

properties not yet served, and service requirements for any developments awaiting allocation.  
(Bill No. 5-05)

**§ 13-5-407. Assignment or conveyance of allocation.**

An allocation may not be assigned or conveyed separately from the property to which the allocation applies, but it may be transferred for use within the development for which the allocation was originally granted.

(Bill No. 5-05)

**§ 13-5-408. Allotment.**

(a) **Committee.** An allotment committee consisting of the Planning and Zoning Officer, the Director of Public Works, and the Director of Inspections and Permits, or their designees, shall establish allotments on a service-area basis as set forth in the Master Plan for Water Supply and Sewerage Systems.

(b) **Capacity need.** The allotment committee may distribute and redistribute allotments to reflect changes in market demands, development activity, and the needs of the community and County. Allotments shall be based on the following categories of capacity need:

- (1) public health, including failing wells and septic systems;
- (2) public service, including County capital projects;
- (3) assisted housing;
- (4) infill lots;
- (5) community development projects;
- (6) residential;
- (7) commercial;
- (8) industrial;
- (9) reserve capacity; and
- (10) other categories as determined by the allotment committee.

(c) **Reports.** The committee shall prepare reports on the allotments available to categories of capacity need and the availability of unallotted capacity.

(Bill No. 5-05; Bill No. 62-11)

**SUBTITLE 5. WASTEWATER DISCHARGE REQUIREMENTS**

**§ 13-5-501. Definitions.**

In this subtitle, the following words have the meanings indicated.

(1) "Accidental discharge" means an exceptional incident in which a user unintentionally and temporarily does not comply with the standards established in this subtitle

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due to factors beyond the reasonable control of the user, but the term does not include improperly designed treatment facilities; inadequate treatment facilities; lack of preventive maintenance; or careless or improper operation.

(2) "Act" means the Federal Water Pollution Control Act or the Clean Water Act, as amended.

(3) "Administrator" means the Administrator of the United States Environmental Protection Agency, or the Administrator's designee.

(4) "Authorized representative" means an officer of a corporation, a general partner of a partnership, a sole proprietor, or the authorized agent of each that is responsible for the operation of a facility that is an industrial user.

(5) "Biochemical oxygen demand" means the quantity of oxygen, expressed in mg/l, used in the biochemical oxidation of organic matter during incubation at 20°C for a period of five days, in accordance with procedures given in Standard Methods.

(6) "Bypass" means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

(7) "Categorical user" means a user subject to federal categorical pretreatment standards.

(8) "Chemical oxygen demand" means the quantity of oxygen, expressed in mg/l, used in the chemical oxidation of organic matter in accordance with procedures given in Standard Methods.

(9) "County system" means any and all devices, appurtenances, and equipment, whether owned by the County or under a license, lease, or contract to provide service to the County, including devices, equipment, methods, and systems used or designed to recycle or reuse wastewater; devices, equipment, methods, and systems used or designed to prevent, abate, reduce, store, treat, separate, or dispose of wastewater and stormwater, and waste in combined stormwater and sanitary sewer systems; and any device, equipment, or system that conveys wastewater to the County system from outside the County that by contract or agreement with the County becomes a user of the County system.

(10) "Discharge" means the direct or indirect introduction of pollutants into the County system from any source, by any means.

(11) "Domestic waste" means water-carried wastes discharged into the County system from the sanitary conveniences of all types of dwellings, office buildings, factories, institutions, and commercial establishments, and that are free from surface stormwater and non-domestic wastes.

(12) "Engineer" means a registered professional engineer licensed to practice in the State.

(13) "Existing source" means any building, structure, or installation connected to the County system prior to the effective date of this subtitle.

(14) "Garbage" means solid waste and residue from the preparation, cooking, dispensing, handling, storage, and sale of food.

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(15) "Hauled wastes" means any combination of domestic or nondomestic waste that together with any treated or untreated groundwater, surface water, and stormwater comes from any source and is transported from its point of generation for discharge into the County system.

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

(17) "Interference" means a discharge that alone or in conjunction with one or more discharges from other sources:

(i) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and

(ii) causes a violation of any requirement of the POTW's NPDES permit or the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder or more stringent State or local regulations: §405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

(18) "Local limits" means wastewater discharge standards developed by the County to protect the treatment plant against interference, pass-through, sludge contamination, and worker health and safety.

(19) "Manhole" means a structure designed to provide access to a sewer in order to permit examination, cleaning, sampling, or flow measurement.

(20) "National categorical pretreatment standards" means any pretreatment regulation that contains pollutant discharge limits promulgated by the EPA in accordance with §307(b) and (c) of the Act and that applies to specific categories of users.

(21) "New source" has the meaning stated in 40 CFR Part 403.

(22) "Non-domestic waste" means solid, liquid, or gaseous waste resulting from an industrial, manufacturing, trade, or business process or commercial or institutional operation or from the development, recovery, or processing of natural resources, including all substances except domestic sewage.

(23) "Nonresidential user" means any user other than a residential user.

(24) "Nonsignificant commercial user" means a nonresidential user that discharges only domestic waste.

