WHEREAS, the St. Mary's County Metropolitan Commission is authorized to enact regulations to govern the use of public sewer systems by virtue of Sections 113-11 and 113-23 of Article 19 of the Code of Public Local Laws of Maryland (St. Mary's County Code §113-11).

WHEREAS, the Commissioners of St. Mary's County did not want to impeded the St. Mary's County Metropolitan Commission's autonomy in the creation and revision of regulations required by State and Federal law now and in the future pertaining to the use of the public sewer system owned and operated by the St. Mary's County Metropolitan Commission.

WHEREAS, a public hearing was held on August 19, 1997 which was properly advertised in the local newspaper in accordance with Local Government Article § Sec 9-105 (formerly cited as Article 25, Section 3(r)) of the Annotated Code of Maryland and Section 113-11 of Article 19 of the Code of Public Local Laws of Maryland.

WHEREAS, the Commissioners of St. Mary's County, by their Ordinance # 97-36 dated September 16, 1997, repealed, effective October 1, 1997, the St. Mary's County Sewer Use Ordinance adopted on May 25, 1977, with the understanding that the Ordinance thus repealed would be simultaneously replaced by the St. Mary's County Sewer Use Regulation as proposed by the St. Mary's County Metropolitan Commission.

WHEREAS, the St. Mary's County Metropolitan Commission subsequently adopted the St. Mary's County Sewer Use Regulation, dated April 21, 1997, on September 18, 1997 by Resolution, effective October 1, 1997.

WHEREAS, legislative amendments to Section 113-11 of Article 19 of the Code of Public Local Laws of Maryland, effective October 1, 2018 require amendments to the St. Mary's County Sewer Use Regulation.

WHEREAS, the St. Mary's County Metropolitan Commission gave proper notice by publication in one (1) newspaper of general circulation published within the County at least once each week for two (2) successive weeks (2-20-2019, 2-22-2019, 2-27-2019, 3-1-2019). The notice stated that the text amendments may be inspected at the Commission's Office and on the Commission's website and that any person interested may submit written comments to the Commission for consideration by close of business on March 8, 2019.

NOW THEREFORE, BE IT RESOLVED after due consideration of the public testimony received, the St. Mary's County Metropolitan Commission considers the amendments to the St. Mary's County Sewer Use Regulation to be in the best interest of St. Mary's County and its citizens and that, the St. Mary's County Sewer Use Regulation is hereby amended effective March 28, 2019 as shown in Exhibit A, attached hereto.

Adopted and approved on this 25th day of April, 2019.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

WITNESS:

Laura Comeau-Stanley

**ST. MARY'S COUNTY
METROPOLITAN COMMISSION**

[Signature]
John J. Carey, Chairperson

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Brian M. Barthelme, Vice Chairperson

[Signature]
Rudolph K. Fairfax Jr., Commissioner

[Signature]
Alice A.M. Gaskin, Commissioner

[Signature]
Joseph Russell, Commissioner

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Robert A. Russell, Commissioner

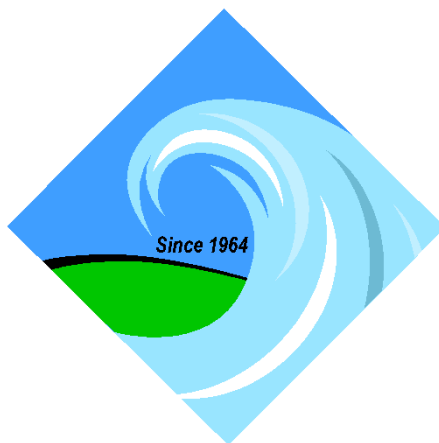
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George M. Thompson, Commissioner

Approved for Legal Sufficiency

[Signature]

R. Christopher Beaver
General Counsel

**SEWER USE REGULATION
OF
ST. MARY'S COUNTY, MARYLAND**



ST. MARY'S COUNTY METROPOLITAN COMMISSION

March 28, 2019

Approved by the Metropolitan Commission Board on April 25, 2019

SEWER USE REGULATION

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SEWER USE REGULATION

TITLE

This Regulation shall be known, cited, and referred to as the "Public Sewer Use Regulation of St. Mary's County, Maryland".

INTENT AND PURPOSE

Section 113-11 of Article 19 of the Code of Public Local Laws of St. Mary's County provides the Metropolitan Commission with the Authority to adopt rules, regulations and requirements pertaining to public sewer systems. The intent and purpose of the Sewer Use Regulation (SUR) is to regulate the use of public and private Sewers and drains, private sewage disposal, the installation and connection of building sewers, the discharge of waters and wastes into the public sewer systems, and to provide penalties for violations.

OBJECTIVES

This Regulation sets forth uniform requirements for users of the Metropolitan Commission Owned Treatment Works (MCOTW) for the St. Mary's County Metropolitan Commission, herein known as the Commission, and enables Commission to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this Regulation are:

- A. To prevent the introduction of pollutants into the MCOTW that will interfere with its operation;
- B. To prevent the introduction of pollutants into the MCOTW that will pass through, inadequately treated, into receiving waters, or otherwise be incompatible with the MCOTW;
- C. To protect both MCOTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To improve the opportunity to recycle and reclaim the industrial wastewater and sludge from the MCOTW;

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- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the MCOTW; and
- F. To enable The Commission to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the MCOTW is subject.

This Regulation shall apply to all users of the Publicly Owned Treatment Works. The Regulation authorizes the issuance of wastewater discharge permits; provides monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

ADMINISTRATION

Except as otherwise provided herein, the Director shall implement, administer, and enforce the provisions of this Regulation. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other Commission personnel.

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SECTION 1

DEFINITIONS AND ABBREVIATIONS

1.1 Unless the context specifically indicates otherwise, the meaning of terms used in this Regulation shall be as follows: "**Act**" or "**the Act**". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

"Approval Authority" means the Maryland Department of the Environment or MDE.

"Authorized Representative of the Industrial User"

1. If the user is a corporation, authorized representative shall mean:
 - (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 provided those facilities employ more than 250 persons or have annual sales or expenditures exceeding 25 million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. If the user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;
3. If the user is a Federal, State or local governmental facility, an authorized representative shall mean the highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee;

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4. The individuals described in paragraphs 1-3 above may designate another authorized representative if the authorization is in writing, 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 environmental matters for the company, and the written authorization is submitted to the Commission.

"BOD" (denoting Biochemical Oxygen Demand) means the quantity of oxygen expressed in mg/L utilized in the biochemical oxidation of organic matter, during incubation at 20° C for a period of 5 days. The tests shall be made in accordance with "Standard Methods".

