

CHAPTER 8 INDUSTRIAL AND SPECIAL WASTE

SECTION 801 APPLICABILITY

801.1 Scope. This chapter shall authorize the regulation of Industrial Users discharging to the Commission wastewater system through the issuance of permits to certain **industrial users that discharge non-domestic wastewater** and through enforcement of general requirements for other users; shall authorize monitoring and enforcement activities; shall detail user reporting requirements; and shall provide for the setting of fees for the equitable distribution of costs resulting from the program established herein. These requirements shall apply to all persons within the Sanitary District and to persons outside the Sanitary District who are, users of the Commission sewer and wastewater treatment systems by agreement, permit or other means. Persons who apply for or receive service from the Commission shall be deemed to have consented to inspections and shall comply with Commission regulations. Water re-use systems are subject to chapter 9.

801.2 Definitions. In addition to the definitions generally applicable to the provisions of this Code (See Chapter 2), the following definitions are specifically applicable to the provisions of this Chapter 8, Industrial and Special Waste.

"Administrator" Means the administrator of the U.S. Environmental Protection Agency.

"Authorized Representative" means the following:

- a. **Corporation.** If the Industrial User is a corporation, authorized representative shall mean:
 - i. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations, can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. **Partnership Or proprietorship.** If the Industrial User is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively.
- c. **Government.** If the Industrial User is a federal, state or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or the authorized representative's designee.
- d. **Designee.** If individuals described in Paragraph 801.2.2 may designate another authorized representative if the authorization is in writing; the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company; and the written authorization is submitted to the Commission.
- e. **New Authorization.** If authorization in item 'd' is no longer accurate because a different individual or position has responsibility, a new authorization satisfying the requirements of items 'a' and 'd' of "authorized representative" must be submitted to the Commission before or together with any reports to be signed by an authorized representative.

"Best management practices (BMPs)" means methods, activities, prohibitions of practices, maintenance procedures, and other management practices designed to reduce the quantity of pollutants discharged to a pretreatment system or to the POTW. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

"Biochemical oxygen demand (BOD)" means the measure of oxygen consumed in the biochemical oxidation of organic matter in 5 days at 20 degrees Celsius expressed in milligrams per liter (mg/l).

"Bypass" means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

"Categorical industrial user" means any industrial user who is subject to categorical pretreatment standards.

"Categorical pretreatment standard (categorical standard)" means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Clean Water Act which apply to a specific category of users and which appear in 40 CFR Chapter I, Sub-Chapter N, Parts 405-471.

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“Code of Federal Regulations (CFR)” means a codification of the general and permanent rules published in the Federal Register by the Executive Department and agencies of the Federal government.

“Chronic violations” means violations of wastewater discharge limits in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(I).

“Composite sample” means a combination of individual samples collected at regular intervals over a time period not to exceed 24 hours in any given calendar day. The volume of each individual sample may be either proportional to the flow rate during the sample period (flow composite), or constant and collected at equal time intervals during the composite period (time composite).

“Decontamination wastewater” means wastewater generated as a result of decontamination activities performed after an industrial disaster, occupational exposure, natural catastrophe, warfare, act of terrorism, or similar event with chemical, biological or radiological substances; activity at hazardous waste sites; or chemical spill exposures.

“Discharge authorization permit” means a permit issued by the Commission authorizing the discharge of industrial wastes into the wastewater treatment system subject to specific discharge standards, reporting requirements and other restrictions.

“Domestic wastes” means waterborne wastes derived from ordinary living processes.

“Effluent” means the flow of liquid out of a fixture, pipe, process, or system.

“Environmental Protection Agency (EPA)” means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

“Existing source” means source of discharge, the construction of which commenced before the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Clean Water Act.

“Food Service Establishments (FSEs)” means establishments where food is served to or provided for the public, with or without charge, including restaurants, cafeterias, hotel kitchens, church kitchens, school kitchens, hospital cafeterias, bars, or any other commercial operation that has the potential to discharge grease-laden wastewater.

“Garbage” means the solid animal and vegetable waste resulting from domestic or commercial handling, storage, dispensing, preparation, cooking and serving of foods.

“Grab sample” means a sample taken from a wastestream without regard to the flow in the wastestream and over a time not to exceed 15 minutes.

“Ground water” means subsurface water occupying the zone of saturation, either confined or free.

“Confined ground water” means a body of ground water covered with a material impervious enough to sever free hydraulic connection with overlying ground water.

“Free ground water” means ground water in the zone of saturation extending down to the first impervious barrier.

“Indirect discharge” means the introduction of pollutants into a POTW from any non-domestic source regulated under Sections 307(b), (c) or (d) of the Clean Water Act.

“Industrial User” means any place of business, endeavor, arts, trade or commerce, whether public or private, commercial or charitable, that uses water in a product, process, or any manner that generates wastewater which is a source of indirect discharge. For the purposes of Chapter 8 the terms Industrial User and User will be used interchangeably.

“Industrial wastes” means liquid or liquid borne wastes resulting from the processes employed in industrial and commercial establishments.

“Influent” means the flow of a liquid into a fixture, pipe, process, or system.

“Interference” means 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. 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.

“Lower Explosive Limit (LEL)” means the minimum concentration of a particular combustible gas that can be ignited in air.

“Industrial Waste Monitoring Port (IWMP)” means a Commission approved access opening to the building drainage system for the purpose of obtaining samples of the industrial user’s waste discharges. Limits imposed on permitted industries apply at this point.

“Misconduct” means the use of abusive language, threats, mischievous or criminal acts, directed toward the public while providing services, or toward a Code Official while performing official duties.

“New source” means:

“Any premises” means 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 Clean Water 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 if the building, structure, facility or installation is 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.

“Construction site” means 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 items ‘b’ and ‘c’ of “any premises” but otherwise alters, replaces, or adds to existing process or production equipment.

“New source” means construction of a new source as defined under this paragraph has commenced if the owner or operator has:

- a. Begun, or caused to begin as part of a continuous on-site construction program as follows:
 - i. Any placement, assembly, or installation of facilities or equipment; or
 - ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

“Non-contact cooling water” means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

“Non-domestic waste” means the liquid wastes from industrial or commercial processes, trade or business; distinct from domestic wastes.

“NPDES permit” means a National Pollutant Discharge Elimination System Permit. NPDES Permits authorize the operation of COMMISSION wastewater treatment plants. NPDES Permits for Commission plants shall be issued by the State of Maryland.

“Owner” means a proprietor, person, or entity who owns or has exclusive rights of possession.

“Person” means any individual; partnership; co-partnership; firm; company; corporation; association; joint stock company; trust; estate; Federal, State, and local governmental entity; society; group or any other legal entity; or their legal representatives, agents, or assigns or governmental entities.

“Pass-through” means 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).

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“**pH**” means a measure of acidity, or alkalinity of a liquid. It is represented on a scale of 0 to 14 with 7 representing a neutral state; 0 representing the most acidic; and 14 representing the most alkaline.

“**Pollutant**” means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, chemical wastes, biological wastes, radioactive wastes, heat, rocks, sand and other industrial, municipal, commercial and agricultural waste or any other contaminant.

“**Pollution**” means the addition of sewage, industrial wastes, or other harmful or objectionable material to water. Sources of pollution includes privies, septic tanks, subsurface irrigation fields, seepage pits, sink drains, barnyard wastes, etc.

“**POTW**” means a Publicly-Owned Treatment Works of the Commission, which includes any device and system used in storage, treatment, recycling, and reclamation of municipal sewage or industrial waste of a liquid nature. Also included are sewers, pipes, and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality, as defined in Section 502(4) of the Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

“**POTW treatment plant**” means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage.

