

ORDINANCE NO. 3728

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND ENTITLED "AN ORDINANCE TO REPEAL AND REEACT WITH AMENDMENTS SECTIONS 24-201, 24-202, 24-205 and 24-227 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION) FOR THE PURPOSE OF COMPLYING WITH REGULATIONS REQUIRING THE CITY TO DEVELOP, IMPLEMENT AND MAINTAIN A PRETREATMENT PROGRAM BY AMENDING PROVISIONS RELATIVE TO LOCAL LIMITS AND FOR THE PURPOSE OF CORRECTING MINOR 'TYPOGRAPHICAL ERRORS."

WHEREAS, the Supplemental Discharge Regulations pertaining to sewers and sewage disposal are found in Chapter 24, Article III, Division 5 of the Code of the City of Cumberland;

WHEREAS, federal regulations, i.e., 40 CFR Part 403 (General Pretreatment Regulations for Existing and New Sources of Pollution) require publicly owned treatment works ("POTWs"), i.e., the sewer lines that run to and connect to a sewage treatment plant as well as the treatment plant itself, to develop, implement and maintain a pretreatment program for the reduction of 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 in lieu of discharging or otherwise introducing such pollutants into a POTW;

WHEREAS, the pretreatment program includes periodic revisions and reviews of the local limits of pollutants that may be discharged into wastewater which could pass through the POTW or cause interference with the POTW;

WHEREAS, local limits are established on a site-specific basis to protect the POTW operation, to ensure that discharges comply with state and federal requirements and to enforce specific and general discharge prohibitions;

WHEREAS, after the establishment of the local limits, allocations of pollutant loading within these limits are recommended for each permitted Significant Industrial User; however, those allocations are not set forth herein;

WHEREAS, the City engaged the services of Whitman, Requart & Associates, LLP, in part, for the purpose of

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reevaluating the local limits applicable to the City's POTW; and

WHEREAS, the purpose of this Ordinance is to update the Supplemental Discharge Regulations pertaining to sewers and sewage disposal in order to implement Whitman, Requart & Associates, LLP's recommendations relative to local limits and comply with applicable law.

NOW THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND that sections 24-201, 24-202, 24-205 and 24-227 of the Code of the City of Cumberland be and are hereby repealed and reenacted with amendments, to read as follows¹:

Sec. 24-201. - Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this division, shall have the meanings hereafter designated:

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. The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment.

Authorized representative of industrial user. An authorized representative of an industrial user may be:

- (1) A responsible corporate officer such as a president, secretary, treasurer, or 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, or the manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons of having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- (3) A duly authorized representative of the individual designated in paragraph (1) or (2) above if:
 - a. The authorization is made in writing by the individual described in paragraph (1) or (2);

¹ A text-edited version of the aforesaid Code sections setting forth the additions to and deletions from therefrom is attached hereto as Exhibit 1.

- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator or a well, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - c. The written authorization is submitted to the control authority.
- (4) If authorization under item (3) is no longer accurate because a different individual or position has responsibility, a new authorization must be submitted to the POTW prior to or together with any reports to be signed by an authorized representative.

Biochemical oxygen demand (BOD⁵). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)). BOD must be tested according to methods listed in 40 CFR Part 136.

Blend. To combine so as to make constituent parts indistinguishable; to mix thoroughly so as to obtain a new mixture.

Building sewer. A sewer conveying wastewater from the premises of a user to the wastewater treatment plant.

Bypass. The intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

Categorical pretreatment standard or categorical standards. Any regulations containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Section 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 I, Subchapter N, Parts 405—471.

City. The Mayor and City Council of Cumberland, Maryland.

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

Control authority. The term "control authority" shall refer to the operations manager in the city's utility division.

Direct discharge. The discharge of treated or untreated wastewater directly to the waters of the state.

Environmental protection agency, or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

Grab sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

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

Indirect discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the wastewater treatment plant (including holding tank waste discharged into the system).

Industrial user. A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 403, of the Act. (33 U.S.C. 1342).

Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use of disposal; and
- (2) Which requires modifications to the daily operations, preventative maintenance and sludge use or disposal at the POTW and which may, but need not, cause a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of 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): Section 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.

National Categorical Pretreatment Standard or pretreatment standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

New source.

- (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 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 would 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 paragraphs (1)b. or (1)c. of this section but otherwise alters, replaces, or adds to existing process of production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner operator has:
 - a. Begun or caused to begin as part of a continuous on-site construction program:
 1. Any placement, assembly, or installation of facilities or equipment; or
 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the

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

- b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation with 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.

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

Operations Manager. The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

Pass-through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

Pollutant. 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, chemical oxygen demand (COD), toxicity, odor).

Pretreatment or treatment. The reduction of 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 in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6(d).