"Building Drain" means that part of the lowest horizontal piping of a drainage system which received the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer connection, beginning three (3) feet outside the building wall. For trailers, the building drain shall terminate at the connection point provided at the pad site.

"Building Sewer Connection" means that portion of pipe which begins at the Building Drain and ends at the cleanout installed at the property line, and which is used or intended to be used for conveying sewage from said Building Drain to the Sewer Service Line.

"Categorical Pretreatment Standard or Categorical Standard". means any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter 1. Subchapter N, Parts 405-471.

"CFR" - Code of Federal Regulations, as amended.

"COD" (denoting Chemical Oxygen Demand) means the quantity of oxygen expressed in mg/l utilized in the chemical oxidation of organic matter in accordance with procedures approved by the Environmental Protection Agency.

"Color" means the optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

"COMAR" - Code of Maryland Regulations, as amended.

"Combined Building Sewer" means a building sewer, which conveys both sewage and storm water or other drainage. Combined building sewers are not allowed under any circumstances.

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"Commission" means the St. Mary's County Metropolitan Commission as defined in Article 19 of the Code of Public Local Laws of St. Mary's County, Maryland, or its authorized representative.

"Composite Sample" means the combination of individual wastewater samples obtained at regular intervals over a specified time period not to exceed 24 hours.

"County" means the Commissioners of Saint Mary's County, Maryland.

"Design Manual" means the St. Mary's County Metropolitan Commission Design Manual, Technical Specifications and Standards for Construction Details.

"Director" means the person designated by the Commission to supervise the operation of the MCOIW, and who is charged with certain duties and responsibilities by this Regulation, or a duly authorized representative.

"Equivalent Dwelling Unit" means the units of measure that standardizes all land use categories (housing, retail, office, food service, etc.) to the level of demand created by one single-family dwelling unit.

"Environmental Protection Agency or EPA" means the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director or other duly authorized official of said agency.

"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.

"FOG (fats, oils and grease)" organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases".

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

"Gravity Grease Interceptor" A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils, and greases (FOG) from a wastewater discharge and is identified by volume, 30-minute retention time, baffle(s), a minimum of two compartments, a minimum total volume of 300 gallons, and gravity separation. These

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interceptors are designed by a registered professional engineer. Gravity Grease Interceptors are generally installed outside.

"Grab Sample" means an individual sample collected in less than 15 minutes, without regard for flow or time.

"Grinder Pump" means any electric motor driven, submersible pump capable of macerating all material found in normal domestic sanitary sewage, including reasonable amounts of objects, such as plastics, sanitary napkins, disposable diapers, rubber and the like, to a fine slurry, and pumping this material through a small diameter discharge.

"Health Department" means the St. Mary's County Department of Environmental Health.

"Hexane soluble materials" means fats, greases or oils extractable from wastes in accordance with "Standard Methods".

"Indirect Discharge or Discharge" means the introduction of pollutants into the MCOTW from any non-domestic source regulated under Section 307(b) or (d) of the Act, or any domestic source.

"Industrial Septage" means the liquid wastes originating from industrial processes. Because industries have peculiar liquid characteristics requiring special consideration, these sources are usually handled and treated separately before being discharged to a wastewater collection system.

"Industrial User or User" means a source of indirect discharge.

"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 MCOTW, its treatment processes or operations or its sludge processes, use or disposal; and 2) therefore is a cause of a violation of the Commission'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 thereunder (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); 42 USC 6901 et seq. (U.S. Public Health Code); COMAR

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26.13 (State of Maryland Hazardous Waste Regulations) and, COMAR 26.04.06 (Maryland Sludge Regulations for Non-Hazardous Sludge); the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

"Manhole" means the structure designed to provide access to the sewer or drain for purposes of examination, repair, cleaning, or sampling.

"Medical Waste" means isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

"Metropolitan Commission Owned Treatment Works or MCOTW" means a "treatment works" as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the St. Mary's County Metropolitan Commission. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant.

"mg/L" means milligrams per liter sometimes referred to as parts per million (ppm).

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

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substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the 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 Section 1. (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin as part of a continuous on site construction program defined by;
 - (i) Any placement, assembly, or installation of facilities or equipment, or
 - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or
 - (iii) 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 paragraph.

"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.

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"NPDES or State Discharge Permit" means a permit issued pursuant to S402 of the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*) and Title 9, SS9-323 and 9-324 of the Health-Environmental Articles of the Annotated Code of Maryland.

"Operation and Maintenance Cost" means the total operating and maintenance costs, including expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed.

"Oil and Sand Interceptor" refers to any device designed and installed so as to separate and retain deleterious, hazardous, or undesirable oil or sand material from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system by gravity.

"Pass Through" means a discharge which exits the MCOTW into waters of the U.S. 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 Commission's NPDES permit (including an increase in the magnitude or duration of a violation).

"Person" means any individual, partnership, co-partnership, 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.

"pH" means the logarithm of the reciprocal of the hydrogen ion concentration of a solution. It indicates the intensity of acidity and alkalinity on a scale running from 0 to 14. A pH of 7.0 represents neutrality, values above 7.0 alkalinity, and below 7.0 acidity.

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

"PPM" means parts per million, a unit of concentration equivalent to milligrams per liter (mg/L).

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the MCOTW.

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This 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 related to pretreatment imposed on a user, other than a pretreatment standard.

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

"Private Sewage Disposal System" means any septic tank, cesspool, or other sewage treatment facility located on private property for use of that property only, whether discharging by seepage into the soil or directly into a watercourse.

"Private Sewer" or Private Drain" means a sewer or drain not directly controlled by the St. Mary's County Metropolitan Commission.

"Prohibited Discharge Standards or Prohibited Discharges" means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 4.1 of this Regulation.

"Properly Shredded Garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will

be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") (1.27 centimeters) in any dimension.

"Public Sewer" means a common sewer owned and directly controlled by the St. Mary's County Metropolitan Commission.

"Regional Administrator" means the Administrator appointed by the Federal Environmental Protection Agency who is in charge of that agency's regional office serving St. Mary's County.

"Sewage" means any human excretion or water-carried domestic wastes; and a mixture any human excretion or water-carried domestic waste with any other liquid or water-carried waste, such as manufacturing or industrial waste, street wash, rain water discharged from roofs, lawns, paved areas, etc., and ground garbage.