(25) "Nonsignificant industrial user" means a user that is not a significant user and has a discharge consisting of domestic and non-domestic waste; manufactures or produces a product which involves the use and storage of chemicals in varying quantities; or has the potential through an accidental or normal discharge to impact the collection system or a treatment plant.

(26) "Oil and grease user" means a nonresidential user who has a grease

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interceptor or oil separator onsite or whose business purchases, generates, or discharges food-related oils, grease, or petroleum-based oils or grease.

(27) "Pass-through" means a discharge that exits a POTW into waters of the United States in quantities or concentrations alone or in conjunction with discharges from other sources and that causes a violation of any requirement of the POTW's NPDES permit.

(28) "Person" has the meaning stated in § 1-1-101 of this Code and, in addition, includes a governmental body.

(29) "pH" means the base 10 logarithm of the reciprocal of the hydrogen ion concentration, expressed in moles per liter, determined in accordance with Standard Methods.

(30) "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, septage, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, or agricultural waste discharged into water, or any other substance the Director determines and can demonstrate to be unacceptable or harmful for discharge into the County system.

(31) "Pretreatment" means the reduction in the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or instead of discharging or otherwise introducing pollutants into the County system.

(32) "Pretreatment standards" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §307(b) or (c) of the Act that applies to a specific category of industrial users or any federal, State, or local discharge limitation that applies to users of the County system.

(33) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that may reasonably be expected to occur in the absence of a bypass, but the term does not include economic loss caused by delays in production.

(34) "Significant commercial user" means a user that has a discharge that consists of predominantly domestic waste.

(35) "Significant industrial user" means any nonresidential user of the County system that:

- (i) is or may be subject to national categorical pretreatment standards;
- (ii) has a discharge flow that contains more than 25,000 gallons of wastewater per day;
- (iii) contributes a waste stream that makes up 5% or more of the average dry weather hydraulic or organic capacity of the treatment plant; or
- (iv) except for a user who discharges hauled waste into the County system in accordance with § 13-5-507, is determined by the Director to have a significant impact or potential for significant impact, either singly or in combination with other contributing factors, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system in accordance with this subtitle.

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(36) "Slugload" means any discharge of significant quantities of water, sewage, or industrial waste that in concentration of any constituent or quantity of flow could cause interference of the treatment works, pass through the POTW, endanger employee and public safety and health, contaminate the sludge, or cause a violation of any permit issued to the POTW.

(37) "Standard Methods" means the procedures outlined at the time of analysis in the latest EPA-approved edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

(38) "Suspended solids" means solids that either float on the surface of or are in suspension in water, wastewater, or other liquids and that are removable by laboratory filtering in accordance with Standard Methods.

(39) "Toxic substances" means any substance, whether gaseous, liquid, or solid, discharged into the County system that may interfere with a waste treatment process, constitute or create a hazard to human beings or animals, inhibit aquatic life, or create a hazard to recreation in the water receiving the effluent from the wastewater treatment process.

(40) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with industrial pretreatment standards because of factors beyond the reasonable control of the industrial user, but the term does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

(41) "User" means a person who contributes or causes or permits the contribution of wastewater into the County system.

(42) "Wastewater" means any combination of domestic and nondomestic water-carried wastes that discharges into the County system from dwellings, business structures, institutions, and commercial and industrial establishments, together with groundwater, surface water, and stormwater that may be present.

(1985 Code, Art. 25, § 25-5-501) (Bill No. 72-88; Bill No. 40-90; Bill No. 55-91; Bill No. 97-96; Bill No. 80-03; Bill No. 63-04)

**§ 13-5-502. Abbreviations.**

In this subtitle, the following abbreviations are used as indicated.

- (1) BOD - biochemical oxygen demand.
- (2) °C - degrees Celsius.
- (3) CFR - Code of Federal Regulations.
- (4) COD - chemical oxygen demand.
- (5) EPA - United States Environmental Protection Agency.
- (6) °F - degrees Fahrenheit.
- (7) FOG – fats, oils, and greases.

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- (8) mg/l - milligrams per liter.
- (9) NPDES - National Pollutant Discharge Elimination System.
- (10) POTW - publicly-owned treatment works.
- (11) SIC - Standard Industrial Classification.
- (12) U.S.C. - United States Code.

(1985 Code, Art. 25, § 25-5-501) (Bill No. 72-88; Bill No. 40-90; Bill No. 55-91; Bill No. 97-96; Bill No. 80-03; Bill No. 63-04)

**§ 13-5-503. Conformity to subtitle.**

A person may not discharge wastewater into the County system except in conformance with this subtitle.