“**Pretreatment**” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes, or by other means, except as prohibited by 40 CFR 403.6(d) of the General Pretreatment Regulations. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in equalization facility with unregulated wastewater, wastewater from another regulated process, or a dilution flow, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).

“**Pretreatment requirements**” means any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

“**Pretreatment standards or standards prohibited**” means prohibited discharge standards, categorical Pretreatment Standards, state pretreatment standards, and local limits.

“**Prohibited discharges**” means absolute ban against the discharge of certain substance; these prohibitions appear in Section 804 of this Code.

“**Properly shredded garbage**” means garbage that has been shredded such that all particles will be freely carried under flow conditions normally occurring in the wastewater sewers with no particles greater than ½-inch in any dimension.

“**RCRA**” means the resource Conservation Recovery Act.

“**Severe property damage**” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

“**Significant Industrial User**” means an industrial User meeting the criteria as defined in 40 CFR 403.3, the criteria being:

- a. All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
- b. Any other Industrial User that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blow-down wastewater); or
- c. Any Industrial User which contributes process wastes stream which makes up 5-percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- d. Any Industrial User designated by the Commission on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8(f)(6).

NOTE: 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 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.

“Slug discharge” means a slug discharge is any discharge of a non-routine, episodic nature, including an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the Commission’s regulations, local limits or Permit conditions. Also referred to as slug load or slug loadings.

“Special wastes” means wastes that require special treatment before entry into the normal plumbing system.

“Storm water” means any flow of water occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

“Technical Review Criteria (TRC)” means violations of wastewater discharge limits in which 33 percent or more of all the measurements taken for the same pollutant parameter taken during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease; and TRC=1.2 for all other pollutants except pH).

“Toxic substances” means substances that, when inhaled or ingested, can cause death or disease.

“Total PCBs” means the summation of all concentrations for Arochlor 1016, 1221, 1232, 1242, 1248, 1254, and 1260 that are above the reporting detection limit (RDL) or reporting limit (RL) of 0.001 mg/L. EPA analytical method 608 shall be used for all PCB analysis.

“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.

“Wastewater” means a liquid and water-carried industrial waste and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated which are discharged to the POTW.

“Zero discharge categorical industrial user” means a user which may be identified by the Commission as a Categorical Industrial User, as defined herein, which has voluntarily elected not to discharge any of its categorically regulated process wastewater to the POTW, but to dispose of the wastewater by other legal means.

SECTION 802 GENERAL PROVISIONS

802.1 Objectives. This Industrial and Special Waste chapter shall detail uniform requirements for Industrial Users discharging into the wastewater collection and treatment systems of the Commission and shall enable the Commission to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations of 1981, as amended. The objectives of this Chapter shall be:

802.1.1 Prevent interference with operations. To prevent the introduction of pollutants into the Commission wastewater system that will interfere with the operation of the system or contaminate the resulting sludge.

802.1.2 Prevent inadequate treatment. To prevent the introduction of pollutants into the Commission wastewater system that will pass through the system, inadequately treated, into receiving waters or otherwise be incompatible with the system.

802.1.3 Reclaim wastes. To improve the opportunity to recycle and reclaim municipal and industrial wastewater and sludge.

802.1.4 Endangerment. To prevent the introduction of pollutants into the collection system which endanger workers or interfere with the operation of the collection system or treatment plants.

802.1.5 Fees. To provide for the levying and collection of fees for the equitable distribution of the cost of the operation, maintenance and improvement of the Commission’s Industrial Discharge Control Program.

SECTION 803 GENERAL DISCHARGE REQUIREMENTS

803.1 All Industrial Users. All Industrial Users discharging non-domestic wastes into the Commission’s sanitary sewers from a building drain or sewer or any other method (e.g. waste hauler) shall meet the standards and requirements of this chapter. The Commission shall reserve the right, as it may deem proper, to require pretreatment of industrial wastes, or any other special kinds of wastes, before such wastes are discharged to the sanitary sewer.

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803.2 Federal and other standards. All Industrial Users shall comply with the Federal general pretreatment regulations in 40 CFR Part 403 and the applicable national categorical pretreatment standards set out in 40 CFR Chapter I, Subchapter N Parts 405 through 471 as amended, and all other applicable Federal, State, or local discharge limitations, requirements or standards. Limitations imposed on users at the point of application shall be the most stringent limitations applicable. These may be Federal, State, or local requirements or standards. In the event that an Industrial User discharges to any outside jurisdiction, the Commission shall enforce discharge limitations, requirements, or standards at least as stringent as those established in the outside jurisdiction.

803.3 Discharge limits. The Commission may impose mass discharge limits in lieu of, or in conjunction with, concentration discharge limits.

803.4 Categorical standards. The national categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471 shall hereby be incorporated.

803.5 State standards. The State pretreatment standards found in COMAR Title 26 shall hereby be incorporated.

803.6 Special agreements. No provision contained in this Code shall be deemed to prevent any special agreement or arrangement between the Commission and any person, whereby wastewater of unusual strength or characteristic may be accepted by the Commission for treatment, that will not violate or cause the Commission or the user to violate, Federal or State pretreatment requirements or standards; and which shall not be harmful to the system. Under no circumstances shall Federal or State pretreatment standards or requirements be waived.

SECTION 804 PROHIBITED DISCHARGES

804.1 Prohibited discharge to sanitary sewer. No person shall discharge the following, or cause the following to be discharged, directly or indirectly, into the Commission's sanitary sewer:

804.1.1 Temperature. Any liquids or vapors having a temperature greater than 140°F (60°C). In no case shall discharged waste raise the temperature at the treatment works influent greater than 104°F (40°C).

804.1.2 Fire or explosion hazard. Any liquids, solids or gases that by reason of their nature or quantity are, or may be, either alone or by interaction with other substances sufficient to cause a fire or explosion hazard in the POTW or its processes, including waste streams with a closed cup flash point of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21. At no time shall an Industrial User discharge any substance which results in a reading of greater than 5-percent of the Lower Explosive Limit (LEL) for that substance using a methane calibrated combustible meter, at the point of discharge to a fixture or at any point in the system.

■ **Materials that can create a fire or explosion hazard** include gasoline, kerosene, naphtha, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances determined to be a fire or explosion hazard.

804.1.3 Public nuisance or hazard. Any malodorous or toxic gases, vapors, fumes, or other substances that, either singly or by interaction with other wastes, shall be capable of creating a public nuisance, a hazard to human health or the environment, or the prevention of entry by Commission personnel into sewers for maintenance and repair.

804.1.4 Interference and pass-through. Any liquids, solids, or gases not amenable to treatment or reduction by the sewage treatment processes employed, or amenable to treatment only to such a degree that the wastewater treatment plant violates its NPDES permit; or any substance which may interfere with or pass-through the POTW into the receiving waters untreated or without adequate treatment.

804.1.5 Excess coloration. Any liquids, solids, or gases that, singly or by interaction with other material, cause excessive coloration which may pass-through the POTW to the receiving waters or any substance with excessive color such that the color is not removed in the wastewater treatment plant, including dye wastes.

804.1.6 Obstruction to flow. Any lint, ashes, cinders, sand, mud, straw, shavings, metals, glass, bones, wood, plastics, stone dusts, rags, paunch manure, butcher's offal, or any solids, liquids or other substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater system.