Pretreatment requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

Pretreatment standard or standards. Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards, state pretreatment standards, and local limits.

Prohibited discharge standards or prohibited discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 2.1 of this division.

Publicly owned treatment works (POTW). A treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this

division, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

POTW treatment plant. That portion of the POTW designed to provide treatment to wastewater.

Severe property damage. 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.

Shall is mandatory; *May* is permissive.

Significant industrial user. Any industrial user who:

- (1) Is subject to national categorical standards; or
- (ii) Discharges total flows equal to greater than twenty-five thousand (25,000) gallons per day (gpd); or
- (iii) Contributes a process wastestream that makes up five (5) percent or more of the hydraulic or organic capacity of the POTW; or
- (iv) Is found by the city, state, or EPA to have significant impact either singly or in combination with other contributing industries to the POTW, the quality of the sludge, the POTW's effluent quality, or air emissions generated by the system.

Upon a finding that an industrial user meeting the above criteria of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8 (f)(6), determine that such industrial user is not a significant industrial user.

Slug. Any discharge of significant quantities of water, sewage, industrial waste which in concentration of any given constituent or quantity of flow could cause interference of the treatment works, pass-through the POTW treatment plant, endanger sewer worker safety, contaminate the sludge, or cause a violation of any permit issued to the POTW.

State. State of Maryland.

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

Stormwater. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

Surcharge. A fee for conventional pollutants levied for contributions in excess of that of normal sewage as determined by city and calculated using the following equation: $(\text{Flow (GPD)} / 1,000,000) \times (\text{Concentration (MG/L)} \times (8.34 \text{ (lbs/Gallon)}) \times (\text{Surcharge Rate})$.

Total suspended solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

Total Kjeldahl Nitrogen (TKN). The sum of free ammonia and organic nitrogen compounds using methods contained in 40 CFR Part 136.

Total Nitrogen (TN). The sum of individual results for total ammonia nitrogen as N, organic

nitrogen as N and (nitrite + nitrate) as N. Total nitrogen as N (in mg/l) may also be calculated as the sum of individual results for TKN (Total Kjeldahl Nitrogen), and (nitrite + nitrate) as N. All the nitrogen species must be sampled on the same day and must be tested according to methods listed in 40 CFR Part 136.

Toxic pollutant. One (1) of the one hundred twenty-six (126) pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. 1317) of the Act.

User. Any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

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

Wastewater contribution permit. As set forth in that specific section of this article hereinbelow described.

Sec. 24-202. - Abbreviations.

The following abbreviations shall have the designated meanings:

| | |
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| BOD ⁵ | Biochemical oxygen demand |
| CFR | Code of Federal Regulations |
| COD | Chemical oxygen demand |
| EPA | Environmental protection agency |
| l | Liter |
| mg | Milligrams |
| mg/l | Milligrams per liter |
| NPDES | National Pollutant Discharge Elimination System |
| POTW | Publicly owned treatment works |
| RCRA | Resource Conservation Recovery Act |
| SIC | Standard industrial classification |
| SWDA | Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq. |
| TPH | Total petroleum hydrocarbon |
| TKN | Total kjeldahl nitrogen |
| TN | Total nitrogen |
| TP | Total phosphorus |
| USC | United States Code |
| TSS | Total suspended solids |

Sec. 24-205. - Specific pollutant limitations.

No person shall discharge wastewater containing in excess of:

| | |
|--------------------|---------------------------|
| BOD ⁵ | * |
| TKN | * |
| TN | * |
| TP | * |
| TSS | * |
| TPH | 50* mg/L |
| Total Oil & Grease | 100* mg/L |
| pH | 6.0 to 10.0 Standard Unit |
| Arsenic, Total | 0.013* mg/L |
| Cadmium, Total | 0.026* mg/L |
| Chromium, Total | 1.1* mg/L |
| Copper, Total | 0.31* mg/L |
| Cyanide, Total | 0.69* mg/L |
| Lead, Total | 0.50* mg/L |
| Nickel, Total | 1.46* mg/L |
| Zinc, Total | 3.42* mg/L |
| Molybdenum, Total | * |
| Mercury, Total | * |
| Silver, Total | * |
| Selenium, Total | * |

*The operations manager may impose alternative mass limitations on user(s) which do not meet applicable pretreatment standards or requirements or in other cases where the imposition of alternative mass limitations are considered appropriate. Alternative mass limitations shall be based on plant design and available plant capacity.

Sec. 24-227. - Charges and fees.