(1985 Code, Art. 25, § 25-5-503) (Bill No. 40-85; Bill No. 63-04)

**§ 13-5-504. Prohibited discharges in general.**

A user may not discharge into the County system:

(1) waste streams with a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR Part 261.21, and pollutants that by their nature or quantity are or may be sufficient alone or by interaction to cause a fire or explosion hazard in the County system;

(2) solids or viscous substances in quantities capable of obstructing the flow in sanitary sewers or otherwise interfering with the proper operation of the County system;

(3) garbage with particles greater than one-half inch in any dimension that has not been shredded to the degree that all particles will be carried freely under the flow conditions normally prevailing in sanitary sewers and from any garbage grinder equipped with a motor that is greater than one and one-half horsepower;

(4) free or emulsified hexane extractable materials that are not readily biodegradable:

(i) when FOG wastes are such that they could solidify at normal wastewater temperatures and contribute to sewer line clogging, skimming and grease-handling equipment overload, or treatment process interference in accordance with the following: grease interceptors and oil separators shall be installed and maintained in accordance with the County Plumbing Code and grease and oil wastes may not be discharged into the County system; and

(ii) discharges of petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass-through.

(5) wastewater having a pH lower than 6.0 or higher than 10.0 or having any other corrosive property that may be hazardous to the County system or County personnel;

(6) substances either singly or by interaction with other substances that injure or interfere with any wastewater treatment process; constitute a hazard to humans or animals; exceed the limitations set forth in applicable national categorical pretreatment standards or in the

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local limits; or result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health or safety problems.

(7) noxious or malodorous liquids, gases, or solids that singly or by interaction with other wastes are capable of creating a nuisance or hazard to life or are sufficient to prevent entry into the County system for its maintenance and repair;

(8) substances that may cause the County system's treatment residues, sludges, or scums to be unsuitable for reclamation and rescue or may interfere with the reclamation process;

(9) substances that if discharged into the County system will cause the County to be out of compliance with sludge use or disposal criteria, guidelines, or regulations developed under §405 of the Act or with criteria, guidelines, or regulations affecting sludge use and disposal developed in accordance with the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or any State standards applicable to the sludge management method employed;

(10) substances that will cause the County to violate its NPDES permit, State discharge permit, or any applicable receiving water quality standards;

(11) substances, including dye wastes and vegetable farming solutions with objectionable color, that cannot be removed in the County system so as to cause the wastewater treatment plant effluent to fail to meet State or federal requirements;

(12) wastewater or vapor that has a temperature greater than 60°C (140°F), will inhibit biological activity in the County system's treatment works resulting in interference, or has a temperature that causes the influent at the treatment plant to exceed 40°C (104°F);

(13) a slugload;

(14) noncontact cooling water, stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water from air conditioning units with three tons of refrigeration or larger, or unpolluted water as determined by the Director;

(15) radioactive wastes or isotopes with a half-life or concentration that exceeds the limits established by the Director in order to comply with applicable State or federal regulations;

(16) substances alone or in combination with other substances that are not amenable to biological treatment or reduction by the sewage treatment processes employed or that are amenable to treatment only if the wastewater treatment plant effluent is not able to meet the requirements of other State or federal agencies having jurisdiction over discharge to receiving waters;

(17) wastewater that exceeds the County's local limits for permissible pollutants;

(18) wastewater that can be demonstrated to cause or may cause a hazard to human life, to create a public nuisance, or to harm the County system; or

(19) any trucked or hauled pollutants except at discharge points designated by the Director.

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(1985 Code, Art. 25, § 25-5-504) (Bill No. 40-85; Bill No. 66-85; Bill No. 94-92; Bill No. 63-04)

**§ 13-5-505. Limitations on wastewater strength.**

(a) **Requirements.** Except as provided in subsection (b), each user shall meet each of the following standards: the pretreatment standards set forth in this subtitle and in regulations promulgated by the Director and the State's pretreatment regulations set forth in COMAR, Title 26. In addition, each categorical user shall also meet the national categorical pretreatment standards set forth in 40 CFR Chapter I, Subchapter N, Parts 405 - 471.

(b) **Conflict.** In the event of an irreconcilable conflict between any of the standards set forth in subsection (a), the more stringent standard shall apply.

(c) **Authority of Director.** The Director may adopt, impose, change, or modify specific pollutant limitations or requirements for discharges into the County system, whether for specific or general uses or in general in order to conform with State or federal pretreatment regulations or requirements or to protect worker and public health, safety, and welfare.

(d) **Prohibition.** Unless expressly authorized by an applicable pretreatment standard or requirement, a user may not increase the use of potable or process water or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with any federal, State, or local pretreatment standard or requirement.

(e) **Mass limitations.** The Director may impose mass limitations on any user using dilution to meet pretreatment standards or requirements.

(f) **Industrial users.** Industrial users shall comply with the federal pretreatment regulations in 40 CFR Part 403, the national categorical pretreatment standards set forth in 40 CFR, Subchapter N, Parts 405 - 471, and all applicable federal, State, or local statutes, ordinances, and regulations.

(g) **Discharge standards when another jurisdiction involved.** Users that discharge to jurisdictions outside the County shall comply with the discharge standards adopted by the County or the outside jurisdiction, whichever is more stringent. Users located outside the County that contribute wastewater to County wastewater treatment plants shall comply with the provisions of this subtitle or the standards of the jurisdiction where the user is located, whichever is more stringent.

(1985 Code, Art. 25, § 25-5-505) (Bill No. 40-85; Bill No. 66-85; Bill No. 53-90; Bill No. 94-92; Bill No. 63-04)

**§ 13-5-506. Accidental discharges – Protection against.**

(a) **Requirement.** Each user shall provide protection from accidental discharge of prohibited or regulated materials or substances at the user's cost and expense.