■ **804.1.7 Concentrated releases.** Any slug load, **decontamination wastewater**, release rate of pollutants, concentration of pollutants, including oxygen demanding pollutants either singly or by interaction with other pollutants or waste streams, which shall cause interference with any wastewater treatment process, constitute a hazard to humans or animals, contaminate sludge, pass-through the POTW to receiving waters, or could result in a violation of the POTW's NPDES permit.

804.1.8 Excess daily flow. Unless otherwise permitted in writing, an average daily flow greater than 2-percent of the average daily sewage flow at the wastewater treatment plant receiving the industrial waste.

804.1.9 Discharge limitations. Any water or wastewater containing substances in excess of the limitations contained in Table 804.1.9. These limits shall be subject to revision and may be modified to represent concentration or mass based standards.

804.1.10 Radioactive wastes. Any radioactive wastes or isotopes of such half-life or concentration as to exceed limits established by applicable local, State, or Federal regulations. Reports of discharges to the Commission's system shall reflect actual discharge concentrations rather than any time or dilution adjustments.

804.1.11 Pathogenic wastes. Any substance containing viable pathogenic or parasitic organisms that could pose a health hazard to the public, [endanger workers](#), or interfere with the operation of the Commission wastewater system or treatment plants.

804.1.12 Storm or ground water. Any storm water, surface water, ground water, roof runoff, subsurface drainage.

804.1.13 Viscous substances. Any substances that could solidify or become viscous at temperatures between 40°F (4°C) and 140°F (60°C); or at any other temperature that could cause obstruction and/or interference with the conveyance system or the POTW processes.

804.1.14 Dilution prohibition. Any water added to a discharge as a partial or complete substitute for proper treatment to achieve compliance with applicable discharge limitations for any wastewater constituent.

804.1.15 Hauled pollutants. Except at disposal sites designated by the Commission in conformance with the provisions cited in Section [814](#), any trucked or hauled pollutants.

804.1.16 Oils. Any wastes containing petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that could cause Interference or Pass-Through.

804.1.17 Glycol. Any glycol compound or derivative added to or contained in internal combustion engine cooling systems or liquid conveyance systems for the purposes of altering liquid freezing or boiling points.

804.1.18 Pretreatment residue. Sludges, screenings or other residues from pretreatment systems or industrial processes.

804.1.19 Corrosive substances. Substances causing corrosive damage, harm or endangerment to the collection system, pumps, or personnel.

804.1.20 Mercury. Except as otherwise provided in this section, any substance containing mercury in amounts greater than 0.03 mg/L. Dental practices may follow Commission approved Best Management Practices (BMPs) for dental waste dischargers, in lieu of monitoring for the numerical discharge limitation for substances containing mercury.

804.1.21 Perchloroethylene. Any discharge of perchloroethylene or perchloroethylene-containing products from a water separator (used for the purpose of recovering perchloroethylene) or from any dry cleaning process.

Discharge Limitations^{1,2}

Pollutants	Limit ³
Inorganics (total)	
Concentration (mg/l)	
Arsenic	0.28
Cadmium	0.1
Chromium	7.0
Copper	2.0
Cyanide	0.40
Lead	0.35
Molybdenum	0.35
Nickel	3.4
Selenium	0.40
Silver	0.50
Zinc	4.2
Organics	
Concentration (mg/l)	
Tetrachloroethylene (Tetrachloroethene)	0.945
Trichloroethylene (Trichloroethene)	0.026
Total PCBs ⁴	<0.001
Conventionals	
Concentration (mg/l) (except as indicated)	
Ammonia	190
Dissolved Solids	5,000
Suspended Solids	3,000
Total Solids	8,000
BOD (5-day, 20°C)	3,000
Total Phosphorous	8.0
Oil And Grease (Non-Polar, Petroleum)	250
Fats, Oil and Grease (FOG, Polar) ⁵	200
pH ⁶	6.0 - 10.0 Standard units
Temperature	140°F

Notes:

1. Limits expressed in this table represent absolute maximum limitations and shall not be exceeded at any time. This list shall not be construed as a complete list of restricted materials. Restrictions may also be placed on other materials when the concentration of these materials is sufficient to adversely affect any portion of the collection or treatment system.

2. Unless otherwise specified in the permit, to determine compliance with numerical permit limitations the analytical methods shall include:

- a) any approved method with a Method Detection Level (MDL) adequate to detect concentrations of at least one-tenth the level of the permit limitation, or
- b) if there is no approved method sensitive to at least one-tenth of the permit limitation, then the most sensitive method approved in 40 CFR Part 136 or other method approved by EPA for wastewater is required.

3. Maximum for any sample obtained during a calendar day.

4. Total PCBs shall consist of the summation of all concentrations for Arochlor 1016, 1221, 1232, 1242, 1248, 1254, and 1260 that are above the reporting detection limit (RDL) or reporting limit (RL) of 0.001 mg/L. EPA analytical method 608 with a minimum RDL or RL of 0.001 mg/L shall be used for all PCB analysis.

5. Fats, wax, grease, or oils of animal or vegetable origin, whether emulsified or not. Any discharge capable of causing an obstruction or interference with the plumbing system, conveyance system, or the POTW processes shall be prohibited regardless of limit.

6. In the event an Industrial User monitors their pH continuously, a pH violation shall be construed as any excursion less than 6 or greater than 10 for more than 15 minutes at any one time, or more than 30 minutes in aggregate, for any calendar day. In the event that an Industrial User monitors their pH by collecting grab samples, a pH violation shall exist if greater than 6.25% of the grabs taken that day are less than 6.0 or greater than 10.0. The pH shall not be less than 5 for any period of time.

Table 804.1.9

SECTION 805 STORAGE OF PROHIBITED, TOXIC, OR HAZARDOUS SUBSTANCES

805.1 General. The Commission shall review and approve the storage of any materials that could:

- a. Enter the Commission's sanitary sewers via discharge, accidental spill, or leakage;
- b. Create a hazard or in any other way have a deleterious effect on the conveyance systems or treatment processes; or
- c. Constitute a hazard to any individuals.

The Commission shall require reasonable safeguards to prevent the discharge, spill, or leakage of such materials into the sanitary sewage system. When deemed necessary, the owner shall install and maintain, at the owner's expense, suitable control structures or devices that may include dikes, dams, or sumps to prevent sudden or accidental waste discharges to the sanitary sewage system.

SECTION 806 DISCHARGE AUTHORIZATION PERMITS AND CATEGORICAL ZERO DISCHARGE PERMITS

806.1 Applicability. The Discharge Authorization Permit (DAP) grants permission to the Industrial User to discharge industrial waste into the sewer system. All Industrial Users shall apply to the Commission for a Discharge Authorization Permit. The Commission may require other Industrial Users, as it deems necessary, to submit a Discharge Authorization Permit Application and obtain a permit. Discharge Authorization Permit Applications shall be signed by an authorized representative of the Industrial User. No Significant Industrial User or other Industrial User designated by the Commission shall discharge to the Commission's sanitary sewer system without first obtaining a Discharge Authorization Permit.

The Commission may require Zero Discharge Categorical Industrial Users to submit a Discharge Authorization Permit Application and obtain a Categorical Zero Discharge Permit. Discharge Authorization Permit Applications shall be signed by an authorized representative of the Industrial User.

806.1.1 Application review. The Commission shall review the application submitted by the Industrial User and may require additional information. Within 90 days of receiving a complete application, the Commission shall make the determination that a Discharge Authorization Permit or a Categorical Zero Discharge Permit may be warranted. The Commission shall issue a permit if it is determined that pretreatment facilities are adequate for efficient treatment of discharged waste and that the discharged waste complies with the discharge limitations of these regulations or with the National Pretreatment Standards, whichever is applicable.