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

"Sewage Treatment Plant" means the part, if any, of a major sewerage system consisting of a facility, other than a septic tank, using chemical, physical, or biological

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processes, or all of these, to prepare sewage in a satisfactory condition for discharge into the ground waters or other waters of the State or for application on land after it is treated.

"Sewage Works" means all facilities for collecting, pumping, treating and disposing of sewage.

"Sewer" means a pipe or conduit for carrying sewage.

"Sewer Service Line" means that portion of pipe within the collecting sewer system, generally a lateral line, which begins at the cleanout installed at the property line, and which is used or intended to be used for conveying sewage from the Building Sewer Connection to the Public Sewers.

"Shall" is mandatory; "May" is permissive or discretionary.

The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

"Significant Industrial User" Shall apply to: a) users subject to categorical pretreatment standards; and (b) any other industrial user that i) discharges an average of 25,000 gpd or more of process wastewater, ii) contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or, iii) is designated as significant by the Commission on the basis that the industrial user has a reasonable potential for adversely affecting the MCOTW's operation or for violating any pretreatment standard or requirement.

"Slug Load" means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 4.1 of this Regulation or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

"Standard Industrial Classification (SIC) Code" means a classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

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

"Storm Drain" (sometimes termed as "Storm Sewer") means a sewer which carries storm, ground, and surface waters and drainage but which excludes sewage and industrial wastes, other than unpolluted cooling water.

"Suspended Solids" means the laboratory determination of the dry weight expressed in mg/L of solids that either float on the surface or are in suspension and which can be removed from the sewage in accordance with procedures given in "Standard Methods."

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"Trace" means a very small quantity of a constituent not quantitatively determined because of its minuteness.

"Treatment Plant Effluent" means any discharge of pollutants from the MCOTW into waters of the State.

"Unsanitary" shall be used to describe any activity, method, situation, or manner of disposing of wastes detrimental to the health; safety or welfare of St. Mary's County or the waters thereof, as determined by the Health Department.

"Wastewater" means liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the MCOTW.

"Wastewater Treatment Plant or Treatment Plant" means that portion of the MCOTW designed to provide treatment of sewage and industrial waste.

"Waters of the State" includes:

- a. Both surface and underground waters within the boundaries of this State subject to its jurisdiction, including that part of the Atlantic Ocean within the boundaries of this State, the Chesapeake Bay and its tributaries, and all ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within this State, other than those designed and used to collect, convey or dispose of sanitary sewage; and
- b. The flood plain of free-flowing waters determined by the Department of Natural Resources on the basis of 100-year flood frequency.

1.2 **Abbreviations**

The following abbreviations shall have the designated meanings:

*	<u>BOD</u>	-	Biochemical Oxygen Demand
*	<u>CFR</u>	-	Code of Federal Regulations
*	<u>COD</u>	-	Chemical Oxygen Demand
*	<u>COMAR</u>	-	Code of Maryland Regulations
*	<u>CWA</u>	-	Clean Water Act (33 U.S.C. 1251, <i>et seq.</i>)
*	<u>EDU</u>	-	Equivalent Dwelling Unit
*	<u>EPA</u>	-	U.S. Environmental Protection Agency
*	<u>gpd</u>	-	Gallons Per Day

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*	l	-	Liter
*	<u>LUGM</u>	-	Land Use and Growth Management, St. Mary's County, Maryland
*	<u>MCOTW</u>	-	Metropolitan Commission Owned Treatment Works
*	<u>mg</u>	-	Milligrams
*	<u>mg/L</u>	-	Milligrams per liter
*	<u>NPDES</u>	-	National Pollutant Discharge Elimination System
*	<u>O&M</u>	-	Operation and Maintenance
*	<u>RCRA</u>	-	Resource Conservation and Recovery Act
*	<u>SIC</u>	-	Standard Industrial Classifications
*	<u>SWDA</u>	-	Solid Waste Disposal Act(42 U.S.C. 6901, et seq.)
*	<u>TSS</u>	-	Total Suspended Solids
*	<u>WEF</u>	-	Water Environment Federation
*	<u>USC</u>	-	United States Code

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SECTION 2

USE OF PUBLIC SEWERS REQUIRED

- 2.1** It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within St. Mary's County any human or animal excrement, garbage, or other objectionable waste.
- 2.2** It shall be unlawful to discharge to any natural outlet within St. Mary's County any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Regulation or the requirements of other applicable State and Federal laws and regulations.
- 2.3** In accordance with Section 113-10 of the Code of Public Local Laws of St. Mary's County, the owners of all houses, buildings, or properties used for human occupancy, employment, or other purposes, abutting upon any street, road, lane, alley, right-of-way, or easement located within a designated service area and for which a public sewer has been built and is declared by the Commission to be available for service to the property, may make an application for connection of all spigots or hydrants, toilets and waste drains with the water or sewer within the time prescribed by the Commission (ie. within six (6) months after the date of the official notice to do so). Connections shall be at their expenses and in accordance with the provisions of this Regulation. Where connections are proposed, those fixtures which do not exist or are of a nature, which in the judgement of the Commission, is improper or inadequate, satisfactory equipment shall be installed by the owner. Where connections are proposed, all existing cesspools / septic systems, sink drains and privies not connected to sewers provided by the Commission shall be abandoned, closed and left in a sanitary condition so that no odor or nuisance shall arise from them.
- 2.4** In accordance with Chapter 113-11 of Article 19 of the Code of Public Local Laws of Maryland, when the Commission declares abutting properties ready-to-serve, connection shall be at the property owner's option if the property is located outside the designated service area for which the sewer was intended unless, or until, the private sewage disposal system serving the property fails to comply with applicable State regulations. If the private water or sewage disposal system of a property abutting upon a street or right-of-way in which a sewer is laid fails to comply with State regulations, as determined by the appropriate federal, state or County regulatory authority, connection to the water main or sewer shall be immediately required, subject to the availability

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of equivalent dwelling units.

- 2.5** It shall be unlawful to construct or maintain any privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage in, on, or upon any property abutting upon any street, road, lane, alley, right-of-way or easement in which a public sewer has been built and is declared by the Commission to be available for service to the property, except as otherwise herein provided:
- 2.6** In addition to the provisions in Section 113-17 of the Code of Public Local Laws of St. Mary's County, permits to construct or maintain private sewage disposal facilities may be granted in accordance with Section 3 of this Regulation by the Health Department and the Commission, to any property described in Section 2.5 above, where the aforesaid public sewer has not been declared by the Commission to be available to the property. Terms and conditions, as to length of use, will be determined by those agencies at the time the permit is issued, in accordance with applicable Federal, State, and local law.