(b) **Plans and operating procedures.** Detailed plans that show facilities and



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operating procedures intended to provide this protection shall be submitted to the Department for review as part of the application for a permit and be approved by the Department before construction of the facility. The review and approval of plans and operating procedures shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this subtitle.

(1985 Code, Art. 25, § 25-5-506) (Bill No. 40-85; Bill No. 63-04)

**§ 13-5-507. Discharge of hauled wastes.**

(a) **License required.** Hauled waste may not be discharged into the County system except by persons possessing a valid scavenger's license issued under Article 11 of this Code.

(b) **Prohibition relating to waste from outside the County.** Hauled waste originating outside of the County may not be discharged into the County system.

(c) **Plants approved by Director.** Hauled waste shall be discharged into the County system only at wastewater treatment plants approved by the Director.

(d) **Director's determination of hazard or violation.** If the Director determines that hauled wastes proposed to be discharged into the County system constitute or may constitute a hazard to the health, safety, and operation of the County system, a violation of this subtitle, or a violation of a hauled waste discharge permit, the Director may refuse to permit the hauled wastes to be discharged into the County system, order any discharge in progress to be stopped, order any waste hauler not to discharge into the County system, or order storage tanks and lines of any scavenger vehicle to be emptied and thoroughly cleaned before any waste collected may be discharged into the County system.

(1985 Code, Art. 25, § 25-5-507) (Bill No. 40-85; Bill No. 66-85; Bill No. 63-04)

**§ 13-5-508. Fees.**

(a) **Scope.** The fees set forth in this section do not apply to religious facilities or to nonsignificant commercial users.

(b) **Establishment.** There are a permit fee and an annual administrative fee separate from all other fees chargeable by the County.

(c) **Permit fee.** The permit fee is:

(1) for significant industrial users, \$1,600 per application;

(2) for nonsignificant industrial users, \$100 per application;

(3) for significant commercial users, \$100 per application;

(4) for users required to have and maintain a grease interceptor or oil separator, \$100 per application; and

(5) for dischargers of hauled wastes, \$100 per application.

(d) **Administrative fee.** The annual administrative fee is:

(1) for significant industrial users, \$3,200;

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- (2) for nonsignificant industrial users, \$1,300;
- (3) for significant commercial users, \$100; and
- (4) for users required to have or maintain a grease interceptor or oil separator,

\$100.

(1985 Code, Art. 25, § 25-5-508) (Bill No. 40-85; Bill No. 66-85; Bill No. 37-86; Bill No. 91-86; Bill No. 22-88; Bill No. 53-90; Bill No. 63-04)

**§ 13-5-509. Wastewater discharge permits – Nonresidential users.**

(a) **Scope.** This section applies to nonresidential users other than nonsignificant commercial users, who for purposes of this section are referred to as "nonresidential users."

(b) **Permit required as part of sewer connection permit.** Nonresidential users discharging or proposing to discharge wastewater, except hauled wastes, into the County system shall obtain a wastewater discharge permit from the Director in accordance with this section. The permit shall be issued as part of the user's sewer connection permit.

(c) **Application.** New nonresidential users shall apply for a permit at least 90 days before commencing discharge into the County system. Nonresidential users shall complete and file a permit application that contains all information required by the Department Permit applications for significant industrial users and nonsignificant industrial users shall be signed by a responsible corporate officer, general partner, or proprietor or by a duly authorized representative of the officer, partner, or proprietor, as defined and provided in 40 CFR 403.12(1).

(d) **Approval.** Within 90 days after acceptance of the data furnished, if the application including all information is complete, adequate, and accurate and meets all the requirements of this subtitle, the Director shall approve the issuance of the permit subject to the permit conditions set forth in subsections (f) and (g).

(e) **Contents of permit.** A permit shall contain the following information to the extent applicable:

(1) the unit charge or schedule of user charges and fees for the wastewater to be discharged into the County system;

(2) limits on the average and maximum wastewater constituents and characteristics that may be discharged, based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and State and local law;

(3) limits on average and maximum rate and time of discharge and requirements for flow regulation and equalization;

(4) specifications for monitoring programs that may include sampling locations; frequency of sampling; number, types, and standards for tests; and reporting schedules;

(5) requirements for the installation and maintenance of inspection, sampling, and flow monitoring facilities;

(6) compliance schedules;

