

## **CHAPTER 22 SANITARY SEWERS**

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### **Sec. 22-1. Purpose.**

The purposes of this ordinance are:

- A. To establish uniform requirements for direct and indirect contributors into the wastewater collection and treatment system owned by the Town of Easton and operated by The Easton Utilities Commission and to enable The Easton Utilities Commission to comply with all applicable State and Federal laws and the General Pretreatment Regulations (40 CFR, Part 403);
- B. To prevent the introduction of pollutants into the municipality's wastewater system which will:
  - (1) interfere with the operation of the system;
  - (2) contaminate the sludge;
  - (3) pass through the system, inadequately treated, into receiving waters or the atmosphere; or
  - (4) endanger both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public.
  - (5) be otherwise incompatible with the system.
- C. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- D. To provide for equitable distribution of the cost of the municipal wastewater system.  
(Ordinance 306 effective 5/9/1995, historical reference 50, 534, 140)

### **Sec. 22-2. Abbreviations and definitions.**

- A. ABBREVIATIONS. The following abbreviations shall have the designated meanings:
  - 1. BOD - Biochemical Oxygen Demand.
  - 2. CFR - Code of Federal Regulations.
  - 3. COD - Chemical Oxygen Demand.
  - 4. EPA - Environmental Protection Agency.
  - 5. EUC - The Easton Utilities Commission.
  - 6. l - Liter.
  - 7. mg - Milligrams.
  - 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. SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
  - 13. TSS - Total Suspended Solids.

14. USC - United States Code.

B. DEFINITIONS. Unless the context specifically indicated otherwise, the meaning of terms used in this ordinance shall be as follows:

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

(2) "Authorized representative" means:

(a) 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 or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) A general partner or proprietor if the Industrial User is a partnership or sole proprietorship respectively.

(c) A duly authorized representative of the individual designated in paragraph (a) or (b) above if:

(i) the authorization is made in writing by the individual described in paragraph (a) or (b);

(ii) 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 of a well, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) the written authorization is submitted to the Easton Utilities Commission.

(d) If authorization under item (c) is no longer accurate because a different individual or position has responsibility, a new authorization must be submitted to the Easton Utilities Commission prior to or together with any reports to be signed by an authorized representative."

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

(4) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(5) "Bypass" shall mean the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.

(6) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

(7) "Categorical Pretreatment Standard or Categorical Standard" shall mean 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.

(8) "Easement" shall mean an acquired legal right for the specific use of land owned by others.

(9) "Easton Utilities Commission" shall mean the Commission appointed by the Mayor and approved by the Council of the Town of Easton to construct, operate, manage and maintain the municipal utility systems.

(10) "Engineer" shall mean the qualified person designated by the Mayor and Council of the Town of Easton as the, "Town Engineer".

(11) "Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

(12) "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

(13) "Industrial User" means: any person, establishment, firm, company, association or group, whether public or private, engaged in a manufacturing or service enterprise.

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

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

(b) therefore 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) 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.

(15) "NPDES or State Discharge Permit". A permit issued pursuant to S402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) or Title 9, SS9-323 and 9-324 of the Health-Environmental Article of the Annotated Code of Maryland.

(16) "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(17) "New Source" means:

(a) 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:

(i) the building, structure, facility or installation is constructed at a site at which no other source is located; or

(ii) the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) 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 should be considered.

(b) 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 (a)(ii) or (a)(iii) of this section but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner operator has:

(i) begun or caused to begin as part of a continuous on-site construction program: (A) Any placement, assembly, or installation of facilities or equipment; or (B) 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

(ii) 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.

(18) "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).

(19) "Person" means: any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agent or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

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

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

(22) "Pretreatment or Treatment" means: the reduction, elimination, or alteration of pollutant properties to a less harmful state prior to or in lieu of discharge or introduction into a POTW. This can be accomplished by physical, chemical or biological processes, process changes, or other means, except as prohibited by 22-6(6) of this ordinance.

(23) "Pretreatment Requirements" mean any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

(24) "Pretreatment Standard or Standards." Shall mean prohibitive discharge standards, categorical pretreatment standards, state pretreatment standards, and local limits.