806.1.2 Duration. The Discharge Authorization Permit and Categorical Zero Discharge Permit shall be issued for a specified time period not to exceed 5 years. This permission shall be conditional on compliance with Discharge Authorization Permit requirements and this Code.

806.1.3 Terms and conditions. Permitted Industrial Users and Zero Discharge Categorical Industrial Users shall comply with the terms, conditions and limitations of a Discharge Authorization Permit and Categorical Zero Discharge Permits, respectively. It shall be a violation of this Code for any person to violate any term, condition or limitation set forth in any Permit. Failure to comply may result in civil or criminal liability under applicable State or Federal Law and may be grounds to impose penalties, as outlined in the Commission's Enforcement Response Plan.

806.2 Discharge Authorization Permit requirements. The Discharge Authorization Permit contains requirements necessary for the Commission to assess and ensure compliance with these Regulations. Permitted Industrial Users shall take all reasonable steps to correct any adverse impact resulting from noncompliance with the Discharge Authorization Permit, including accelerated additional monitoring as necessary to determine the nature and impact of the noncompliant discharge. The Discharge Authorization Permit shall at a minimum contain the following:

- a. Effective and expiration dates.
- b. Statement of non-transferability as specified in Section 806.7.
- c. Effluent limitations, including best management practices, based on applicable general pretreatment standards, categorical pretreatment standards, local limits, state and local law, or any of these.
- d. Self-monitoring, sampling, reporting, notification, and record keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on applicable general pretreatment standards, categorical pretreatment standards, local limits, state and local law, or any of these.
- e. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.
- f. Requirement to control slug discharges, if determined by the Commission to be necessary.

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- g. The Discharge Authorization Permit may contain other conditions as deemed appropriate by the Commission to ensure compliance with all applicable pretreatment standards and requirements.

806.3 Categorical Zero Discharge Permit requirements. The Categorical Zero Discharge permit contains requirements necessary for the Commission to assess and ensure compliance with these Regulations. Permitted Zero Discharge Categorical Industrial Users shall take all reasonable steps to correct any adverse impact resulting from noncompliance with the Categorical Zero Discharge Permit. The Categorical Zero Discharge Permit shall at a minimum contain the following:

- a. Effective and expiration dates.
- b. Statement of prohibited discharge of categorically regulated process wastewater.
- c. Statement of non-transferability as specified in Section 806.7.
- d. Reporting, notification, and record keeping requirement.
- e. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.
- f. The Categorical Zero Discharge Permit may contain other conditions as deemed appropriate by the Commission to ensure compliance with all applicable pretreatment standards and requirements.

806.4 Discharge Authorization and Categorical Zero Discharge Permit modifications. The Commission may modify the Discharge Authorization or the Categorical Zero Discharge Permit for good cause including the following:

- a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.
- b. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of Discharge Authorization Permit or Categorical Zero Discharge Permit issuance.
- c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- d. Information indicating that the permitted discharge poses a threat to the Commission's treatment plants, collection system personnel, or the receiving waters.
- e. Violation of any terms or conditions of the Discharge Authorization Permit or the Categorical Zero Discharge Permit.
- f. Misrepresentations or failure to fully disclose all relevant facts in the Discharge Authorization Permit application or in any required reporting.
- g. Revision of or a grant of variance from categorical pretreatment standards under 40 CFR 403.13. To correct typographical or other errors in the Discharge Authorization Permit or the Categorical Zero Discharge Permit.
- h. To reflect a transfer of the facility ownership or operation to a new owner or operator.

806.5 Discharge Authorization and Categorical Zero Discharge Permit suspension or termination. The Commission may terminate or suspend a Discharge Authorization Permit or a Categorical Zero Discharge Permit for good cause including the following:

- a. Failure to notify the Commission in advance of significant changes to industry processes, pretreatment modifications, or wastewater characteristics.
- b. Misrepresentation or failure to fully disclose all relevant facts in the Discharge Authorization Permit application.
- c. Falsifying self-monitoring reports or certification statements.
- d. Tampering with monitoring equipment.
- e. Refusing to allow Commission personnel timely access to the facility premises and records.
- f. Failure to comply with Discharge Authorization conditions, requirements or effluent limitations.
- g. Failure to pay fines, permit renewal fees, or annual discharge fee.
- h. Failure to meet compliance schedules.
- i. Failure to complete a wastewater survey or the Discharge Authorization Permit application.
- j. Failure to provide advance notice of the transfer of business ownership of a permitted facility.
- k. Violation of any pretreatment standard or requirement, or any terms of the Discharge Authorization Permit, the Categorical Zero Discharge Permit, or these regulations.

806.5.1 Suspension or termination. Upon notification of suspension or termination of a Discharge Authorization Permit or Categorical Zero Discharge Permit by the Commission, the Industrial User shall cease all discharges of wastes regulated by the Discharge Authorization Permit.

806.5.2 Reinstatement. The Commission shall not reinstate or reissue a suspended or terminated Discharge Authorization Permit or Categorical Zero Discharge Permit until the Industrial User:

- a. Completes a new Discharge Authorization Permit application and pays the associated fees.

- b. Requests in writing that the existing Discharge Authorization Permit or Categorical Zero Discharge Permit be reinstated or reissued.
- c. Identifies the steps taken to correct any violation that led to the suspension or termination of the existing discharge authorization permit categorical zero discharge permit.
- d. Upon reviewing all of the required information provided, the Commission shall decide whether the Industrial User's request shall be approved.

806.6 Requests for reconsideration

806.6.1 Time limit. Requests for reconsideration of any limitation, condition, or other requirement contained in a Discharge Authorization Permit or Categorical Zero Discharge Permit shall be filed within 15 days from the issuance of the Discharge Authorization Permit or Categorical Zero Discharge Permit, provided such request does not create a violation of any existing applicable requirements, standards, laws, or rules and regulations. The filing of a request by the Industrial User for a Discharge Authorization Permit or Categorical Zero Discharge Permit modification, suspension, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Discharge Authorization Permit or Categorical Zero Discharge Permit condition.

806.6.2 Submission of request. Any person seeking reconsideration of a Discharge Authorization Permit or Categorical Zero Discharge Permit [limitation, condition, or other requirement](#) shall submit a request for reconsideration in writing. the request shall be addressed to the Regulatory Services Division and shall state in detail the [limitation, condition, or other requirement](#) of the Discharge Authorization Permit or Categorical Zero Discharge Permit objected to, all reasons for the objection and the proposed alternative, if any.

806.6.3 Failure to file on time. Failure to file a request for reconsideration within the time specified in this section shall be deemed a waiver of the right to challenge or appeal a Discharge Authorization Permit or Categorical Zero Discharge Permit limitation, condition, or other requirement.

806.6.4 Final decision. The decision of the [Chief Code Official or their designated agent](#) on a request for reconsideration, permit modification or issuance of a Discharge Authorization Permit or Categorical Zero Discharge Permit shall be final and binding upon the parties.

806.6.5 Final denial. If the Commission fails to reach a decision on a request within 30-days from the date the request is filed, the failure shall be deemed a final denial of the request.

806.7 Transferability. Discharge Authorization Permits and Categorical Zero Discharge Permits shall be issued to a specific user for a specific operation and shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation without the prior written approval of the Commission. [The Commission determines the effective date of the transfer through the modification of the permit.](#)

806.7.1 Advanced notice. Discharge Authorization Permits and Categorical Zero Discharge Permits may be transferred to a new owner or operator only if the permittee gives at least 30 days advance notice to the Commission, and the Commission approves the Permit transfer. The notice to the Commission shall include a written certification by the new owner or operator which:

- a. States that the new owner or operator or both have no immediate intent to change the facility's operations and processes.
- b. Requested effective date of transfer.
- c. Acknowledges full responsibility for complying with the existing Discharge Authorization Permit or Categorical Zero Discharge Permit.

