

**THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN**

ORDINANCE NO: G-19-37

AN ORDINANCE concerning industrial pretreatment

FOR the purpose of adding a certain definition; revising certain definitions; adding provisions relating to minor industrial users; providing for show cause hearings; adding provisions relating to confidential information; clarifying language; correcting clerical errors; and otherwise generally relating to the pretreatment of industrial wastewater

BY repealing and reenacting, with amendments,
Appendix L, § 1.4
The Code of the City of Frederick, 1966 (as amended)

BY repealing and reenacting, with amendments,
Appendix L, § 1.5
The Code of the City of Frederick, 1966 (as amended)

BY repealing and reenacting, with amendments,
Appendix L, § 2.3
The Code of the City of Frederick, 1966 (as amended)

BY repealing and reenacting, with amendments,
Appendix L, § 2.13
The Code of the City of Frederick, 1966 (as amended)

BY repealing and reenacting, with amendments,
Appendix L, § 3.4
The Code of the City of Frederick, 1966 (as amended)

BY repealing and reenacting, with amendments,
Appendix L, § 4.4
The Code of the City of Frederick, 1966 (as amended)

BY repealing and reenacting, with amendments,
Appendix L, § 4.12
The Code of the City of Frederick, 1966 (as amended)

BY repealing and reenacting, with amendments,
Appendix L, § 6.2
The Code of the City of Frederick, 1966 (as amended)

BY repealing and reenacting, with amendments,
Appendix L, § 8
The Code of the City of Frederick, 1966 (as amended)

BY repealing and reenacting, with amendments,
Appendix L, § 9
The Code of the City of Frederick, 1966 (as amended)

BY adding
Appendix L, § 10
The Code of the City of Frederick, 1966 (as amended)

SECTION I. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That § 1.4 of Appendix L of The Code of the City of Frederick, 1966 (as amended) is hereby repealed and reenacted, as follows:

§ 1.4. Abbreviations. For purposes of this Ordinance, the following abbreviations have the designated meanings;

BOD—Biochemical Oxygen Demand
BMP—Best Management Practice
BMR—Baseline Monitoring Report
CFR—Code of Federal Regulations
CIU—Categorical Industrial User
COD—Chemical Oxygen Demand
COMAR—Code of Maryland Regulations
EPA—U.S. Environmental Protection Agency
FOG—Fats, oils and grease
FSE—Food Service Establishment
gpd—gallons per day
mg/L—milligram per liter
NAICS—North America Industry Classification System
NPDES—National Pollutant Discharge Elimination System
MIU – Minor Industrial User
POTW—Publicly Owned Treatment Works
RCRA—Resource Conservation Recovery Act
SIC—Standard Industrial Classification
SIU—Significant Industrial User
SWDA—Solid Waste Disposal Act
TSCA—Toxic Substances Control Act
TSS—Total Suspended Solids
U.S.C.—United States Code

SECTION II. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That § 1.5 of Appendix L of The Code of the City of Frederick, 1966 (as amended) is hereby repealed and reenacted, as follows:

§ 1.5. Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, have the designated meanings:

- (a) Act. ***
- (b) Authorized representative of the user. ***
- (c) Best Management Practices (BMPs). ***

- (d) Biochemical Oxygen Demand (BOD₅). ***
- (e) Bypass. ***
- (f) Categorical pretreatment standard or categorical standard. ***
- (g) Chemical Oxygen Demand (COD). ***
- (h) Color. ***
- (i) Composite sample. ***
- (j) Control Authority. ***
- (k) Discharge. ***
- (l) Environmental Protection Agency (EPA). ***
- (m) Existing source. ***
- (n) Existing user. ***
- (o) Food service establishment (FSE). ***
- (p) Garbage. ***
- (q) Grab sample. ***
- (r) Grease. ***
- (s) Grease trap. ***
- (t) Hazardous material. ***
- (u) Interference. ***
- (v) Local limit. ***
- (w) Manhole. ***
- (x) Medical waste. ***
- (y) Minor Industrial User (MIU). "Minor Industrial User" or MIU means a nonresidential user, with an indirect discharge to the POTW, that does not meet the criteria of a Significant Industrial User, but whose operation and discharge may warrant inspection and/or issuance of a discharge permit to ensure compliance with discharge prohibitions, local limits pretreatment facility operation, spill prevention measures, required BMPs, and pollution prevention assistance.