(25) "Prohibited Discharge Standards or Prohibited Discharges." Prohibitions against the discharge of certain substances; these prohibitions appear in Section 22-5 of this ordinance.

(26) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

(27) "Public sewer" shall mean a common sewer controlled by a governmental agency or public utility.

(28) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned by the Town of Easton. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant.

(29) "Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

(30) "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.

(31) "Sewage." Human excrement and gray water (household showers, dishwashing operations, etc.)

(32) "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

(33) "Significant industrial user." Any industrial user who:

(a) is subject to national categorical standards, or

(b) discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater), or

(c) contributes a process wastestream that makes up 5% or more of the hydraulic or organic capacity of the POTW, or

(d) is found by the Easton Utilities Commission, 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 in paragraphs (b), (c) and (d) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Easton Utilities Commission 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.

(34) "Slug." Any discharge of significant quantities of water, sewage, industrial waste in which the 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.

(35) "State" means: State of Maryland.

(36) "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

(37) "Suspended Solids" means: 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.

(38) "Toxic Pollutant" means: any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under S307(a) of the Federal Water Pollution Control Act or other Federal Statutes or in regulations promulgated by the Maryland Office of Environmental Programs under state law.

(39) "Town" shall mean the Town of Easton.

(40) "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

(41) "User" means: any person who contributes, causes or permits the contribution of wastewater into the Town of Easton POTW.

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

(43) "Waters of the State" includes:

(a) Both surface and underground waters within the boundaries of this State subject to its jurisdiction, including that part of the Atlantic Ocean within the boundaries of this State, the Chesapeake Bay and its tributaries, and all ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within this State, other than those designed and used to collect, convey, or dispose of sanitary sewage; and

(b) The flood plain of free-flowing waters determined by the Department of Natural Resources on the basis of 100-year flood frequency.

(Ordinance 306 effective 5/9/1995, historical reference 50, 534, 140)

#### **Sec. 22-3. Use of public sewers required.**

(1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Easton, any human or animal excrement, garbage, or objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the Town of Easton, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with State regulations and subsequent provisions of this ordinance.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater within the Town of Easton.

(4) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so.

(5) Where a public sanitary sewer is not available a building sewer may be connected to a private wastewater disposal system, if authorized by the Easton Utilities Commission.

(6) Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain written authorization from the Easton Utilities Commission and approval by the Talbot County Health Department. (Ordinance 306 effective 5/9/1995, historical reference 50, 534, 140)

#### **Sec. 22-4. Building sewers and connections.**

(1) No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town of Easton.

(2) There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Town Engineer.

(3) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s).

(4) A separate and independent building sewer shall be provided for every building; except as otherwise authorized by the Easton Utilities Commission.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Easton Utilities Commission, to meet all requirements of this ordinance.

(6) The building sewer shall be constructed and installed in accordance with the requirements of the Easton Utilities Commission and all other applicable codes and regulations.

(7) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(8) The applicant for the building sewer permit shall notify the Easton Utilities Commission when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Easton Utilities Commission.

(Ordinance 306 effective 5/9/1995, historical reference 50, 534, 140)

#### **Sec. 22-5. Prohibited discharge standards.**

(1) No user shall contribute or cause to be contributed, directly or indirectly to the POTW, any pollutant which causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

(2) No user shall contribute the following substances to any POTW:

(a) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

(b) Any solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, or any material which can be disposed of as trash.

(c) Any wastewater having a pH less than 5.0 or greater than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.

(d) Any wastewater containing pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving water of the POTW, or to exceed the limitation or requirement set forth in a federal, state or local pretreatment standard or requirement.

(e) Any substance which may create a public nuisance, cause hazard to life, or prevent entry into the sewers for maintenance and repair.

(f) Wastewater having a temperature greater than 130 F (55 C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature of the influent to the plant to exceed 104 F (40 C).

(g) Any heat sufficient to raise the temperature of the wastewaters at the POTW treatment facility above 104 F (40 C).

(h) Pollutants, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.