806.7.2 Failure to provide advanced notice. Failure to provide advance notice of a transfer shall render the Discharge Authorization Permit or the Categorical Zero Discharge Permit void as of the date of facility transfer.

806.8 Discharge Authorization Permit and Categorical Zero Discharge Permit; re-issuance. An Industrial User with an expiring Discharge Authorization Permit or Categorical Zero Discharge Permit shall apply for a new permit by submitting a complete Discharge Authorization Permit application at least 90 days before the expiration of the Industrial User's existing Discharge Authorization Permit or Categorical Zero Discharge Permit. Renewal of the Discharge Authorization Permit or Categorical Zero Discharge Permit shall be contingent on payment of the permit renewal fee, and compliance with the terms, conditions and limitations of the existing Discharge Authorization Permit or Categorical Zero Discharge Permit.

806.9 Discharge Authorization Permit or Categorical Zero Discharge Permit; new Industrial User. Any Industrial User required to obtain a Discharge Authorization Permit who proposes to begin discharging into the Commission's sewer system,

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shall submit the required Discharge Authorization Permit Application. A complete application for the Discharge Authorization Permit shall be submitted to the Commission at least 90 days before the date the discharge is intended to start.

806.10 Categorical Zero Discharge Permit; New Zero Discharging Categorical Industrial User. Any Industrial User required to obtain a Categorical Zero Discharge Permit shall submit the required Discharge Authorization Permit Application. A complete application shall be submitted to the Commission at least 90 days before the date the user intends to connect to the Commission's sewer system.

SECTION 807 RIGHT OF ENTRY

807.1 Investigation authority

807.1.1 Scope of duties. Employees or agents of the Commission shall have the right to enter and inspect any properties, buildings and premises in the Sanitary District or in those portions of Montgomery and Prince George's Counties outside of the Sanitary District, while in the pursuit of their official duties cited in this Code including: Inspecting, monitoring, reviewing records, copying records, setting up monitoring or measuring equipment or any other actions necessary to determine compliance with this Code. Commission personnel shall have the right to document locations, processes, conditions or equipment, at an Industrial User's facility through the use of photographs or video cameras or at the discretion of the Commission, require the Industrial User to supply such documentation.

807.1.2 Inspections. Inspections of facilities shall be performed by the Code Official, employees of the Commission, or its agents as deemed necessary by the Commission. Inspections may be performed anytime the facility is in operation, discharging or has a potential to discharge.

807.1.3 Identification and entry. Where an Industrial User has security measures or safety procedures in force that require proper identification and clearance or special protective equipment before entry can be gained into the premises, the Industrial User shall make necessary arrangements at its own expense, to enable Commission employees, their agents, the State or EPA entry without delay for the purposes of performing their official duties.

807.1.4 Termination of services. Failure to permit inspections on demand shall be a violation of these regulations and may prompt the termination of water or sewer service or both.

807.1.5 Jurisdictional coordination. Joint activities as indicated in Section [807.1.1](#) between Commission employees and employees of outside jurisdictions, State or Federal agencies may be conducted on any private premise and into any building that discharges ultimately to the outside jurisdiction or is subject to inspection by other State or Federal Regulatory agencies.

807.1.6 Intimidation or obstruction. Industrial Users shall not initiate or permit any action which harasses, intimidates, obstructs or threatens Commission employees or their agents in the performance of their official duties.

SECTION 808 REPORTING REQUIREMENTS

808.1 Submission of required information.

808.1.1 Documentation. Upon request of the Commission, any discharger or potential discharger of industrial wastes into the Commission's sewer system shall submit plans, reports, questionnaires, notices, analytical data, or any other information necessary to evaluate waste discharge characteristics and ensure compliance with these regulations, and Federal and State pretreatment requirements or standards. These documents, as outlined above or as specified in 40 CFR 403.12, shall be completed in a manner as approved by the Commission and returned in a time frame as specified in 40 CFR 403.12 or, in the absence of such specification, in a time frame as directed by the Commission. All information submitted in order to meet the above pretreatment requirements shall be signed by an authorized representative, as well as include the certification statement contained in 40 CFR 403.6(a)(2)(ii) when applicable. Analytical results associated with the required reports shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period.

808.1.2 Process changes. Industrial Users shall immediately report any process changes or modifications that alter the characteristics of any industrial discharge to the Commission. Failure to report process changes or modifications to the Commission shall be a violation of the Code.

808.1.3 Record preservation. Industrial Users shall retain and preserve any records, books, documents, memoranda, reports, correspondence, computer files, and summaries of these materials relating to testing, internal or external

monitoring, sampling, investigative and chemical analyses made by or on behalf of the Industrial User in connection with its discharge (including documentation associated with Best Management Practices) for a minimum of 3 years from the date of drafting or preparation. All records that pertain to matters that are the subject of special orders, or any other enforcement or litigation activities brought by the Commission, shall be retained and preserved until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. Such materials shall be made available to Commission personnel upon request.

808.1.4 Compliance schedule. Industrial Users installing a pretreatment technology or taking any other series of activities necessary to obtain and maintain compliance with a pretreatment standard or requirement may be required to follow a compliance schedule developed by the Commission, or the Industrial User as approved by the Commission. Compliance schedules shall contain increments of progress in the form of activities to be performed and dates for the commencement and completion of these activities leading to the construction and operation of the pretreatment technology or completion of other required activities to bring the Industrial User into compliance. Failure to initiate or complete the required activities to comply with the milestone and date elements of a compliance schedule shall be a violation of this Code.

808.1.5 Owner's expense. All pretreatment technologies shall be installed, operated and maintained at the owner's expense.

808.1.6 Documentation approval. Where pretreatment is necessary to conform to the requirements of the Commission, plans, procedures and complete specifications for the proposed work shall be submitted for review and approval by the Commission. Neither submission of plans nor issuance of a permit shall be construed to indicate that the Commission in any way vouches for, or warrants the capabilities of, any such pretreatment system or device, plans, specifications or data in any manner. The review and approval of plans, procedures or other information required by the Commission shall in no way relieve the Industrial User from the responsibility for modifying its pretreatment facilities to achieve compliance with the Commission's limitations. Industrial Users shall not make any alterations to pretreatment facilities without prior written notice to and approval of the Commission.

808.1.7 Public information. Records concerning Industrial Users and the nature of their discharges shall be public information unless the Industrial User declares and is able to demonstrate to the satisfaction of the Commission, that the release of the information would divulge information, processes, or methods of operation entitled to protection as trade secrets pursuant to the requirements of the Maryland Public Information Act. Any such declaration shall be made at the time of the submission of the information or data to the Commission. Effluent data shall not be treated as confidential information. When requested by the Industrial User furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public. Confidential portions of a report shall be available for use by the State or EPA in judicial review or enforcement proceedings involving the Industrial User furnishing the report.

808.1.8 Periodic reports. All Significant Industrial Users and Zero Discharge Categorical Industrial Users shall submit to the Commission at least once every **6 months** on dates specified by the Commission, reports indicating flows, and the nature and concentration of pollutants in the discharge in a format prescribed in the Discharge Authorization Permit or a Categorical Zero Discharge Permit. Specified standards or the Commission itself may require these reports to be filed more frequently. In addition, the Commission may require other users to submit periodic reports. In cases where the local limit or Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation required by the Commission or the Pretreatment Standard necessary to determine the compliance status of the User.