[(y)] (z) National pretreatment standard, pretreatment standard, or standard. ***

[(z)] (aa) Natural outlet. ***

[(aa)] (bb) New source. ***

[(bb)] (cc) New user. ***

[(cc)] (dd) Noncontact cooling water. ***

[(ee)] Non-Significant Categorical Industrial User (NSCIU). "Non-Significant Categorical Industrial User" means a Categorical Industrial User (CIU) that:

- (1) never discharges more than 100 gpd of total categorical wastewater;
- (2) consistently complied with all applicable categorical pretreatment standards and requirements;
- (3) annually submits the certification statement as required under 40 CFR 403.12(q); and
- (4) never discharges any untreated concentrated wastewater.

[(dd)] (ff) Pass through. ***

[(ee)] (gg) Permittee. ***

[(ff)] (hh) Person. ***

[(gg)] (ii) pH. ***

[(hh)] (jj) Pollutant. ***

[(ii)] (kk) Pretreatment. ***

[(jj)] (ll) Pretreatment requirements. ***

[(kk)] (mm) Pretreatment standards or standards. ***

[(ll)] (nn) [Public] Publicly Owned Treatment Works (POTW). "Publicly Owned Treatment Works" or POTW means the "treatment works", as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the City. The POTW includes the City's wastewater treatment plant and any devices or systems used by the City in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to the treatment plant.

[(mm)] (oo) Severe property damage. ***

[(nn)] (pp) Sewage. ***

[(oo)] (qq) Significant industrial user (SIU). "Significant industrial user" means any industrial user that:

- (1) discharges an average of 25,000 gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling [water]; water and boiler blowdown wastewater);
- (2) is subject to national categorical standards;
- (3) contributes a process waste stream that makes up 5% or more of the hydraulic or organic capacity of the POTW; or
- (4) is found by the City, the State, or the EPA to have a reasonable potential to adversely impact either singly or in combination with other contributing industries to the POTW, the quality of the sludge, the POTW's effluent quality, the NPDES permit or air emissions generated by the system.

[(pp)] (rr) Slug load or slug. ***

[(qq)] (ss) Superintendent. ***

[(rr)] (tt) Suspended solids (TSS). ***

[(ss)] (uu) Total Kjeldahl Nitrogen (TKN). ***

[(tt)] (vv) Total Phosphorous (TP). ***

[(uu)] (ww) Treatment plant effluent. ***

[(vv)] (xx) User or industrial user. ***

[(ww)] (yy) Wastewater. ***

[(xx)] (zz) Wastewater discharge permit. ***

SECTION III. AND BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That § 2.3 of Appendix L of The Code of the City of Frederick, 1966 (as amended) is hereby repealed and reenacted, with amendments, as follows:

§ 2.3. Specific prohibitions.

- (a) A user may not establish a connection to the POTW that would result in the discharge of infiltration or inflow into the POTW.
- (b) A person may not discharge or cause to be discharged into the POTW any of the following:
 - (1) any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, condensate or unpolluted industrial process waters to the POTW except with the prior written permission of the Superintendent;

- (2) the effluent from any sump pump or any other type of pump that discharges any storm water, surface water, groundwater, roof runoff, subsurface drainage, basement drainage, uncontaminated cooling water, condensate or unpolluted industrial process waters;
- (3) wastewater causing two readings on an explosion meter at the point of discharge into the sanitary sewer, or at any point in the sanitary sewer system, of more than 20 percent of the lower explosive limit of the meter;
- (4) wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater which causes the temperature at the introduction of the wastewater treatment plant to exceed 104 degrees F (40 degrees C);
- (5) wastewater that may create a fire or explosion hazard in the POTW, including wastestreams with a closed cup flashpoint of less than 140 degrees F or 60 degrees C using the test method specified in 40 CFR Part 261.21;
- (6) wastewater containing any noxious or malodorous gas or substance, which either singly or by interaction with other wastes, is capable of creating a public nuisance, or hazard to life or preventing entry into sewers for their maintenance and repair;
- (7) wastewater containing garbage that has not been ground to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particles under any circumstance, greater than 1/2 inch in any dimension;
- (8) wastewater containing any solid or viscous substance in quantities or of size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities;
- (9) wastewater with a pH lower than 5.0 or higher than 12.0;
- (10) wastewater having any corrosive or scale forming property capable of causing damage or hazards to structures, equipment, bacterial action, or POTW personnel;
- (11) wastewater containing a toxic or poisonous substance in sufficient quantity to injure or cause interference with any sewage treatment process, to constitute a hazard to humans or animals or to create any hazard in the Monocacy River;
- (12) trucked or hauled pollutants, except at discharge points designated by the Superintendent;
- (13) pollutants that may 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;
- (14) any substance that may cause the WWTP effluent or any other product such as residues, sludges, biosolids or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process;