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- (7) requirements for submission of technical and discharge reports;
  - (8) requirements for maintaining and retaining plant records relating to wastewater discharge;
  - (9) requirements for notification to the Director of a new introduction into the County system of wastewater constituents or a substantial change in the volume or character of the wastewater constituents.
  - (10) requirements for notification of any accidental discharges into the County system by the user;
  - (11) a listing of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
  - (12) a statement that a permit may not be transferred to a new owner or operator;
  - (13) a requirement that advance notification be given to the Director of any substantial change in the volume or character of pollutants in the user's discharge to the County sewer system;
  - (14) requirements for notification to the Director after a violation, including daily maximum or minimum effluent limitations, slug loadings, or upset;
  - (15) a requirement for notification of bypass, maintenance and operation of pretreatment facilities, and detail of bypass provisions;
  - (16) a requirement that application for a new permit must be made at least 180 days before the expiration date of an existing permit; and
  - (17) requirements for notification of hazardous waste discharges.
- (f) **Production levels.** If the permit contains equivalent mass or concentration limits calculated from a production-based standard, the user shall notify the Director within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month.
- (g) **Expiration.** A permit is valid for a specified term up to five years but may be extended up to 180 additional days with prior approval from the Director.
- (h) **Modification.** A permit may be modified during its term to meet any amendments to the requirements of § 13-5-505 or federal or State pretreatment standards. A permit may also be modified if the Director finds that a user failed to comply with the permit or this title.
- (i) **Renewal.** A permit may be renewed if an application for renewal is made no later than 180 days prior to the expiration of the permit.
- (j) **Revocation or suspension; order to comply.** A permit may be revoked or suspended if the Director finds that a user failed to comply with the permit or this title. The Director may also issue an order to comply for noncompliance with this subtitle.
- (k) **Transfer.** A wastewater discharge permit shall be issued only to a specific user for a specific use or operation and shall not be reassigned, transferred, or sold to a new owner, new user, different premises, to a new or changed operation without express written permission of the Director.

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(l) **Application for modification.** A user shall apply for modification of a permit whenever applicable national categorical pretreatment standards are promulgated or revised or the user plans to expand or change a use or operation or alter its existing wastewater discharge in quantity or constituents.

(m) **Plan for the provision of additional operational or maintenance activities.** When additional pretreatment or operation and maintenance activities are necessary to comply with this subtitle, a user shall develop and submit to the Director for approval a plan to provide additional pretreatment or implementation of additional operational and maintenance activities, including the following:

(1) a schedule containing milestone dates for the commencement and completion of major events leading to the earliest possible construction and operation of additional pretreatment required for the user to comply with all requirements of this subtitle, including dates relating to hiring an engineer or other appropriate personnel, completing preliminary or final plans, executing contracts for major components, and commencing or completing construction;

(2) complete plans and specifications for the proposed work that are prepared by, signed by, and bear the seal of an engineer, but the County by its approval of the plans and specifications does not warrant that the specified facilities will meet the requirements of this subtitle;

(3) provisions for completion of any single step directed toward compliance within nine months unless otherwise approved by the Director; and

(4) for a user identified as a new source of a discharge, provisions for the installation and start up of all pollution control equipment before commencement of the discharge and in the shortest feasible time, not to exceed 90 days, in order to achieve compliance with all applicable standards.

(n) **Progress reports.** Every nine months, but not later than 14 days following each milestone date set forth in the schedule required under subsection (m)(1) and the final date for compliance, the user shall submit a progress report to the Director that includes verification that the user has complied with the increment of progress represented by that milestone date or, if verification is not provided, the date on which the user expects to comply with the increment of progress, the reason for delay, and the steps being taken to return to the approved schedule.

(o) **Inspection and sampling.** The Director may require inspection and sampling manholes, flow measuring, recording, and sampling equipment.

(p) **User surcharges.** The Director may establish a system of user surcharges that are based on treatment costs for compatible pollutants in order to recover the actual cost of the treatment of excessive strength waste introduced into the collection system by users and that are computed in accordance with the following formula:

$$\text{Sewer use surcharge (S)} = V \times 8.34 \times (F_B (A_B-250) + F_S (A_S-250) + F_P (A_P-8))$$

Where:

V is the volume of sewage in millions of gallons discharged by a public sewer

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system user during the billing period.

$F_B$  is the sewer use surcharge rate for biochemical oxygen demand (BOD) expressed in dollars/pound.

$F_S$  is the sewer use surcharge rate for total suspended solids (TSS) expressed in dollars/pound.

$F_P$  is the sewer use surcharge rate for total phosphorus (TP) expressed in dollars/pound.

$A_B$  is the average daily concentration of BOD constituents in the sewage discharged expressed in mg/l.

$A_S$  is the average daily concentration of TSS in the sewage discharged expressed in mg/l.

$A_P$  is the average concentration of TP in the sewage discharged expressed in mg/l.

250 is the maximum daily concentration (mg/l) of BOD and TSS in the sewage discharged for which a sewer use surcharge is not required for that sewage parameter.

8 is the maximum daily concentration (mg/l) of TP in the sewage discharged for which a sewer use surcharge is not required for that sewage parameter.

Of the three terms,  $F_B (A_B-250)$ ,  $F_S (A_S-250)$ , and  $F_P (A_P-8)$  in the above formula, only those terms having positive values for the sewage discharged shall be used in the computation of the sewer use surcharge.

(1985 Code, Art. 25, § 25-5-509) (Bill No. 40-85; Bill No. 53-90; Bill No. 94-92; Bill No. 63-04)

### § 13-5-510. Hauled waste discharge permits.

(a) **Requirements.** The discharge of hauled waste into the County system is permitted only on compliance with the provisions of a hauled waste discharge permit that has been obtained from the Director, payment of the required fees and charges, and compliance by the hauler with all conditions of the hauler's permit. The permit is subject to all provisions of this subtitle.