808.1.8.1 Additional sampling results. If a Significant Industrial User conducts additional monitoring beyond permit requirements at the Industrial Waste Monitoring Point (IWMP) designated by the Commission, the user shall submit the results of the additional monitoring to the Commission by the due date of the next periodic report submission.

808.1.9 Slug control plan. The Commission may require any Industrial User to develop and implement a slug control plan. However, the Commission shall evaluate whether each Significant Industrial User needs a plan or other action to control slug discharges within 1 year of the regulatory changes or within 1 year of identifying an Industrial User as significant. Significant Industrial Users shall be required to notify the Commission immediately of any changes at their facility affecting potential for a slug discharge. Any Industrial User required to develop and implement a slug control plan shall submit a plan which addresses, at a minimum, the following:

- a. Description of discharge practices, including non-routine batch discharges.
- b. Description of stored chemicals.

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- c. Procedures for immediately notifying the Commission of any accidental or slug discharge. Such notification shall also be given for any discharge which would violate any of the prohibited discharges cited in Section 804 of this Code.
- d. Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing pollutants (including inorganic and organic chemicals) and measures and equipment for emergency response.
- e. The Industrial User shall permanently post a notice in a prominent place advising all employees to notify the Commission in the event of a dangerous discharge for which a notification is required.
- f. Employers shall advise all appropriate employees who may cause or be adversely affected by such a discharge of the emergency notification procedure.

808.1.10 Notice of potential problems. All categorical and noncategorical Significant Industrial Users shall notify the Commission immediately of all discharges that could cause problems to the POTW, including any slug loadings.

808.1.11 Hazardous waste discharge. Any User who commences the discharge of hazardous waste shall notify the Commission, 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. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Code, a permit issued thereunder, or any applicable Federal or State law.

808.1.11.1 Notification. 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 User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of 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 (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted meeting the criteria of Paragraph 808.1.2. The notification requirement in this paragraph does not apply to pollutants already reported under the reporting requirements of 40 CFR 403.12(b), (d), and (e).

808.1.11.2 Exemptions. Dischargers are exempt from the requirements of Paragraph 808.1.9, above, during a calendar month in which they discharge no more than fifteen (15) 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 (15) 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 User discharges more than such quantities of any hazardous waste do not require additional notification.

808.1.11.3 New substances. Pursuant to the adoption of new regulatory requirements under Section 3001 of the U.S. Resource Conservation and Recovery Act identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Commission, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

808.1.11.4 Certification. In the case of any notification made under Paragraph 808.1.11.1, the 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.

808.1.12 Violation reporting timeframe. In the event self-monitoring indicates a violation of one or more parameters or pollutants as listed in Table 804.1.9, the Industrial User shall report the violation to the Commission within 24 hours of becoming aware of the violation. This reporting requirement shall not be satisfied by means other than direct communication with Commission personnel (i.e., telephone recording system messages shall not satisfy this notification requirement). The violation data and the explanation for the violation shall be submitted within 7 days of becoming aware of the violation.

808.1.12.1 Resampling requirements. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Commission within 30 days after becoming aware of the violation. The Industrial User may not be required to perform repeat sampling if the Commission performs sampling at the

Industrial User at a frequency of at least once per month for the pollutant(s) in violation or if the Commission performs sampling at the Industrial User between the time when the initial sampling was conducted and the time when the user or the Commission receives the results of the initial sampling.

SECTION 809 SAMPLING AND ANALYSES

809.1 Monitoring point. Dischargers of industrial wastes into the Commission's sewerage system shall be required to construct and maintain at their expense a suitable monitoring structure downstream from any pretreatment technology, process, storage facility, or other approved works, to facilitate observation, measurement, and sampling of wastes. Monitoring structures shall be constructed in a manner and location approved by the Commission that are accessible at all times for sampling. Industrial Users shall install equipment, as specified by the Commission, for the purpose of measuring flow or wastewater characteristics or any other equipment necessary to determine compliance with these regulations. The Commission shall reserve the right to require restricted discharges during peak flows, designate certain wastewater to specific sewers; relocate or consolidate or relocate and consolidate points of discharge; separate domestic and industrial waste streams.

809.2 Monitoring point alternative. Except as stated in a discharge authorization permit, in the event that no monitoring facility is required, the monitoring point shall be considered to be the nearest downstream manhole or the discharge point inside the Industrial User's facility that are representative of the Industrial User's discharge.

809.3 Sampling and Analysis Procedures. 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 include sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the Commission or other parties, approved by the Administrator.

809.3.1 Grab sample. A sample taken from a wastestream without regard to the flow in the wastestream and over a time not to exceed 15 minutes. Grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during the same 24-hour calendar day may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory.

809.3.2 Composite sample. A sample formed by mixing discrete, individual samples taken at a continuous proportion to the discharge flow or at periodic points in time. For pollutants other than those identified in Paragraph 809.3.1, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Commission. Where time-proportional composite sample or grab sampling is authorized by the Commission, the samples must be representative of the discharge. The collection of discrete, individual samples for a composite sample cannot exceed 24 hours in any given calendar day.

SECTION 810 PENALTIES

810.1 Prosecution. Any violator of these Regulations may be prosecuted by the Commission under the provisions of Section 21, Chapter 122 of the Acts of 1918 of the General Assembly of the State of Maryland and subsequent amendments thereto. Each day of a violation shall constitute a separate offense, and applicable penalties shall be applied to each offense.

810.2 Service termination. The Commission may terminate water and sewer service to any premises in order to prevent any actual or threatened discharge of any wastes that present an endangerment to the POTW, the environment, or to the health and welfare of any person.

810.3 False representation. Persons who make any false statements, representation, or certification in any application, record, plan, or other document filed or required to be maintained pursuant to these regulations; or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these regulations; or who withholds, omits, or fails to report information requested or required; shall be prosecuted.

810.4 Suspension and revocation. Industrial Users subject to the requirements of a Discharge Authorization Permit or a Categorical Zero Discharge Permit may have their Permit suspended or revoked for failure to comply with the requirements contained therein.

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810.5 Notice of Violation. In the event an Industrial User violates established limits, reporting requirements, notification requirements, or other pretreatment requirements, a written documentation of the violation shall be issued to the user (e.g. Notice of Violation, letter, directive, etc.).

810.6 Monetary. The Commission may assess administrative penalties up to \$1,000 for each violation stated in an Administrative Order, not to exceed \$50,000. A civil citation with associated fines as well may be issued for violations of any provision of this CODE in accordance with the Commission's Enforcement Response Plan.

SECTION 811 PUBLIC NOTICE OF VIOLATIONS

811.1 General. The Commission shall publish annually in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the Commission a list of Industrial Users who by definition are in significant noncompliance during the previous 12 months with applicable pretreatment requirements.

811.2 Conditions for noncompliance. For the purpose of this Section, a Significant Industrial User (or any Industrial User which violates Sections 811.2.3, 811.2.4 and 811.2.8) shall be in significant noncompliance if its violation meets 1 or more of the following criteria:

811.2.1 Exceeding discharge limits. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l).

811.2.2 Exceeding technical review criteria. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all the measurements for each pollutant parameter taken during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and TRC=1.2 for all other pollutants except pH).

811.2.3 POTW interference and pass-through. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Commission 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).