- (15) any substance that may cause the WWTP to be in noncompliance with biosolids use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the SWDA, the Clean Air Act, the TSCA, or State criteria applicable to the sludge management method being used;
- (16) any substance that may, singly or by interaction with other pollutants or substances, cause the POTW to violate its NPDES permit or the applicable receiving water quality standards;
- (17) any substance containing any radioactive wastes or isotopes except in compliance with applicable State or federal regulations;
- (18) any substance that is comprised of petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- (19) fats, oils, and greases of animal or vegetable origin in concentrations greater than 100 mg/L;
- (20) hazardous wastes as defined in rules published by the State of Maryland or in 40 CFR Part [261.] 261;
- (21) persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA); or
- [[22]] [pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW or any natural outlet; or]

[[23]] (22) wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant effluent, thereby violating the City's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of compensation point for photosynthetic activity by more than 10% from the seasonably established norm for aquatic life.

- (c) Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW or any natural outlet.

SECTION IV. AND BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That § 2.13 of Appendix L of The Code of the City of Frederick, 1966 (as amended) is hereby repealed and reenacted, as follows:

§ 2.13. Accidental spill prevention and slug control plans.

- (a) **Prevention. *****
- (b) **Submission. *****

- (c) **Content.** ***
- (d) **Notice.** ***
- (e) **Report.** ***
- (f) **Notice to employees.** A notice must be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall [~~insure~~] ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification.

SECTION V. AND BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That § 3.4 of Appendix L of The Code of the City of Frederick, 1966 (as amended) is hereby repealed and reenacted, as follows:

§ 3.4. Plumbing system preventative maintenance.

- (a) **Sewer line.** The on-site sanitary sewer line system for a property containing a FSE, multi-tenant properties containing at least one FSE, and properties containing multi-family housing buildings must be professionally cleaned, at the expense of the property owner, at least once [~~per year.~~] every 365 days. The Superintendent may specify additional maintenance if once per year is shown to be inadequate. All debris accumulation in the service lines professionally cleaned must be collected for disposal. A property owner shall notify the Superintendent no later than 48 hours before scheduled maintenance.
- (b) **BMPs.** ***

SECTION VI. AND BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That § 4.4 of Appendix L of The Code of the City of Frederick, 1966 (as amended) is hereby repealed and reenacted, with amendments, as follows:

§ 4.4. Permit requirement. Each user shall apply for and obtain a wastewater discharge permit as described in this section.

(a) **Significant Industrial Users.**

- (1) The Superintendent shall determine whether a user is an SIU as defined in § 1.5 of this Ordinance. The Superintendent may, on the Superintendent's own initiative or in response to a petition received in accordance with 40 CFR Part 403.8(f)(6), determine that an industrial user is not [a] an SIU if the industrial user has no reasonable potential for affecting the operation of the POTW or for violating any pretreatment standard or requirement.
- (2) An SIU shall obtain a wastewater discharge permit known as an "SIU wastewater discharge permit".

[(b)] **[Zero discharge.** Any CIU that operates its regulated processes so that no industrial waste is discharged to the POTW shall obtain a wastewater discharge permit known as a "zero discharge CIU permit".]

(b) Minor Industrial Users.

- (1) The Superintendent shall determine whether a user is an MIU as defined in § 1.5 of this Ordinance. An MIU shall obtain a wastewater discharge permit known as an "MIU wastewater discharge permit".**
- (2) Any NSCIU as defined in § 1.5 of this Ordinance must obtain a wastewater discharge permit known as an "MIU wastewater discharge permit".**

(c) High strength wastewater. ***

(d) FOG control. ***

SECTION VII. AND BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That § 4.12 of Appendix L of The Code of the City of Frederick, 1966 (as amended) is hereby repealed and reenacted, with amendments, as follows:

§ 4.12. Permit reissuance.