(i) Except as provided by wastewater contribution permits and payment of suecharges, authorized in Section 22-10 of this chapter, any wastewater having effluent characteristics in excess of:

<u>Constituent</u>	<u>Maximum</u>
BOD	250 mg/l
TSS	300 mg/l
Oil and Grease	150 mg/l

(j) Any wastewater having effluent characteristics in excess of limitations to be developed by the POTW for industrial users, and any other user as appropriate, which are necessary to ensure compliance with the POTW's Discharge Permit, the State of Maryland Water Quality Regulations, Sludge Disposal Regulations, and to prevent pass-through, interference or sludge contamination. Limitations may be developed for parameter including but not limited to: cadmium, chromium, copper, cyanide, lead, mercury, nickel, silver, zinc, arsenic, barium, and selenium.

(k) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(l) Any trucked or hauled pollutants, except at discharge points designated by the Town.

(m) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(n) Any slug load.

(Ordinance 306 effective 5/9/1995, historical reference 50, 534, 140)

#### **Sec. 22-6. Pretreatment Requirements.**

(1) "National Categorical Pretreatment Standards." The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

(2) "State Pretreatment Requirements." The State of Maryland pretreatment standards and requirements found in COMAR, Title 26, are hereby incorporated.

(3) All industrial users shall comply with the federal general pretreatment standards in 40 CFR Part 403 and the applicable national categorical pretreatment standards set out in 40 CFR Chapter I, Subchapter N, Parts 401 through 471 upon promulgation and all applicable Federal, State, or local requirements or standards.

(4) Industrial users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations.

(5) Any facilities required to pretreat wastewater shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the

Easton Utilities Commission for approval before construction of the facility. The review and approval of plans and operating procedures does not relieve the industrial user from complying with the provisions of this ordinance and permit conditions. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and approved by the Easton Utilities Commission prior to the industrial user's initiation of the changes.

(6) Dilution Prohibition. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The POTW may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the impositions of mass limitations is appropriate.

(7) Spill Prevention Plans

(a) Industrial users shall provide protection from accidental discharge of materials which may interfere with the POTW by developing spill prevention plans. Facilities necessary to implement these plans shall be provided and maintained at the owner's or industrial user's expense. Spill prevention plans, including the facilities and the operating procedures shall be approved by the Easton Utilities Commission before construction of the facility.

(b) Industrial users that store hazardous substances shall not contribute to the POTW after the effective date of this ordinance unless a spill prevention plan has been approved by the Easton Utilities Commission. Approval of such plans shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances.

(Ordinance 306 effective 5/9/1995, historical reference 50, 534, 140)

**Sec. 22-7. Reporting requirements.**

(1) Nature of Required Reports: Upon request of the Easton Utilities Commission, any discharger or potential discharger of industrial wastes into the POTW may be required to submit plans, reports, questionnaires, notices or analytical data to evaluate waste discharge characteristics and ensure compliance with this Ordinance. These may include baseline monitoring reports, compliance reports, periodic self-monitoring reports, compliance schedule progress reports, violation reports and notice of slug loadings, upset, bypass, or any other reporting requirement specified in 40 CFR 403.12. Reports shall include, but not be limited to, information on flows, pollutant concentrations, spills, etc.

(2) Reporting Frequency: All significant industrial users shall submit to the Easton Utilities Commission periodic compliance reports at least once every six months, unless required more frequently by the Easton Utilities Commission. These reports shall be due on the dates specified in the Wastewater Contribution Permit. All reports shall be signed by an authorized representative of the user.

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

(4) Hazardous Waste Disposal:

(a) The Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is

known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration for such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFT 403.12 (j). The notification requirement in this section does not apply to pollutants already reported under self-monitoring requirements of 40 CFR 403.12 (b), (d), and (e).

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

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(d) In the case of any notification made under paragraph (p) of this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(5) Changes in Discharge:

(a) All industrial users shall promptly notify the Town in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).

(b) Each user shall notify the Easton Utilities Commission of any planned changes to the user's operation or system which might alter the nature, quality, or volume of its wastewater at least 60 days before the change. Any changes shall be subject to the Easton Utilities Commission's approval."

(6) Notice of Violations:

(a) All users of the POTW shall immediately notify the POTW to which they discharge of all discharges that could cause problems to the POTW, including any slug loadings that would violate any of the specific prohibition of 40 CFR Part 403.5(b).