(b) **Conditions of permit.** A permit shall contain all conditions demonstrated to be appropriate by the Director in accordance with this subtitle, including:

- (1) conditions applicable to wastewater discharge permits;
- (2) requirements for scavenger vehicles, including vehicle permits, type, equipment, clearance and identification, and limitations on other uses of the vehicles;
- (3) discharge procedures;
- (4) limitations as to time, location, volume, and flow of discharges;
- (5) requirements for inspections and sampling;

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- (6) fee payment procedures;
- (7) limitations on constituents and materials to be discharged; and
- (8) requirements and reports.

(c) **Hauled waste manifests.** Before the discharge of hauled waste into the County system, a hauler shall submit to the operator of the facility to which the waste is to be discharged the hauled waste manifests. The manifests shall be in the form prescribed by the Director and shall contain, at a minimum, the name and scavenger license number of the hauler, the capacity of the vehicle, the name and address of the waste generator, and the description of the origin of the waste.

(d) **Expiration.** All hauled waste discharge permits shall expire 12 months from the date of issuance.

(e) **Transfer.** A hauled waste discharge permit shall not be assigned, transferred, sold, loaned, or otherwise used by a new owner, new user, different premises, new or changed operation, or anywise other than listed on the permit, unless expressly authorized in writing by the Director.

(1985 Code, Art. 25, § 25-5-510) (Bill No. 40-85; Bill No. 66-85; Bill No. 63-04)

**§ 13-5-511. Standards; modification.**

(a) **Adoption.** National categorical pretreatment standards are adopted and made part of this subtitle and enforceable by the County in accordance with their terms.

(b) **Notification.** The Director shall notify all affected nonresidential users of any changes in applicable federal, State, or County requirements or standards by first class mail at the last listed address on the user's permit.

(c) **Modification.** The Director may modify the requirements of this subtitle in order to comply with applicable State or federal requirements.

(1985 Code, Art. 25, § 25-5-511) (Bill No. 40-85; Bill No. 63-04)

**§ 13-5-512. Reporting requirements.**

(a) **Materials required.** On request by the County, a user shall provide plans, reports, questionnaires, notices, analytical data, and information required to be provided by 40 CFR 403.12 or this subtitle or any other item the Director determines is necessary to evaluate the user's waste discharge characteristics and ensure compliance with this subtitle.

(b) **Reports for all significant industrial users.** Unless required more frequently by the Director or applicable national categorical pretreatment standards, each significant industrial user, after commencement of the discharge into the County system, shall submit to the Director not less than semiannually periodic compliance reports and the results of any monitoring of pollutants using approved analytical and sampling procedures that are obtained more frequently than otherwise required by this subsection.

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(c) **Reports and records for grease interceptor or oil separator.** A user required by this Code to use or maintain a grease interceptor or oil separator that discharges into the County system shall file an annual report as required by the permit, maintain records of compliance with the County Plumbing Code for three years, and make records of compliance available for inspection by the Director.

(d) **Report for accidental discharge.** A user that experiences an accidental discharge or a slugload shall immediately inform the Department and within five days of discovery file a written follow-up report with the Department stating:

- (1) a description of the accidental discharge or slugload, its cause, and its impact on the user's compliance status;
- (2) the duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur; and
- (3) a description of steps taken or to be taken to reduce, eliminate, and prevent recurrence of an accidental discharge, a slugload, or other conditions of noncompliance.

(e) **Responsibilities of reporter.** The filing of a report required under this section does not release the user from any responsibility for loss or damages to the County system or for fines or penalties imposed on the County by State or federal law that are the result of any action or inaction by the user.

(f) **Analysis.** Any analysis performed as a requirement of this subtitle shall be undertaken in accordance with procedures established by the Administrator under 40 CFR Part 136, as amended.

(g) **Reports by industrial user that indicate violation of this subtitle.** If the analysis of any sampling undertaken by an industrial user, whether required or voluntary, indicates that there may be a violation of this subtitle, the user shall notify the Director no more than 24 hours after discovering the violation; immediately repeat the sampling and analysis; and, within 30 days after discovering the violation, submit the repeat analysis to the Director.

(h) **Report certification.** All reports submitted by industrial users shall include the certification statement contained in 40 CFR 403.12 and be signed by an authorized representative of the user.

(i) **Plan to control slug discharges.** No less than every two years, the Director shall evaluate and determine if each significant user needs a plan to control slug discharges and, if required by the Director, a significant industrial user shall submit a plan that contains the specific information described in 40 CFR 403.8(f).

(j) **Discharge of hazardous waste.** Nonresidential users shall notify in writing the Director, the United States Environmental Protection Agency Regional Waste Management Division Director, and State hazardous waste authorities in accordance with the procedures described in 40 CFR 403.12(p) of any discharge into the County system of a substance that is a hazardous waste as defined in 40 CFR Part 261.

(k) **Miscellaneous notifications.** A user shall promptly notify the County of any

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discharge that may violate this subtitle or have an adverse impact on a POTW. A user shall promptly notify the County prior to any substantial change in the volume or character of the pollutants in the user's discharges.