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SECTION 3

SEWER CONNECTIONS

- 3.1 No unauthorized person shall uncover, make any connections with, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Commission.
- 3.2 For all Connection permits, the owner or his agent shall make application on a special form furnished by the Commission, which shall be signed by either the owner or his agent. The permit application shall be supplemented by any plans, specifications, or other information deemed necessary by the Director. Review, Inspection, and Connection fees, as applicable, shall be paid to the Commission at the time the application is filed in accordance with the fee schedule in effect at the time of application. A Plumbing permit application shall be filed with the permits and inspection division of Land Use and Growth Management of St. Mary's County Maryland. All inspection fees will be paid at this time. Any excavation within the County or State of Maryland road right-of-way or slope or drainage easement area shall require a permit from the Department of Public Works, or Maryland State Highway Administration, as appropriate.
- 3.3 In accordance with Section 113-9 of the Code of Public Local Laws of St. Mary's County, unless the Commission offers connection incentive programs and other financing mechanisms to assist owners of existing residential properties currently served by septic and/or well systems, all costs and expenses incident to the installation and connection of the building to the sewer shall be borne by the owner. The owner shall indemnify the Commission from any loss or damage that may directly or indirectly be associated by the installation of the building sewer connection. All work shall be performed by a Master plumber registered in the State of Maryland, and licensed in St. Mary's County. Likewise, for extensions, expansions and upgrades of sewerage systems to existing residential properties, the Commission may, upon a voluntary petition from the benefitted property owners, approve a special benefit assessment charge or service extension fee for repayment of costs.
- 3.4 A separate, independent sewer connection shall be provided for every building in which plumbing fixtures are installed.
- 3.5 Old building sewer connections may be used in connection with new buildings only when they are found, on examination and testing by the Commission, to meet all requirements of this Regulation.

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- 3.6** The size, slope, alignment, materials of construction of a building sewer connection, and the methods to be used in excavating, placing of the pipe, jointing, testing and back-filling the trench, shall conform to the requirements of the St. Mary's County Metropolitan Commission Technical Specification and Standards for Construction Details and applicable rules and regulations of the Code of Maryland Regulations 09.20, State Board of Plumbing, as amended from time to time. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (A.S.T.M.) and the Water Environment Federation Method of Practice 9 (MOP 9) shall apply.
- 3.7** Whenever possible, the building sewer connection shall be by gravity flow and brought from the building at an elevation below the lowest floor. However, in a building which has fixtures which are located at an elevation below the cover of the sewer manhole located immediately upstream of the building connection, the flow from these fixtures shall be lifted by an approved means to an elevation above the hereinbefore described manhole cover.
- 3.8** No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.
- 3.9** The building sewer connections shall conform to the requirements of the St. Mary's County Metropolitan Commission Design Manual, Technical Specifications and Standards for Construction Details and the applicable procedures set forth in appropriate specifications of the A.S.T.M. and the Water Environment Federation Manual of Practice No. 9. All such connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Commission before installation.
- 3.10** The applicant for the Plumbing Permit shall notify the St. Mary's County Department of Land Use and Growth Management when the building sewer connection is ready for inspection and connection to the sewer house service line. The inspection procedure for this connection shall be under the supervision of the Commission.
- 3.11** All excavations for building sewer connections installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Commission.

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SECTION 4

GENERAL SEWER USE REQUIREMENTS

- 4.1 It shall be unlawful for any user to introduce or cause to be introduced into the MCOTW any pollutant or wastewater, which causes pass through or interference. These general prohibitions apply to all users of the MCOTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements. Furthermore, no user shall contribute the following substances to the MCOTW:
- (a) Pollutants which create a fire or explosive hazard in the MCOTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 - (b) Any wastewater having a pH less than 6.0 or more than 10.0, or otherwise causing corrosive structural damage to the MCOTW or equipment;
 - (c) Any solid or viscous substances in amounts which will cause obstruction of the flow in the MCOTW resulting in interference such as, grease, garbage with particles greater than one-half inch (1/2") in any dimension, or any material which can be disposed of as trash. Such materials include but are not limited to ashes, cinders, sand, mud, straw, shavings, metals, glass, bones, wood, plastics, stone dusts, rags, paunch manure, butcher's offal, hair, fleshings, entrails, feathers, tar, rubber, tires, concentrated distillery slops, chemical or paint residues, paraffins and bulk solids.
 - (d) Wastewater containing pollutants including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the MCOTW;
 - (e) Any wastewater having a temperature greater than 130°F (54°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

SEWER USE REGULATION

- (f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (g) Any pollutants which result in the presence of toxic gases, vapors, or fumes within the MCOTW in a quantity that may cause acute worker health and safety problems;
- (h) Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Section 5.11 of this Regulation;
- (i) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (j) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Commission's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for the photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life.
- (k) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Director in compliance with applicable State or Federal regulations;
- (l) Storm water, surface water, ground water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, unless specifically authorized by the Director;
- (m) Any sludge, screenings, or other residues from the pretreatment of industrial wastes;
- (n) Medical wastes, except as specifically authorized by the Director in a wastewater discharge permit;
- (o) Any wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

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- p) Any wastes containing detergents, surface-active agents, or other substances which may cause excessive foaming in the MCOTW;
- (q) Any discharge of fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/L.
- (r) Any glycol compound or derivative thereof used to alter liquid freezing and/or boiling points.
- (s) Any hazardous waste as defined by characteristics in COMAR 26.13.02.10-.14 or specifically listed in COMAR 26.13.02.15-.19.

NOTE: Pollutants, contaminants and wastewaters prohibited by this section shall not be stored in such a manner that they could be discharged to the MCOTW.

SEWER USE REGULATION

SECTION 5

CONTROL AND PRETREATMENT OF INDUSTRIAL WASTES

5.1 Federal Categorical Pretreatment Standards

The national categorical pretreatment standards found at 40 CFR Chapter 1, Subchapter N, Parts 405-471 are hereby incorporated.

- (a). Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (b). When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- (c). A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (d). A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

5.2 State Requirements

The state pretreatment standards found in COMAR, Title 26, 26.08.08 are hereby incorporated, ("Pretreatment Requirements to Control Industrial Users of Publicly Owned Treatment Works").