The city may adopt by order charges and fees which may include:

- (1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- (2) Fees for monitoring, inspections and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for permit applications;
- (5) Fees for filing appeals;
- (6) Surcharge fees to be charged to user(s) discharging wastewater with average daily pollutant concentrations exceeding one (1) or more of the specific pollutant levels set forth below:

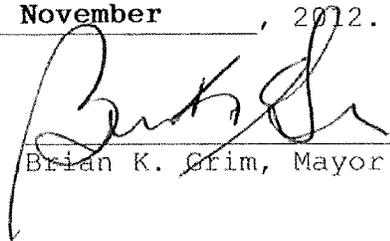
| | |
|------------------|----------|
| BOD ⁵ | 240 mg/l |
| TKN | 20 mg/l |
| TN | 20 mg/l |
| TSS | 150 mg/l |
| TP | 5 mg/l |

(7) Other fees as the city may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this division and are separate from all other fees chargeable by the city.

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this 20th day of November, 2012.



Brian K. Grim, Mayor

ATTEST


Marjorie A. Eirich, City Clerk

EXHIBIT 1

NOTE: Bold-faced underlined text shows additions to the current text. Bold-faced stricken through text shows deletions. All changes are also set forth in yellow highlighting.

Sec. 24-201. - Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this division, shall have the meanings hereafter designated:

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. The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment.

Authorized representative of industrial user. An authorized representative of an industrial user may be:

- (1) A responsible corporate officer such as a president, secretary, treasurer, or 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, or the manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons of having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- (3) A duly authorized representative of the individual designated in paragraph (1) or (2) above if:
 - a. The authorization is made in writing by the individual described in paragraph (1) or (2);
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator or a well, or a position of equivalent responsibility, or having overall responsibility for environmental

matters for the company; and

- c. The written authorization is submitted to the control authority.
- (4) If authorization under item (3) is no longer accurate because a different individual or position has responsibility, a new authorization must be submitted to the POTW prior to or together with any reports to be signed by an authorized representative.

Biochemical oxygen demand (BOD⁵). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
BOD MUST BE TESTED ACCORDING TO METHODS LISTED IN 40 CFR PART 136.

Blend. To combine so as to make constituent parts indistinguishable; to mix thoroughly so as to obtain a new mixture.

Building sewer. A sewer conveying wastewater from the premises of a user to the wastewater treatment plant.

Bypass. The intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

Categorical pretreatment standard or categorical standards. Any regulations containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Section 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 I, Subchapter N, Parts 405—471.

City. The Mayor and City Council of Cumberland, Maryland.

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

Control authority. The term "control authority" shall refer to the operations manager in the city's utility division.

Direct discharge. The discharge of treated or untreated wastewater directly to the waters of the state.

Environmental protection agency, or EPA. The U.S. Environmental Protection Agency, or where appropriate the term **my MAY** also be used as a designation for the administrator or other duly authorized official of said agency.

Grab sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

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

Indirect discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the wastewater treatment plant (including holding tank waste discharged into the system).

Industrial user. A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 403, of the Act. (33 U.S.C. 1342).

Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use of disposal; and
- (2) Which requires modifications to the daily operations, preventative maintenance and sludge use or disposal at the POTW and which may, but need not, cause a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of 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): Section 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.

National Categorical Pretreatment Standard or pretreatment standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

New source.

- (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 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 would 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 paragraphs (1)b. or (1)c. of this section but otherwise alters, replaces, or adds to existing process of production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner operator has:
 - a. Begun or caused to begin as part of a continuous on-site construction program:
 1. Any placement, assembly, or installation of facilities or equipment; or
 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

- b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation with 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.

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

OPERATIONS MANAGER. THE PERSON DESIGNATED BY THE CITY TO SUPERVISE THE OPERATION OF THE PUBLICLY OWNED TREATMENT WORKS AND WHO IS CHARGED WITH CERTAIN DUTIES AND RESPONSIBILITIES BY THIS ARTICLE, OR HIS DULY AUTHORIZED REPRESENTATIVE.

Pass-through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

Pollutant. 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, chemical oxygen demand (COD), toxicity, odor).

Pretreatment or treatment. The reduction of 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 in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6(d).

Pretreatment requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

Pretreatment standard or standards. Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards, state pretreatment standards, and local limits.

Prohibited discharge standards or prohibited discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 2.1 of this division.

Publicly owned treatment works (POTW). A treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this division, "POTW" shall also include any sewers that convey wastewaters to the POTW from

persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

POTW treatment plant. That portion of the POTW designed to provide treatment to wastewater.

Severe property damage. 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.

Shall is mandatory; *May* is permissive.

Significant industrial user. Any industrial user who:

- (1) Is subject to national categorical standards; or
- (ii) Discharges total flows equal to greater than twenty-five thousand (25,000) gallons per day (gpd); or
- (iii) Contributes a process wastestream that makes up five (5) percent or more of the hydraulic or organic capacity of the POTW; or
- (iv) Is found by the city, state, or EPA to have significant impact either singly or in combination with other contributing industries to the POTW, the quality of the sludge, the POTW's effluent quality, or air emissions generated by the system.