(1985 Code, Art. 25, § 25-5-512) (Bill No. 40-85; Bill No. 53-90; Bill No. 94-92; Bill No. 63-04)

**§ 13-5-513. Monitoring facilities.**

(a) **Generally.** Each non-residential user shall provide and operate, at the user's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the County system. Each monitoring facility shall be situated on the non-residential user's premises, unless it would be impractical or cause undue hardship to the non-residential user. Monitoring facilities shall be constructed within 120 days of receipt of a permit by a non-residential user and constructed and maintained in accordance with all applicable local construction standards and specifications.

(b) **Sampling.** A control manhole shall be constructed at a location approved by the Director, built in a manner approved by the Director, and accessible to the Director for sampling at all times. For sampling, there shall be ample room at or near a sampling facility to allow accurate sampling and preparation of samples for analysis. Facilities, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the non-residential user's expense. At least annually, the Director shall conduct one sampling visit for each significant industrial user.

(1985 Code, Art. 25, § 25-5-513) (Bill No. 40-85; Bill No. 94-92; Bill No. 63-04)

**§ 13-5-514. Inspections.**

(a) **Generally.** The Director may enter the facilities of a user at reasonable hours to assure compliance with the requirements of this subtitle, and for the purposes of inspection, sampling, or examination and copying of records and the Director shall have the right to set up necessary devices on the user's property to conduct inspections, sampling, compliance monitoring, or metering operations. At least annually, the Director shall conduct an inspection of each significant industrial user.

(b) **User who has security measures.** When a user maintains security measures that require proper identification and clearance before entry into the premises, the user shall make necessary arrangements with the security guards so that, on presentation of suitable identification, representatives of the Department are permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(1985 Code, Art. 25, § 25-5-514) (Bill No. 40-85; Bill No. 94-92; Bill No. 63-04)

**§ 13-5-515. Confidential information.**



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(a) **Generally.** Information and data furnished under this subtitle shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Office of Law that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets or confidential commercial, financial, geological, or geophysical data of the significant user under the Maryland Public Information Act.

(b) **Confidentiality claim.** A user submitting information to the Director may assert a confidentiality claim under the Maryland Public Information Act at the time the information is submitted by placing on the information a cover sheet, legend, or other form of notice employing such terms as "confidential", "trade secret", or "proprietary". Failure to assert a claim may result in the disclosure of information without fault to the Director or the County. Wastewater characteristics are not considered confidential information.

(c) **Disclosure and notification.** The County may disclose information to a County, State, or federal agency or office for uses related to this subtitle, the NPDES permit, or the State of Maryland discharge permit on receipt of a written request from an authorized officer or employee of the agency. Except when the County provides information to a federal or State court or investigate/enforcement agency, the County shall give a user at least 10 days' notice prior to disclosure.

(d) **Applicable law.** Requests for information, determination of claims of confidentiality, and responses shall be in accordance with the Maryland Public Information Act, and §§ 1004 and 1005 of the Charter.

(1985 Code, Art. 25, § 25-5-515) (Bill No. 40-85; Bill No. 63-04)

**§ 13-5-516. Records retention.**

(a) **Retention for three years.** A user required as a condition of the permit to submit reports to the Director shall retain and preserve the records, books, documents, memoranda, reports, correspondence, and summaries relating to monitoring, sampling, and chemical analysis made by or on behalf of the user for at least three years.

(b) **Compliance and enforcement records.** Records that pertain to matters that are the subject of a compliance order or other enforcement or litigation activities brought by the County shall be retained and preserved by the user until all enforcement activities have concluded.

(1985 Code, Art. 25, § 25-5-516) (Bill No. 40-85; Bill No. 63-04)

**§ 13-5-517. Bypasses.**

(a) **When permitted.** An anticipated bypass is permitted if the Director determines that the criteria set forth in this section will be met. A bypass is permitted if it does not violate this subtitle and it is for essential maintenance to ensure efficient operation of a treatment plant.

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(b) **When prohibited.** A bypass is prohibited unless necessary to prevent a loss of life, personal injury, or severe property damage and a feasible alternative to a bypass, excluding inadequate back-up equipment that should have been installed or maintained, is not available. A bypass is also prohibited unless an industrial user:

(1) notifies the Director as soon as the user is aware of the need for a bypass;

(2) notifies the Director orally no later than 24 hours after the user is aware of an unanticipated bypass and, unless waived by the Director within five days after oral notification is given, submits a written report that contains a description of the bypass and its cause, the duration of the bypass including exact dates and times, if correction has not occurred, the anticipated time the bypass is expected to continue, and the steps taken or phases planned to reduce, eliminate, or prevent a recurrence of the bypass.