(b) If sampling performed by an industrial user indicated a violation, the user shall notify the Town within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Town within 30 days after becoming aware of the violation, except the industrial user is not required to resample if: (i) The Easton Utilities Commission performs sampling at the industrial user at a frequency of at least once per month, or (ii) The Easton Utilities Commission performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(Ordinance 306 effective 5/9/1995, historical reference 50, 534, 140)

**Sec. 22-8. Compliance schedules.**

If additional pretreatment or operation and maintenance will be required for an industrial user to comply with any provisions of this Ordinance or a state or federal pretreatment standard or requirement, the Easton Utilities Commission

may require the industrial user to submit for approval a schedule specifying the shortest time frame for the industry to achieve compliance. This schedule will contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of the additional pretreatment to bring the industrial user into compliance. (Ordinance 306 effective 5/9/1995, historical reference 50, 534, 140)

### **Sec. 22-9. Industrial wastewater contribution permits.**

#### **A. Requirements to Apply for a Permit**

(1) The following industrial users are required to apply for a Industrial Wastewater contribution permit:

- (a) Any user whose discharge would be in violation of Section 22.5 if they had no permit;
- (b) Any significant industrial user;
- (c) Any user subject to a national categorical pretreatment standard;
- (d) Any user required by state pretreatment requirements to obtain a permit;
- (e) Any user providing pretreatment; and
- (f) Any other user directed by the Easton Utilities Commission to apply for a permit.

(2) Existing users required to obtain a permit must apply for a wastewater contribution permit within 90 days of the effective date of this ordinance.

(3) New sources required to obtain a permit must apply for and receive an industrial wastewater contribution permit prior to discharging pollutants into the POTW.

(4) Any user not required to obtain a permit for existing discharges must apply for and receive a wastewater contribution permit prior to changing the user's discharge in such a manner that the resulting discharge would require a permit.

#### **B. Permit Application**

Users required to apply for a wastewater contribution permit shall complete and file an application with the Easton Utilities Commission. In support of the application, the user shall submit, in units and terms appropriate for evaluations, the following information:

- (1) Name, address, and location (if different from the address);
- (2) SIC number according to the Standard Industrial Classification Manual, issued by the Executive Office of the President, Office of Management and Budget, 1972;
- (3) Wastewater constituents and characteristics including but not limited to those mentioned in Section 22.5.
- (4) Time and duration of contribution;
- (5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (6) Site plans, floor plans, mechanical and plumbing plans along with details to show all sewers, sewer connections, and appurtenances by size, location and elevation;
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (8) The nature and concentration of any pollutants in the discharge which are limited by any national categorical pretreatment standard or pretreatment standard or pretreatment requirement and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and additional pretreatment is required;

(9) The shortest schedule by which the user will provide additional pretreatment or operation and maintenance if required to meet pretreatment standards. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. In no case shall the reporting intervals in the schedule exceed nine months;

(10) Each product produced by type, amount, process or processes and rate of production;

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

(12) Number and type of employees, as well as hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(13) Any other information deemed by the Easton Utilities Commission to be necessary to evaluate the permit application.

#### C. Permit Required

It shall be unlawful for a user subject to a national categorical pretreatment standard or other significant industrial user or any other user directed to apply for a permit by the Easton Utilities Commission to discharge wastewater into the POTW except in accordance with the terms and conditions of a wastewater contribution permit.

#### D. Permit Contents

Permits shall contain the following:

(1) Effective and expiration dates;

(2) Statement of non-transferability as specified in section 22-10 (H).

(3) Effluent limitations based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and/or State and local law;

(4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification for the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards, categorical pretreatment standards, local limits, and/or State and local law;

(5) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the compliance date beyond applicable federal deadlines.

Permits may contain the following:

(1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(2) Requirements for the installation and maintenance of inspection and sampling facilities;

(3) Other conditions as deemed appropriate by the Town to ensure compliance with all applicable pretreatment standards and requirements.

#### E. Basis for Effluent Limitations

(1) Effluent limitations shall be based upon the more stringent of the following:

(a) National categorical pretreatment standards.