Upon a finding that an industrial user meeting the above criteria of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on ~~it~~ **ITS** own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8 (f)(6), determine that such industrial user is not a significant industrial user.

Slug. Any discharge of significant quantities of water, sewage, industrial waste which in concentration of any given constituent or quantity of flow could cause interference of the treatment works, pass-through the POTW treatment plant, endanger sewer worker safety, contaminate the sludge, or cause a violation of any permit issued to the POTW.

State. State of Maryland.

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

Stormwater. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

Surcharge. A fee for conventional pollutants levied for contributions in excess of that of normal sewage as determined by city and calculated using the following equation: $(\text{Flow (GPD)}/1,000,000) \times (\text{Concentration (MG/L)} \times (8.34 \text{ (lbs/Gallon)}) \times (\text{Surcharge Rate})$.

Total suspended solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

*Total ~~Kjedahl~~ **KJELDAHL** Nitrogen (TKN).* The sum of free ammonia and organic nitrogen compounds using **EPA method 351.3 METHODS** contained in 40 CFR Part 136.

TOTAL NITROGEN (TN). THE SUM OF INDIVIDUAL RESULTS FOR TOTAL AMMONIA NITROGEN AS N, ORGANIC NITROGEN AS N AND (NITRITE + NITRATE) AS N. TOTAL

NITROGEN AS N (IN MG/L) MAY ALSO BE CALCULATED AS THE SUM OF INDIVIDUAL RESULTS FOR TKN (TOTAL KJELDAHL NITROGEN), AND (NITRITE + NITRATE) AS N. ALL THE NITROGEN SPECIES MUST BE SAMPLED ON THE SAME DAY AND MUST BE TESTED ACCORDING TO METHODS LISTED IN 40 CFR PART 136.

~~— *Operations manager.* The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.~~

Toxic pollutant. One (1) of the one hundred twenty-six (126) pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. 1317) of the Act.

User. Any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

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

Wastewater contribution permit. As set forth in that specific section of this article hereinbelow described.

Sec. 24-202. - Abbreviations.

The following abbreviations shall have the designated meanings:

| | |
|------------------|--|
| BOD ⁵ | Biochemical oxygen demand |
| CFR | Code of Federal Regulations |
| COD | Chemical oxygen demand |
| EPA | Environmental protection agency |
| l | Liter |
| mg | Milligrams |
| mg/l | Milligrams per liter |
| NPDES | National Pollutant Discharge Elimination System |
| POTW | Publicly owned treatment works |
| RCRA | Resource Conservation Recovery Act |
| SIC | Standard industrial classification |
| SWDA | Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq. |
| TPH | Total petroleum hydrocarbon |
| TKN | Total kjeldahl nitrogen |
| TN | TOTAL NITROGEN |
| TP | Total phosphorus |
| USC | United States Code |
| TSS | Total suspended solids |

Sec. 24-205. - Specific pollutant limitations.

No person shall discharge wastewater containing in excess of:

| | |
|--------------------------|--------------------------------------|
| BOD ⁵ | * |
| TKN | * |
| TN | * |
| TP | * |
| TSS | * |
| TPH | 50* mg/L |
| Total Oil & Grease | 100* mg/L |
| pH | 6.0 to 10.0 Standard Unit |
| Arsenic, Total | 0.18 0.013 * mg/L |
| Cadmium, Total | 0.026 0.026 * mg/L |
| Chromium, Total | 1.1* mg/L |
| Copper, Total | 0.31* mg/L |
| Cyanide, Total | 0.69* mg/L |
| Lead, Total | 0.72 0.50 * mg/L |
| Nickel, Total | 1.46* mg/L |
| Zinc, Total | 3.42* mg/L |
| MOLYBDENUM, TOTAL | * |
| MERCURY, TOTAL | * |
| SILVER, TOTAL | * |
| SELENIUM, TOTAL | * |

*The operations manager may impose alternative mass limitations on user(s) which do not meet applicable pretreatment standards or requirements or in other cases where the imposition of alternative mass limitations are considered appropriate. Alternative mass limitations shall be based on plant design and available plant capacity.

Sec. 24-227. - Charges and fees.

The city may adopt by order charges and fees which may include:

- (1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- (2) Fees for monitoring, inspections and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for permit applications;
- (5) Fees for filing appeals;
- (6) Surcharge fees to be charged to user(s) discharging wastewater with average daily pollutant concentrations exceeding one (1) or more of the specific pollutant levels set forth below:

| | |
|------------------|----------|
| BOD ⁵ | 240 mg/l |
| TKN | 20 mg/l |

| | |
|-----------|----------------|
| TN | 20 MG/L |
| TSS | 150 mg/l |
| TP | 5 mg/l |

(7) Other fees as the city may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this division and are separate from all other fees chargeable by the city.