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

811.2.5 Failure to meet compliance dates. 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.

811.2.6 Failure to submit documentation. 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, certification statements, plans, representative data and reports on compliance with compliance schedules or other information requested by the Commission; or failure to notify the Commission of modifications to processes, wastewater constituents, and pretreatment systems.

811.2.7 Accurate reporting. Failure to accurately report noncompliance.

811.2.8 Other Violations. Any other violation or group of violations, which may include a violation of Best Management Practices, which the Commission determines may adversely affect the operation or implementation of the local pretreatment program.

SECTION 812 LIABILITY FOR EXPENSES

812.1 Repair reimbursement. The property owner, tenant, or Industrial User shall reimburse the Commission for the cost of any work or repair made necessary by the neglect or action of the property owner, tenant, or Industrial User resulting from the discharge of an industrial waste.

812.2 Activity reimbursement. The property owner, tenant, or Industrial User shall reimburse the Commission for all costs associated with investigations, monitoring, analyses, or enforcement actions resulting from any violation of this Code.

SECTION 813 NOTICE

813.1 Immediate notification. In the event of any [discharges by](#) accident, negligence, slug loading, or other occurrence which may result in a violation of pretreatment standards, permit conditions, or could cause a problem with the collection systems or treatment processes, the Industrial User shall immediately notify the Commission and any applicable outside jurisdiction, of the incident. The notification shall include location of [any discharge](#), type, concentration and volume of waste, and corrective action being taken.

813.2 Written notification. Within 5 days following an accidental discharge, the User shall submit to the Commission (and any applicable outside jurisdiction) a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of the discharge, nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Code or other applicable law.

SECTION 814 HAULED WASTES

814.1 Applicability. This subsection shall apply to companies, individuals or partnerships hereinafter referred to as Waste Haulers, engaged in the business of transportation or disposal of domestic wastes or grease from food service establishments. These subsection shall also apply to businesses as deemed appropriate by the Commission including grease interceptor cleaning, buses, carpet cleaning and mobile food service companies.

The cleaning of grease interceptors within the Commission service area without the appropriate permit shall be prohibited. (Food Service Establishments (FSEs) that self-clean flow-based grease interceptors shall not be required to obtain a permit).

814.2 Definitions. In addition to the definitions generally applicable to the provisions of this Code (See Chapter 2), and this Chapter (see Section [801.2](#)), the following definitions are specifically applicable to the provisions of this Section [814](#), Hauled Wastes.

“Holding tank” means a sealed tank that collects wastewater through an inlet, which temporarily stores the effluent for removal and transportation to a treatment facility. Commonly used for households, job trailers, portable restroom trailers and similar uses.

“Non-domestic wastewater” means the liquid wastes from industrial or commercial processes, trade or business; distinct from domestic wastes, including the contents of grease abatement systems at FSEs. Wastes from wastewater treatment plants or non-domestic sources shall not be discharged at the designated disposal sites unless specifically authorized in writing by the Commission. The contents of grease abatement systems at FSEs are considered domestic wastewater for the purposes of this section.

“Point of discharge” means a discharge of waste at any place in the sewer collection system other than those designated by the Commission shall be prohibited.

“Septic tank” means an underground chamber made of concrete, fiberglass, or plastic through which domestic wastewater flows for basic treatment. Settling and anaerobic processes reduce solids and organics, releasing the treated water into a drainfield where the water percolates underground.

“Transfer tank” means a tank, vessel, or container in a centralized location used to temporarily store hauled wastes from various sources or locations before being transferred for disposal or to a treatment facility.

814.3 Prohibited discharges. All hauled waste disposed at the waste disposal sites designated by the Commission must comply with Section [804](#) of this Code.

814.3.1 Prohibited sanitizers. The discharge of portable toilet sanitizers containing formaldehyde or 1,4-dichlorobenzene is prohibited.

814.3.1 Transfer tanks. The discharge of wastes from transfer tanks used for the purpose of storing wastes collected and combined from various sources is prohibited.

814.4 Application. A person engaging in the cleaning of grease interceptors within the Sanitary District shall apply to the Commission for either a Waste Hauler Discharge Permit or a Zero Discharge Permit for each truck engaged in the cleaning of grease interceptors.

A person engaging in the cleaning of septic tanks or holding tanks shall apply to the Commission for a Waste Hauler Discharge permit for each truck used in discharging wastes at the waste disposal sites designated by the Commission.

814.5 Waste hauler permits.

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814.5.1 Waste Hauler Discharge Permit. Individuals, partnerships, or corporations engaged in the cleaning of septic tanks, holding tanks or grease interceptors shall apply for a Waste Hauler Discharge Permit for each truck used in discharging wastes at the waste disposal sites designated by the Commission.

814.5.1.1 Prohibited discharge. With the exception of Section [814.5.1.2](#), discharge of waste without a waste hauler discharge permit shall be prohibited.

814.5.1.2 Recreational vehicles. Recreational vehicles shall be exempt from obtaining a waste hauler discharge permit.

814.5.2 Zero Discharge Permit. Individuals, partnerships, or corporations engaged in the cleaning of grease interceptors within the Commission service area shall apply for a Zero Discharge Permit for each truck used in cleaning of grease interceptors within the Sanitary District, if they elect to dispose of this waste at a waste disposal site outside of the Commission's jurisdiction. Any waste collected by a vehicle with a Zero Discharge Permit shall be disposed of outside the Commission's jurisdiction [and cannot be transferred to a vehicle with a Commission waste hauler discharge permit](#). A Zero Discharge Permit is not an authorization to discharge at the Commission's disposal sites.

814.5.3 Duration. The Waste Hauler Discharge Permit and the Zero Discharge Permit shall be issued for a specified time period not to exceed the current fiscal year. This permission shall be conditional on compliance with Waste Hauler Discharge and Zero Discharge Permit requirements, and this Code.

814.5.4 Terms and conditions. Waste Haulers shall comply with all conditions for issuance of a Waste Hauler Discharge Permit or a Zero Discharge Permit as established by the Commission. Upon receiving a permit, the Waste Hauler shall comply with all permit conditions.

814.6 Waste Hauler Discharge and Zero Discharge Hauler Permit requirements. The Waste Hauler Discharge and Zero Discharge Hauler permits contain requirements necessary for the Commission to assess and ensure compliance with these Regulations. Permitted haulers shall take all reasonable steps to correct any adverse impact resulting from noncompliance with either the Waste Hauler or Zero Discharge Hauler permit.

814.7 Requests for information. The Commission, or its representative, may request information concerning the nature or origin of the contents of any permitted vehicle. This information may be in the form of a manifest. The permittee shall be required to comply with all such requests including information concerning the name, address, date of the waste pick-up, disposal points, volumes, and waste characteristics by completing and signing a Commission-approved manifest. This information shall be in the possession of the driver at the time of discharge [and a copy of the manifest shall be placed in the appropriate receptacle provided by the Commission at the Commission waste disposal site at the time of each discharge](#). The Commission may also request additional information related to the use of its designated waste disposal sites.

If the permittee disposes a load of hauled waste from a food service establishment's grease interceptor at a location other than at waste disposal sites designated by the Commission, then the permittee must mail in the Commission-approved manifest within the time frame as specified in the permit conditions of the Waste Hauler Discharge Permit or Zero Discharge Permit.

814.8 Permit transferability. Permits shall not be transferable without approval from the Commission. The permittee shall notify the Commission immediately if their State license plate or registration has changed on any of their permitted vehicles.