(1985 Code, Art. 25, § 25-5-517) (Bill No. 94-92; Bill No. 63-04)

**§ 13-5-518. Upsets.**

(a) **Affirmative defense.** An upset is permitted as an affirmative defense to an action brought against an industrial user for noncompliance with the categorical pretreatment standards if the user:

(1) demonstrates through properly signed contemporaneous operating logs and similar relevant evidence that the cause of the upset has been identified and that the treatment facility was being operated properly and in accordance with all applicable operating and maintenance procedures; and

(2) submits within 24 hours after becoming aware of the upset a description of the indirect discharge and the cause of noncompliance; the period of noncompliance, including exact dates and times; the anticipated time that noncompliance will continue; and the steps being taken or planned to reduce, eliminate, or prevent a recurrence of the noncompliance and, if the information required by this subsection (a)(2) is submitted orally, provides a written report confirming the oral information no later than five days after the upset.

(b) **Burden of proof.** The burden of proof shall be on the industrial user to show that an upset has occurred.

(c) **Industrial users.** The industrial user shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards on reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided.

(1985 Code, Art. 25, § 25-5-518) (Bill No. 94-92; Bill No. 63-04)

**§ 13-5-519. Administrative enforcement; injunctive relief.**

(a) **Compliance.** The Director shall require a user to take action for compliance through issuance of an order, notice, assessment of a penalty, or entry into a consent order or

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agreement whenever the Director in accordance with this subtitle finds that a user has failed to monitor, report, or accurately report the wastewater constituents and characteristics of its discharge; failed to report changes in wastewater constituents and characteristics; refused reasonable access to its premises by representatives of the County for the purpose of inspection or monitoring; or violated any other provision of this subtitle. An order or agreement authorized under this subsection shall not be effective until the user has had the opportunity to confer with authorized representatives of the Department.

(b) **Suspension of service.** The Director may order the immediate suspension of water or wastewater treatment service to a user when the user fails to pay a civil penalty, expenses, loss, or damage assessed after final adjudication when the Director determines that an actual or potential discharge presents or threatens an imminent or substantial danger to the health or welfare of persons or substantial danger to environment; threatens to interfere with the operation of the County system; or threatens to violate any pretreatment limits imposed by this subtitle, the State, or the EPA. A user notified of the suspension order shall immediately cease all discharges. The County shall reinstate the water or wastewater treatment service upon the submission of sufficient proof by the user that the user has eliminated the noncomplying discharge or conditions creating the noncompliance.

(c) **Service and contents of order, notice, or penalty.** An order, notice, or penalty issued under this section shall be served on the user or an agent of the user and state with reasonable specificity the nature of the violation and the time for compliance.

(d) **Notice to public.** A list of users that meet one or more of the following criteria for noncompliance with applicable pretreatment requirements during a 12-month period shall be published annually by the Director in a newspaper of general circulation in the County:

(1) chronic violations of wastewater discharge limits, defined as those in which 66% or more of all of the measurements taken during a six-month period exceed the daily maximum limit or the average limit for the same pollutant parameter;

(2) technical review criteria violations in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by 1.4 for BOD, TSS, fats, oil, and grease, or 1.2 for all other pollutants except pH;

(3) any other violation of a pretreatment effluent limit that the Director determines has caused, alone or in combination with other discharges, interference or pass-through;

(4) any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in the Director's exercise of emergency authority under 40 CFR 403.8(F)(1)(vi)(b) to halt or prevent a discharge;

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

(6) failure to provide within 30 days after the due date required reports, such

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as baseline monitoring reportings, 90-day compliance reports, periodic self-monitoring reports, and reports on meeting compliance schedules;

(7) failure to accurately report noncompliance; or

(8) any other violation or group of violations that the Director determines adversely affect the operation or implementation of this subtitle.

(e) **Enforcement response plan.** The Director shall develop and implement an enforcement response plan that:

(1) details how the Director will investigate and respond to instances of industrial noncompliance;

(2) describes how the Director will investigate instances of noncompliance;

(3) describes the types of escalating enforcement responses the Director may take in response to anticipated industrial user violations and the time periods within which responses will take place;

(4) identifies by title the officials responsible for implementing each type of enforcement response; and

(5) adequately reflects the Director's primary responsibility to enforce all applicable pretreatment requirements and standards, as provided in 40 CFR 403.8(F)(1) and (F)(2).

(f) **Compliance schedules.** The Director may require:

(1) the development of compliance schedules if additional pretreatment or operation and maintenance will be required for an industrial user to comply with this subtitle or a State or federal pretreatment standard or requirement; and

(2) the industrial user to submit for approval a schedule specifying the shortest time frame for the user to achieve compliance including increments of progress in the form of dates for the commencement and completion of major events leading to construction and operation of the additional pretreatment to bring the industrial user into compliance.

(g) **Compliance agreements.** The Director may enter into an agreement with an industrial user to ensure compliance with pretreatment standards and requirements. (1985 Code, Art. 25, § 25-5-520) (Bill No. 40-85; Bill No. 66-85; Bill No. 94-92; Bill No. 63-04)

## SUBTITLE 6. FRONT FOOT ASSESSMENTS

### § 13-5-601. Authority to impose; liability; lien.

(a) **Authority to impose.** Except in the Mayo Reclamation Subdistrict, the County may impose front foot assessments to recover the cost to the County of constructing water and wastewater facilities and of bringing private water and wastewater facilities up to County standards such that the private facilities can become owned by the County.

(b) **Duty to pay.** The owners of real property, including the County, who connect the