5.3 Specific Pollutant Limitations

Industrial users shall be required to conduct a priority pollutant analysis of their wastewater at the point of discharge to the MCOTW in accordance with guidelines given by the Commission. This analysis shall be submitted to the Commission and may be used to establish specific pollutant discharge limitations to ensure the adherence to the purpose and objectives of this Regulation. These pollutant limitations will be listed and shall be established by the NPDES permit limits, water quality limits, sludge disposal standards and toxicity

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requirements. The limits will be applied at the end of the process pipe.

5.4 Commission's Right of Revision

The Commission reserves the right to establish, by Regulation or in wastewater discharge permits, more stringent standards or requirements on the discharge permits, more stringent standards or requirements on discharges to the MCOTW if deemed necessary to comply with the objectives presented in Section 4.1 of this Regulation.

5.5 Special Agreement

The Commission reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the MCOTW. In no case will a special agreement waive compliance with a categorical pretreatment standard or requirement.

5.6 Dilution

No 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 unless expressly authorized by an applicable pretreatment standard or requirement. The Director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

5.7 Pretreatment of Wastewater/Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Regulation and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 4.1 above within the time limitations specified by EPA, the State, or the Director, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the Commission shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Commission under the provisions of this Regulation.

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5.8 Additional Pretreatment Measures

- a. Whenever deemed necessary, the Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the MCOTW and determine the user compliance with the requirements of this Regulation.
- b. Each person discharging into the MCOTW greater than two percent (2%) of the average daily flow at the wastewater plant or where flow occurs in surges (defined as five (5) times the average rate for any period of duration longer than fifteen (15) minutes) shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least fifty- percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Director. A wastewater discharge permit may be issued solely for flow equalization.
- b. Grease, oil, and sand interceptors shall be provided at any existing facility when, in the opinion of the Director, 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 Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. All new Food Service Facilities are required to provide a 1,000-gallon minimum grease interceptor and provide proof of proper maintenance of same as requested.
- d. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- e. At no time shall a user discharge any substance which results in a reading of greater than five percent (5%) of the Lower Explosive Limit (LEL) for that substance, whether at the point of discharge or at any point in the MCOTW.

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- f. All floor drains located in process or material storage areas must discharge to a user's pretreatment facility before connecting with the MCOTW. Auto service bays with floor drains must operate and maintain an oil/water separator.
- g. Any users performing X rays or photo development (Doctors, Dentists and Photo Labs) shall operate using best management practices and maintain a silver recycling apparatus.

5.9 Accidental Discharge/Slug Control Plans

The Director may require any user to develop and implement an accidental discharge/slug control plan. At least once every two years, the Director shall evaluate whether a user needs such a plan. Any user required to develop and implement such a plan shall submit a plan which addresses, at the minimum, the following:

- (a). Description of discharge practices, including non-routine batch discharges;
- (b). Description of stored chemicals;
- (c). Procedures for immediately notifying the Director of any accidental or slug discharge, as required by Section 8.1 of this Regulation; and
- (d). Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

5.10 Tenant Responsibility

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

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5.11 Hauled Wastewater

- a. Domestic septic tank waste may be introduced into the MCOTW only at a designated receiving structure, and at such times as are established by the Director, provided such wastes do not violate Section 4 and Section 5.1-5.6 of this Regulation or any other requirements established or adopted by the Commission. Wastewater discharge permits for individual vehicles to use such facilities may be issued by the Director.
- b. The discharge of hauled industrial wastes as "industrial septage" requires prior approval, based in part upon documented proof of origin, and a wastewater discharge permit from the Commission. The Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Regulation. The Director may collect samples of each hauled load to ensure compliance with applicable standards. The Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- c. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. (Hazardous wastes are prohibited.)
- d. Fees for dumping septage will be established as part of the user fee system as authorized in Section 19.

5.12 Vandalism

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the MCOTW. Any person found in violation of this requirement shall be guilty of a misdemeanor (113-21 Code of St. Mary's County).

SEWER USE REGULATION

SECTION 6

WASTEWATER DISCHARGE PERMIT ELIGIBILITY

6.1 Wastewater Survey

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

6.2 Wastewater Discharge Permit Requirement

- a. It shall be unlawful for any significant industrial user to discharge wastewater in the MCOTW without first obtaining a wastewater discharge permit from the Director. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Regulation and subjects the wastewater discharge permittee to the sanctions set out in Sections 13-15. 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.
- b. The Director may require other users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purpose of this Regulation.

6.3 Wastewater Discharge Permitting: Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the MCOTW prior to the effective date of this Regulation and who wishes to continue such discharges in the future, shall, within forty-five (45) days after said date, apply to the Director for a wastewater discharge permit in accordance with Section 6.5 below, and shall not cause or allow discharges to the MCOTW to continue after one hundred and eighty (180) days of the effective date of this Regulation except in accordance with a wastewater discharge permit issued by the Director.

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6.4 Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the MCOTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 6.5 of this Regulation, must be filed at least forty-five (45) days prior to the date upon which any discharge will begin or recommence.

6.5 Wastewater Discharge Permit Application Contents

In order to be considered for a wastewater discharge permit, all users required to obtain a wastewater discharge permit must submit the information required by Section 8.1 (b) of this Regulation. The Director may require all users to submit as part of an application the following information:

- a. 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 MCOTW;
- b. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- c. Each product produced by type, amount, process or processes, and rate of production;
- d. Type and amount of raw materials processed (average and maximum per day);
- e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- f. Time and duration of discharges; and
- g. Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application. NOTE: Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

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6.6 Application Signatories and Certification

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"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."

6.7 Wastewater Discharge Permit Decisions

The Director will evaluate the data furnished by the user and may require additional information. Within forty-five (45) days of receipt of a complete wastewater discharge permit application, the Director will determine whether or not to issue a wastewater discharge permit. The Director may deny any application for a wastewater discharge permit.

SEWER USE REGULATION

SECTION 7

WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

7.1 Wastewater Discharge Permit Duration

Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

7.2 Wastewater Discharge Permit Contents

Wastewater discharge permits shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the MCOTW.

- a. Wastewater discharge permits must contain the following conditions:
 - (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;
 - (2) A statement that the wastewater discharge permit is nontransferable without prior notification and approval from the Commission, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (3) Effluent limits based on Federal, State and Local standards;
 - (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
 - (5) A 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 time for compliance beyond that required by applicable Federal, State, or local law.

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- b. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (2) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measures of identified wastewater pollutants or properties.
 - (3) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - (4) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
 - (5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the MCOTW;
 - (6) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the MCOTW;
 - (7) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 - (8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
 - (9) Other conditions as deemed appropriate by the Director to ensure compliance with this Regulation, and State and Federal laws, rules, and regulations.