(a) Application deadline. ***

(b) Failure to reapply. ***

[(c)] [Submission requirements. A user may be required to submit the following:

- (1) the location of all wastes covered by the permit;**
- (2) information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CRF Part 403.6(e);**
- (3) the categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes;**
- (4) the results of sampling and analysis identifying the nature and concentration or mass, where required by standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process; or**
- (5) instantaneous, daily maximum, and long term average concentrations, or mass. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in this Ordinance. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Superintendent or the applicable standards to determine compliance with the standard.]**

SECTION VIII. AND BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That § 6.2 of Appendix L of The Code of the City of Frederick, 1966 (as amended) is hereby repealed and reenacted, with amendments, as follows:

§ 6.2. Right of entry: inspection and sampling.

(a) **Access. *****

(b) **Security. *****

(c) **Installation of devices. *****

(d) **Monitoring equipment. *****

(e) **Removal of obstructions. *****

(f) Meter reading. The Superintendent may perform the reading of water or sewage meters installed in industrial establishments or may require a user to perform the meter reading. Each meter must be installed at a location approved by the Superintendent. All meters shall be accessible to the City at all times.

SECTION IX. AND BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That § 8 of Appendix L of The Code of the City of Frederick, 1966 (as amended) is hereby repealed and reenacted, with amendments, as follows:

§ 8.1. Injunctive relief. ***

§ 8.2. Civil penalties ***

§ 8.3. Criminal penalties ***

§ 8.4. Show Cause Hearing

The Superintendent may order a user which has violated or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

§ [8.4.] 8.5. Remedies nonexclusive. ***

§ [8.5.] 8.6. Recouping cost. ***

§ [8.6.] 8.7. Judicial review. ***

[§ 8.7. Meter reading. The Superintendent may perform the reading of water or sewage meters installed in industrial establishments or may require a user to perform the meter reading. Each meter must be installed at a location approved by the Superintendent. All meters shall be accessible to the City at all times.]

SECTION X. AND BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That § 9 of Appendix L of The Code of the City of Frederick, 1966 (as amended) is hereby repealed and reenacted, with amendments, as follows:

§ 9. Fees and charges.

§ 9.1. Fees. ***

§ 9.2. Characterization of industrial wastes for surcharge purposes. ***

§ 9.3 Industrial waste surcharge. There shall be additional charges for industrial wastes having concentrations of BOD₅ in excess of 300 mg/L, TSS in excess of 250 mg/L, TKN in excess of 30 mg/L and TP in excess of 8 mg/L. These charges shall be determined using the following formula:
$$S = (0.00834 * (QI (BODI - 300)(TA) + (SSI - 250)(TB)) + (0.0834 * [(Q1(TKNI - 30)(TC) + (TPI - 8)(TD))]) (QI(TKNI - 30)(TC) + (TPI - 8)(TD))$$

S is the semi-annual surcharge to be added to the normal sewer rent.

0.00834 is a constant to convert waste concentrations expressed in mg/L to thousands of pounds of waste.

0.0834 is a constant to convert waste concentrations expressed in mg/L to hundreds of pounds of waste.

QI is the semiannual industrial wastewater flow expressed in million gallons and determined as per methods set out in this section.

BODI, SSI, TKNi and TPI are the average concentrations of BOD₅, suspended solids, total kjeldahl nitrogen and total phosphorus in the user's wastestream expressed in mg/L for the billing period.

TA is the treatment cost per 1,000 pounds of BOD₅.

TB is the treatment cost per 1,000 pounds of suspended solids.

TC is the treatment cost per 100 pounds of total kjeldahl nitrogen.

TD is the treatment cost per 100 pounds of total phosphorus.

SECTION XI. AND BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That a new § 10 is added to Appendix L of The Code of the City of Frederick, 1966 (as amended) to read as follows:

§ 10. Confidential Information

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and from the Superintendent'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 Superintendent, that the release of such information would divulge information, processes, or methods of production

entitled to protection as trade secrets under the Maryland Public Information Act. 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 at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.


SECTION XII. AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That this ordinance shall take effect on the date it is signed by the Mayor and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.

APPROVED: December 5, 2019

PASSED: December 5, 2019

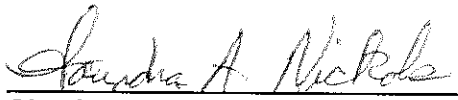


Michael C. O'Connor, Mayor



Michael C. O'Connor, President,
Board of Aldermen

Approved for Legal Sufficiency:



Sandra A. Nichols
City Attorney