(b) State pretreatment requirements; or

(c) Local limitations calculated by mass balance or other valid scientific method necessary to protect the POTW from materials described in Section 22-5.

#### F. Permits Duration

(1) Permit duration: Permits shall be issued for a specified time period, not to exceed five (5) years. The terms and conditions of the permit may be subject to modification by the Easton Utilities Commission during the term of the permit as limitations or requirements as identified in Section 22-9 (G) are modified or other just cause exists (i.e., changes in the federal, state, or local pretreatment requirements or standards). Users shall apply for a new permit at least 180 days prior to the expiration of the user's existing permit.

#### G. Permit Modifications

(1) Within nine months of the promulgation of a national categorical pretreatment standard or pretreatment requirement or such shorter time as specified within the standard or requirement, the wastewater contribution permit of the users subject to such standards shall be revised to require compliance with such standard within the time prescribed by such standard. The user shall reapply for a wastewater contribution permit within 180 days after the promulgation of the pretreatment standard.

(2) A user must re-apply for a permit whenever the mass loading of pollutants contained in the permitted discharge exceeds the average daily quantity applied for by greater than ten percent.

(3) A user may re-apply for a wastewater contribution permit whenever the user believes that some of the permit requirements no longer apply.

#### H. Permit Transfer

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior written approval of the Easton Utilities Commission.

#### I. Monitoring

Industrial users shall provide and maintain in safe and proper condition, at their own expense, facilities to allow the authorized representatives of the Easton Utilities Commission, EPA, or the State to inspect, sample, or measure flows.

#### J. Records

(1) Users shall retain and make available upon request of authorized representatives of the Easton Utilities Commission, the State, or the EPA all records required to be collected by the user pursuant to this ordinance.

(2) These records shall remain available for a period of at least three (3) years after their collection.

(3) This period shall be extended during any litigation concerning compliance with this ordinance or permit conditions.

#### K. Analytical Requirements

All analyses, including sampling techniques, submitted in support of any application, report, evidence or required by any permit or order shall be performed in accordance with 40 CFR Part 136 and amendments thereto.

Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator (as defined in 40 CFR Part 136) determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Town or other persons, approved by the Administrator.

#### M. Confidential Information

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

#### M. Right of Entry: Inspection and Sampling

Representatives of the Easton Utilities Commission shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Easton Utilities Commission access at any reasonable time to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance for any additional duties.

A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Easton Utilities Commission will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. Representatives of the Easton Utilities Commission shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

C. The Easton Utilities Commission may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated [insert desired frequency] to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Easton Utilities Commission and shall not be replaced. The costs of clearing such access shall be born by the user.

E. Unreasonable delays in allowing the Easton Utilities Commission access to the user's premises shall be a violation of this ordinance.

(Ordinance 306 effective 5/9/1995, historical reference 50, 534, 140)

#### **Sec. 22-10. Industrial pretreatment program fees and surcharges.**

##### A. Program Fees

The Easton Utilities Commission may adopt fees approved by the Mayor and Council of the Town of Easton which may include distribution of costs to implement the Town of Easton Pretreatment Program.

These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the Easton Utilities Commission.

##### B. Surcharges

The E.U.C. may adopt surcharges approved by the Mayor & Council of the Town of Easton for industrial users contributing wastewater with characteristics in excess of:

<u>Constituent</u>	<u>Concentration</u>
BOD (5-Day)	250 mg/l
TSS	300 mg/l
Oil and Grease	150 mg/l

(Ordinance 306 effective 5/9/1995, historical reference 50, 534, 140)

#### **Sec. 22-11. Bypasses.**

##### **A. Bypass not violating applicable Pretreatment Standards or Requirements:**

An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (B(1) and B(2) of this section.

##### **B. Bypass Exceeding Applicable Standards:**

(1) Notice: (a) If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Easton Utilities Commission and/or POTW, if possible at least ten days before the date of the bypass. (b) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Easton Utilities Commission within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Easton Utilities Commission may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(2) Prohibition of bypass: (a) Bypass is prohibited, and the Easton Utilities Commission may take enforcement action against an Industrial User for a bypass unless; (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; (ii) There were not feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and (iii) The Industrial User submitted notices as required under paragraph (1) of this section. (b) The Easton Utilities Commission may approve an anticipated bypass, after considering its adverse effects, if the Easton Utilities Commission determines that it will meet the three conditions listed in paragraph (2)(a) of this section.