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7.3 Wastewater Discharge Permit Appeal

The Director shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Director to reconsider the terms of a wastewater discharge permit within forty-five (45) days of notice of its issuance.

- a. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- b. 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.
- c. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- d. If the Director fails to act within forty-five (45) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- e. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing an appeal pursuant to Chapter 1100 of the Maryland Rules of Procedure with the Circuit Court for St. Mary's County, Maryland within State Statute of Limitations, thirty (30) days following such decision.

7.4 Wastewater Discharge Permit Modification

The Director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- b. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

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- c. A change in the MCOTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. Information indicating that the permitted discharge poses a threat to MCOTW, or the receiving waters;
- e. Violation of any terms or conditions of the wastewater discharge permit;
- f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- h. To correct typographical or other errors in the wastewater discharge permit; or
- i. To reflect a transfer of the facility ownership or operation to a new owner or operator.

NOTE: The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

7.5 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least forty-five (45) days advance notice to the Director and the Director approves the wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner or operator which:

- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- b. Identifies the specific date on which the transfer is to occur; and
- c. Acknowledges full responsibility for complying with the existing wastewater discharge permit. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

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7.6 Wastewater Discharge Permit Revocation

Wastewater discharge permits may be revoked for good cause, including, but not limited to, the following reasons:

- a. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
- b. Failure to provide prior notification to the Director of changed conditions pursuant to Section 8.5 of this Regulation;
- c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- d. Falsifying self-monitoring reports;
- e. Tampering with monitoring equipment;
- f. Refusing to allow the Director, or his representatives, timely access to the facility premises and records;
- g. Failure to meet effluent limitations;
- h. Failure to pay fines;
- i. Failure to pay sewer charges;
- j. Failure to meet compliance schedules;
- k. Failure to complete a wastewater survey or the wastewater discharge permit application;
- l. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- m. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Regulation.

Wastewater discharge permits shall be voidable upon nonuse, cessation of operations or transfer of business ownership. All wastewater discharge Permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

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7.7 Wastewater Discharge Permit Reissuance

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 6.5 of this Regulation, a minimum of forty-five (45) days prior to the expiration of the user's existing wastewater discharge permit.

7.8 Municipal/Federal or State Property Wastewater Discharge Permits

In the event another municipality/federal or state property contributes all or a portion of its wastewater to the MCOTW, the MCOTW may require such municipality/federal or state property to apply for and obtain a municipal/federal or state property wastewater discharge permit.

- a. A municipal/federal or state property wastewater discharge permit application shall include:
 - (1) A description of the quality and volume of wastewater at the point(s) where it enters the MCOTW;
 - (2) An inventory of all users located within the contributing municipality/federal or state property that are discharging to the MCOTW; and
 - (3) Such other information as may be required by the Director.
- b. A municipal/federal or state property's wastewater discharge permit shall contain the following conditions:
 - (1) A requirement for the municipality/federal or state property to adopt a sewer use Regulation which is at least as stringent as this Regulation and local limits which are at least as stringent as those local limits as defined by the Commission. The requirement shall specify that such Regulation and limits must be revised as necessary to reflect changes made to the Commission Regulation or local limits;
 - (2) A requirement for the contributing municipality/federal or state property to submit a revised user inventory on at least an annual basis;
 - (3) A requirement for the municipal/federal or state property user to a) conduct pretreatment implementation activities, including wastewater discharge permit issuance, inspection

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and sampling, and enforcement, or b) authorize the sampling and enforcement to take or conduct such activities on its behalf.

- (4) A requirement for the contributing municipality/federal or state property to provide the Director with access to all information that the contributing municipality/federal or state property obtains as part of its pretreatment activities;
 - (5) Limits on the nature, quality, and volume of the contributing wastewater at the point where it discharges to the MCOTW;
 - (6) Requirements for monitoring the contributing municipality's/federal or state property's discharge;
 - (7) A provision ensuring the Director access to the facilities of users located within the contributing municipality's / federal or state property jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director.
- c. Violation of the terms and conditions of the municipal user's wastewater discharge permit subjects the municipal/federal or state property user to the sanctions set out in Sections 13-15.

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SECTION 8

REPORTING REQUIREMENTS

8.1 Baseline Monitoring Reports

- a. Within either 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 categorical users currently discharging to or scheduled to discharge to the MCOTW shall submit to the Director a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- b. Users described above shall submit the information set forth below.
 - (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - (2) Wastewater discharge Permits. A list of any environmental control wastewater discharge permits held by or for the facility.
 - (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the MCOTW from the regulated processes.
 - (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the MCOTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

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- (5) Measurement of Pollutants.
 - (i) The categorical pretreatment standards applicable to each regulated process.
 - (ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 8.10.
 - (iii) Sampling must be performed in accordance with procedures set out in Section 8.11 of this Regulation.
- (6) Certification. A statement, reviewed by the 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&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the report shall contain the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&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 6.5 of this Regulation.
- (8) Signature and Certification. All baseline-monitoring reports must be signed and certified in accordance with Section 6.6 of this Regulation.

5.2 Compliance Schedule Progress Report

The following conditions shall apply to the schedule required by Section 8 (1) b (7). The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the

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construction and operation of additional pretreatment required for the users to meet the applicable pretreatment standards (such events include hiring an Engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning a conducting routine operation). No increment referred to above shall exceed nine (9) months. The user shall submit a progress report to the Director no later than 14 days following 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 user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Director.

8.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the MCOTW, any user subject to such pretreatment standards and requirements shall submit to the Director a report containing the information described in Section 9.1(B) (4-6) of this Regulation. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other 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. All compliance reports must be signed and certified in accordance with Section 6.6 of this Regulation.

8.4 Periodic Compliance Reports

- a. All significant industrial users shall, at a frequency determined by the Director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 6.6 of this Regulation.
- b. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its

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monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

- c. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Director, using the procedures prescribed in Section 8.11 of this Regulation, the results of this monitoring shall be included in the report.

8.5 Reports of Changed Conditions

Each user must notify the Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least forty-five (45) days before the change.

- a. The Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.1 of this Regulation.
- b. The Director may issue a wastewater discharge permit under Section 6.7 of this Regulation or modify an existing wastewater discharge permit under Section 7.4 of this Regulation in response to changed conditions or anticipated changed conditions.
- c. For purposes of this requirement, flow increases of ten percent (10 %) or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

8.6 Reports of Potential Problems

- a. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the MCOTW (including a violation of the prohibited discharge standards in Section 4.1 of this Regulation), the user shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- b. Within five (5) days following such discharge, the user shall, unless waived by the Director, submit a detailed written report describing

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the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the MCOTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Regulation.

- c. Failure to notify the Commission of potential problem discharges shall be deemed a separate violation of this Regulation.
- d. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees to call the St. Mary's County Metropolitan Commission, Operations and Maintenance Department, in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

8.7 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director as the Director may require.

8.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Director 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 Director within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Director monitors at the user's facility at least once a month, or if the Director samples between the user's initial sampling and when the user receives the results of this sampling.

8.9 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

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8.10 Sample Collection

- a. Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- b. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

8.11 Determination of Noncompliance

The Director may use a grab sample(s) to determine noncompliance with pretreatment standards.

8.12 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

8.13 Record Keeping

Users shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Regulation and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least four (4) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this Regulation, or where the user has been specifically notified of a longer retention period of the Director.

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SECTION 9

COMPLIANCE MONITORING

9.1 Inspection and Sampling

In accordance with Section 113-19 of the Code of Public Local Laws of St. Mary's County, the Director shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Regulation and any wastewater discharge permit or order issued hereunder. Users shall allow the Director, or his representatives, ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- a. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the Commission, State, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.
- b. The Director, State, and EPA shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- c. The Director may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- d. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the user.
- e. Unreasonable delays in allowing the Director access to the user's premises shall be a violation of this Regulation.

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9.2 Search Warrants

If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Regulation, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Commission designed to verify compliance with this Regulation or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Commission's Attorney, the Judge of the District Court of Maryland or the Circuit Court for St. Mary's County shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Director in the company of a uniformed police officer of St. Mary's County. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

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SECTION 10

CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Director inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, 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 available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

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SECTION 11

PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Director shall publish annually, in the local paper, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- c. Any other discharge violation that the Director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of MCOTW personnel or the general public;
- d. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;
- e. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard

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deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

- g. Failure to accurately report noncompliance; or
- h. Any other violation(s) which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

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SECTION 12

ADMINISTRATIVE ENFORCEMENT REMEDIES

12.1 Notification of Violation

In accordance with Section 113-21 of the Code of Public Local Laws of St. Mary's County, when the Director finds that a user has violated, or continues to violate, any provision of this Regulation, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director or his agent may serve upon that user a written Notice of Violation. Within seven (7) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

12.2 Consent Orders

The Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 12.4 and 12.5 of this Regulation and shall be judicially enforceable.

12.3 Show Cause Hearing

The Director may order a user which causes or contributes to violation(s) of this Regulation, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

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12.4 Compliance Orders

When the Director finds that a user has violated, or continues to violate the Regulation, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue an order to the user responsible for the discharge directing that the user come into compliance within ten (10) days. If the user does not come into compliance within ten (10) days, sewer and/or water service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may 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 pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

12.5 Cease and Desist Orders

When the Director finds that a user has violated, or continues to violate, any provision of this Regulation, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director 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; and
- 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.

NOTE: Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

12.6 Administrative Fines

- a. In accordance with Section 113-21.C(2) of the Code of Public Local Laws of St. Mary's County, notwithstanding any other section of this Regulation, any a user that is found to have violated, or continues to violate, any provision of this Regulation, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, shall be fine in an

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amount not to exceed one thousand (1000) dollars per violation, per day. In determining the fine, the Director may charge the user or seek reimbursement of actual time and material costs incurred. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

- b. Assessments may be added to the user's next schedule sewer service charge and the Director shall have such other collection remedies as may be available for other service charges and fees.
- c. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of five percent (5%) of the unpaid balance, and interest shall accrue thereafter at a rate of one point five percent (1.5%) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
- d. Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within seven (7) days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- e. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

12.7 Emergency Suspensions

The Director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the MCOTW, or which presents, or may present, an endangerment to the environment.

- a. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the

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suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the MCOTW, its receiving stream, or endangerment to any individuals. The Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 12.8 of this Regulation are initiated against the user.

- b. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Sections 12.3 or 12.8 of this Regulation.

NOTE: Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

12.8 Termination of Discharge

In addition to the provisions in Section 7.6 of this Regulation, any user who violates the following conditions is subject to discharge termination:

- a. Violation of wastewater discharge permit conditions;
- b. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- c. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- d. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- e. Violation of the pretreatment standards in Section 4 of and Section 5.1-5.6 this Regulation.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 12.3 of this Regulation why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user.

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SECTION 13

JUDICIAL ENFORCEMENT REMEDIES

13.1 Injunctive Relief

In accordance with Section 113-21.C(3) of the Code of Public Local Laws of St. Mary's County, when the Director finds that a user has violated, or continues to violate, any provision of this Regulation, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may petition the Judge of the District Court of St. Mary's County through the Commission's Attorney through for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Regulation on activities of the user. Such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation may also be sought by the Director. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

13.2 Civil Penalties

- a. Any user who has violated, or continues to violate, any provision of this Regulation, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Commission for a maximum civil penalty of one thousand dollars (\$1000) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- b. The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Commission.
- c. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

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- d. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

13.3 Criminal Prosecution

- a. A user who willfully or negligently violates any provision of this Regulation, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand (\$1000) per violation, per day, or imprisonment for not more than one (1) year, or both.
- b. A user who willfully or negligently introduces any substance into the MCOTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least one thousand (\$1000), or be subject to imprisonment for not more than one (1) years, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- c. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Regulation, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Regulation shall, upon conviction, be punished by a fine of not more than one thousand (\$1,000) per violation, per day, or imprisonment for not more than one (1) years, or both.
- d. In the event of a second conviction, a user shall be punished by a fine of not more than five thousand (\$5,000) per violation, per day, or imprisonment for not more than five (5) years, or both.

13.4 Remedies Nonexclusive

The provisions in Sections 11-14 are not exclusive remedies. The Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Commission's enforcement response plan. However, the Director may take other action against any user when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant user.

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SECTION 14

SUPPLEMENTAL ENFORCEMENT ACTION

14.1 Performance Bonds

The Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Regulation, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the Commission, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.

14.2 Liability Insurance

The Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Regulation, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the MCOTW caused by its discharge.

14.3 Water Supply and/or Service Severance

Whenever a user has violated or continues to violate any provision of this Regulation, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

14.4 Public Nuisances

Any violation of any provision of this Regulation, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. The Director is hereby authorized to take appropriate action to insure compliance with this Regulation, wastewater discharge permits or orders, including, but not limited to, obtaining an injunction against any such violation.