(Ordinance 306 effective 5/9/1995, historical reference 50, 534, 140)

#### **Sec. 22-12. Upset provision and notification.**

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

An upset can be used as an affirmative defense to an action brought for noncompliance with categorical pretreatment standards provided the industrial user meets certain conditions. An industrial user who wishes to establish the affirmative

defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) An upset occurred and the industrial user can identify the cause or causes;
- (b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
- (c) The industrial user has submitted the following information to the Easton Utilities Commission within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must follow within five days): a description of the indirect discharge and cause of noncompliance; the period of noncompliance, including exact dates and times, or if not corrected, the anticipated time the noncompliance is expected to continue; steps being taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- (d) In any enforcement proceeding the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.
- (e) Industrial Users will have the opportunity for judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
- (f) The Industrial User shall control production or all Discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

#### **Sec. 22-13. Special agreements.**

No provision contained in this Ordinance shall be deemed to prevent any special agreement or arrangement between the Easton Utilities Commission and any person whereby wastewater of unusual strength or characteristic may be accepted by the Easton Utilities Commission a publicly owned treatment plant for treatment which will not violate or cause the Easton Utilities Commission and/or the user to violate federal or state pretreatment requirements or standards or to violate discharge standards and which will not be harmful to the system. Under no circumstances shall the Easton Utilities Commission waive federal or state pretreatment requirements or standards or waive pretreatment requirements or standards established by an outside jurisdiction for users that discharge to that jurisdiction.

#### **Sec. 22-14. Enforcement.**

##### **A. Annual Publication**

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

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent 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 the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Town determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

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

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

(6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report non-compliance;

(8) Any other violation or group of violations which the Town determines will adversely affect the operation or implementation of the local pretreatment program.

#### B. Harmful Contributions

(1) The Easton Utilities Commission may suspend the wastewater treatment service or a wastewater contribution permit or cut off the sewer connection when such suspension or cut-off is necessary, in the opinion of the Easton Utilities Commission, in order to stop an actual or threatened discharge which:

(a) presents or may present an imminent or substantial endangerment to the health or welfare of persons;

(b) presents or may present an imminent or substantial endangerment to the environment;

(c) may cause or actually causes interference to the POTW; or

(d) causes the POTW to violate any condition of its NPDES or State discharge permit.

(2) The Easton Utilities Commission may reinstate the wastewater contribution permit or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

#### C. Revocation of Permit

The Easton Utilities Commission may revoke any wastewater contribution permit if the Easton Utilities Commission finds that:

(a) A user has falsified information or records submitted or retained in accordance with this ordinance;

(b) A user has violated the conditions of a wastewater contribution permit;

(c) A user has refused right of entry guaranteed by this ordinance;

(d) A user has failed to re-apply for a permit or request a required permit modification; or

(e) A user has discharged into the POTW in violation of this ordinance.

#### D. Injunctive Relief

(1) The Easton Utilities Commission may seek injunctive relief in the Circuit Court for Talbot County, Maryland, to suspend wastewater treatment service or a wastewater contribution permit or to cut off the sewer connection when such suspension or cut off is necessary, in the opinion of the Easton Utilities Commission, in order to stop an actual or threatened discharge which:

(a) presents or may present an imminent or substantial endangerment to the health or welfare of persons;

(b) presents or may present an imminent or substantial endangerment to the environment;

(c) may cause or actually causes interference to the POTW; or

(d) causes the POTW to violate any condition of its NPDES or State discharge permit.

(2) The Easton Utilities Commission may reinstate the wastewater contribution permit or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

#### E. Penalties

Any violation of the provisions of this chapter shall be subject to civil and/or criminal penalties as described in Section 1-8 of the Town Ordinance. Each day of non-compliance shall be considered a separate violation. (Ordinance 306 effective 5/9/1995, historical reference 50, 534, 140)