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14.5 Informant Rewards

The Director is authorized to pay up to one hundred dollars (\$100) for information leading to the discovery of noncompliance by a user. In the event that the information provided results in a civil penalty levied against the user, the Director may disperse up to fifteen percent (15%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed five hundred dollars (\$500).

14.6 Contractor Listing

Users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Commission. Existing contracts for the sale of goods or services to the Commission held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Director.

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SECTION 15

AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

15.1 Upset

- a. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.
- c. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the user can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The user has submitted the following information to the Director and the treatment plant operator within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
 - (i) A description of the indirect discharge and cause of noncompliance;
 - (ii) The period of noncompliance, including exact dates and times or, if not corrected, the

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anticipated time the noncompliance is expected to continue; and

- (iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (iv) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (v) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (vi) Users shall control production of 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.

15.2 General/Specific Prohibition

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 4.1 of this Regulation if it can prove that it did not know or have reason to know that its discharge, along or in conjunction with discharges from other sources, would cause pass through or interference and that either: (a) a local limit exists for each pollutant discharge and that industrial user was in compliance with each limit directly prior to, and during, the pass through or interference, or (b) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Commission was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

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15.3 Bypass

- a. "Bypass" means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.
- b. "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.
- c. A 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 efficient operation. These bypasses are not subject to the provision of paragraphs(d.) and (f.) of this section.
- d.
 - (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the MCOTW, at least ten days before the date of the bypass.
 - (2) A user shall submit oral notice of an unanticipated bypass that exceed applicable pretreatment standards to the MCOTW within twenty four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) 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 MCOTW may waive the written report on a case-by-case basis if the oral report has been received within twenty four (24) hours.
- e.
 - (1) Bypass is prohibited, and the MCOTW may take enforcement action against an industrial user for a bypass, unless:
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There was no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during

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normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable Director judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

- (iv) The user submitted notices as required under paragraph (d.) of this Section.
- (2) The MCOTW may approve an anticipated bypass, after considering its adverse effects, if the MCOTW determines that it will meet the three conditions listed in paragraph (f.) of this section.

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SECTION 16

SEWER SERVICE CHARGE

16.1 Operation and Maintenance

In accordance with Section 113-14 of the Code of Public Local Laws of St. Mary's County, an "operation and maintenance and repair cost" for the sewerage treatment and collections systems shall be established annually by the Commission, as it deems necessary. These costs shall be used as a basis for making the sewer service charge" rates chargeable against all properties having connection to and being served by public sewer. The sewer service charge shall be reasonable and based upon past experience for existing sewerage systems works modified by estimates of projected operation and maintenance Costs. The sewer service charge shall be reviewed annually and revised to reflect actual. The Commission may also classify a property as a remote service area and impose an additional service charge to meet the additional costs of providing service to the property.

16.2 Measurements of Waste Water Volume of Flow

- a. Where a person or establishment discharges primarily domestic wastes to the sewer system, an estimated flow will be determined by the Commission. The unit of measure will be an "Equivalent Dwelling Unit (EDU)".
- b. Where a person or establishment discharges wastewater subject to a surcharge as determined by the Director under the provisions of Section 18, the flow will be based upon:
 - (1) Metered use of water or that portion of water ultimately discharged as waste to the public sewer; or
 - (2) Metered flow discharged to the sewer.

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SECTION 17

SURCHARGE COSTS

17.1 Surcharges

In addition to the basic Sewer Service Charge which is based on the volume of water discharged into the public sanitary sewers, there shall be levied a surcharge for discharging any wastes into the sewer system which exceed the maximum values of polluting materials established by the surcharge formula in Section 18.2 of this Regulation. Such surcharge shall be applicable to all establishments that discharge directly or indirectly into the Commission sewer system and shall be payable to the Commission.

17.2 Computation of Surcharge

- a. Surcharge will be based upon the volume and concentration of flow discharged to the sanitary sewer multiplied by factors expressing the cost for treating the constituents covered by the formula.
- b. The amount of surcharge will be determined from the following formula: $CS_s = 8.34 Vu [B_c (B - 300) + S_c (S - 300)]$ where

C_s = A surcharge for wastewaters of excessive strength during a billing period.

V_u = Volume contribution in millions of gallons from a user during a billing period.

B_c = Operation and maintenance cost per pound (in dollars) to remove BOD constituents from the sewage expressed to the nearest tenth of a cent.

B = Concentration of BOD from a user when such concentration is greater than 300 mg/l.

S_c = Operation and maintenance cost per pound (in dollars) to remove suspended solids from the sewage expressed to nearest tenth of a cent.

S = Concentration of suspended solids from a user when such concentration is greater than 300 mg/l.

- c. Until a reliable cost can be established for treating each constituent at County's treatment plants, the cost factor may be

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based upon the average cost of treating those constituents at other plants in the country having like or similar processes and effluent requirements.

17.3 Measurement of Volume of Flow.

The volume of flow subject to surcharge shall be determined in accordance with the provisions of Section 18.

17.4 Payment

Payment of surcharge shall be made monthly with the first billing to commence immediately after the surcharge requirement is identified.

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SECTION 18

Pretreatment Charges and Fees

The Commission may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the Commission's Pretreatment Program which may include:

- a. Fees for wastewater discharge permit applications including the cost of processing such applications.
- b. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by industrial users.
- c. Fees for reviewing and responding to accidental discharge procedures and construction.
- d. Fees for filing appeals.
- e. Fees for dumping septage.
- f. Other fees as the Commission may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Regulation and are separate from all other fees, fines and penalties chargeable by the Commission.

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SECTION 19

VALIDITY

- 19.1** In addition to the provisions in Section 113-24 of the Code of Public Local Laws of St. Mary's County, it is not intended that this Regulation conflict in any way with regulations, ordinances or laws of any other agencies of the Federal, State or local governments. Should a conflict exist, however, the more stringent regulation, provision or law shall apply.
- 19.2** It is hereby declared to be the intention of the Commissioners that the several provisions of this Regulation are separable and that if any court of competent jurisdiction shall adjudge any provision of this Regulation to be invalid, such judgement shall not affect any other provision of this Regulation which is not specifically included in said judgment.
- 19.3** In accordance with Section 113-13.H of the Code of Public Local Laws of St. Mary's County, nothing in this Regulation shall contravene the authority of the Commissioners to make any exceptions to any provision of this Regulation, where the facts indicate that economic hardship or practical difficulties will result, except insofar as it is prohibited from so doing by local, State or Federal law.

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SECTION 20

REGULATION

This Regulation shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.