814.9 Mixed wastes and multi-use vehicles. The Commission shall reserve the right to refuse acceptance of any load. Dischargers may be required to cease unloading operations at any time. Permitted tank trucks may not be used to transport potable water and they shall not be allowed to make any connection to the Commission's water supply system. In the case of combined loads, any part of the load that is restricted or prohibited shall make the entire load unacceptable for discharge.

814.10 Sampling. Upon request, any permitted vehicle shall provide Commission personnel with access to the wastewater contained in the vehicle. Commission personnel may characterize the waste through the collection of samples or [obtaining instrument readings or both](#) in a manner and number as specified by the Commission.

814.11 Notifications of spills and clean up. The waste haulers shall notify the Commission immediately, via phone, of all spill occurrences followed by filing, in-writing within 7 days, a report detailing the reason for the spill, the areas impacted, clean-up activities, and whether the spill reached any environmentally sensitive area such as parks, residential, commercial or institutional areas, streams, rivers, lakes, ponds or storm drain. Any corrective actions taken to avoid the occurrences of the spills in the future should also be a part of this reporting. In the case where the spill occurs at a FSE, a copy of this report shall also be provided to the owner of the grease interceptor.

814.12 Acceptable service area. Only domestic or greasy wastewater originating from the following counties: Montgomery County, Prince George's County, Arlington County (VA), Fairfax County (VA), Loudoun County (VA), and the District of Columbia is allowed to be discharged at disposal sites designated by the Commission.

814.13 Disposal sites. Only disposal sites designated by the Commission shall be used for the discharge of waste from a permitted vehicle into the Commission's sewer system.

814.14 Permit suspension, revocation, or denial. The Waste Hauler Discharge Permit or Zero Discharge Permit may be suspended, terminated, or denied for good cause including the following:

814.14.1 Non-compatible wastes. Information indicating that the permitted discharge poses a threat to the collection system, treatment system, or Commission personnel.

814.14.2 Permit violations. Violation of any terms or conditions of the Waste Hauler Discharge Permit or Zero Discharge Permit.

814.14.3 Misrepresentation. Obtaining a Waste Hauler Discharge Permit or Zero Discharge Permit by misrepresentation or failure to disclose all relevant facts.

814.14.4 Failure to obtain a permit. Cleaning a grease interceptor or discharging any waste to the collection system without first securing the appropriate permit.

814.14.5 Discharge of non-domestic wastes. The unauthorized discharge of waste from non-domestic sources at a Commission disposal site.

814.14.6 Denying access by the Commission. Denying Commission personnel access to a vehicle or its contents for purposes of collecting a sample or obtaining instrument readings (i.e. % LEL, pH, H₂S, etc.) or a combination of both.

814.14.7 Failure to provide records. Failure to provide paper records as described in Section [814.7](#).

814.14.8 Other licenses and permits. Failure to obtain or maintain appropriate current hauling licenses or permits from Federal, State, or local agencies.

814.14.9 Fats, oils, and grease discharges. Discharge of greasy wastewater at non-designated disposal sites.

814.14.10 Misconduct. Use of abusive language, threats, mischievous or criminal acts directed toward a Code Official, or Commission personnel, while they are performing their official duties.

814.14.11 Outstanding judgments. Failure to render monetary payment to the Commission for [a settlement between the Commission and a waste hauler or a judgment](#) obtained by the Commission against a waste hauler.

814.15 Penalties. [In addition to permit action under Section 814.14, failure](#) to comply with any permit conditions may result in civil or criminal liability under applicable State or Federal law and may be grounds to impose penalties, as outlined in the Commission's Enforcement Response Plan.

814.15.1 Civil citations. [Any violation of Section 814 or a condition of any permit issued by the Commission shall be cause for](#) issuance of a State of Maryland civil citation (\$250.00-\$1000.00). Such violations may be cause for legal prosecution by the Commission under provisions of this Code. The following violations, among others, shall be addressed with a civil citation:

- a. Discharging without a hose.
- b. Discharging without a permit.
- c. Unauthorized transfer of permit.
- d. Creating unsanitary conditions through spillage of wastes.
- e. Failure to comply with grease interceptor cleaning procedures.
- f. Failure to comply with requests for information or incomplete manifests.

814.15.2 Permit Revocation. The discharge of any unapproved waste from a non-domestic source at a Commission disposal site shall result in the immediate revocation of all discharge permits held by the permittee.

SECTION 815 FEES

815.1 Scope. The Commission shall establish charges and fees that shall include [but not be limited to]:

815.1.1 Commission pretreatment program. Fees for reimbursement of costs of setting up and operating the Commission's Pretreatment Program.

815.1.2 Monitoring activities. Fees for monitoring, inspection, and surveillance activities.

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815.1.3 Permits. Fees for permit applications.

815.1.4 Legal. Legal fees.

815.1.5 Other. Other fees as the Commission may deem necessary to carry out the requirements contained herein.

SECTION 816 UPSET PROVISION

(Categorical Industrial Users only)

816.1 Scope. An upset, as defined by the Federal general pretreatment regulations in 40 CFR Part 403, is 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 shall 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.

816.2 Upset defense. An upset may be used as an affirmative defense to an action brought for noncompliance with categorical pretreatment standards only if the Industrial User demonstrates, through properly signed contemporaneous logs, or other relevant evidence, that includes the following:

816.2.1 Specific cause. An upset occurred and the Industrial User can identify the specific cause(s) of the upset.

816.2.2 Prudent operation. The permitted facility was, at the time, being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.

816.2.3 Timely reporting. The Industrial User has submitted the following information to the Commission within 24-hours of becoming aware of the upset; if this information is provided orally, a written submission shall follow within 5 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 that the noncompliance is expected to continue; steps being taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

816.2.4 Burden of proof. In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an upset shall have the burden of proof.

816.2.5 Legal remedy. Industrial Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

816.2.6 Temporary shutdown. 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 shall apply in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

SECTION 817 BYPASS PROVISION

817.1 Bypass. With the exception of Sections 817.1.1 thru 817.1.3, bypass of an Industrial User's treatment facility shall be prohibited.

817.1.1 Bypass for essential maintenance. The Industrial User may allow any bypass to occur which shall not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operations. If bypass is needed for maintenance, the Industrial User shall notify the Commission of necessary maintenance within 24 hours of determining essential maintenance. Industrial User shall submit data documenting that standards were being met and shall submit written report within 30 days of the event.

817.1.2 Unavoidable bypass. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

817.1.3 No alternatives for bypass. There were no 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 shall not be satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.

817.2 Notice.

817.2.1 Written notice. If an Industrial User knows in advance of the need for a bypass, the User shall submit prior written notice to the Commission, a minimum of 10 days before the date of the bypass.

817.2.2 Verbal notice. An Industrial User shall submit verbal notice of an unanticipated bypass that exceeds applicable pretreatment standards to the 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 cause. The written submission shall include 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 recurrence of the bypass. The Commission may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

817.3 Exceptions to enforcement actions. The Commission shall take enforcement action against an Industrial User for a bypass unless:

817.3.1 Unavoidable. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

817.3.2 No alternatives. There were no 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 shall not be satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.

817.3.3 Notices submitted. The Industrial User submitted notices as required under Section [817.2](#).

817.4 Commission authorization. The Commission may approve an anticipated bypass, after considering its adverse effects, if the Commission determines that [the bypass](#) shall meet the 3 conditions cited in Section [817.3](#).

SECTION 818 FOOD SERVICE ESTABLISHMENT DISCHARGE REQUIREMENTS

818.1 Applicability. The regulations in this section shall apply to establishments where food is served to or provided for the public, with or without charge, including restaurants, cafeterias, hotel kitchens, church kitchens, school kitchens, hospital cafeterias, bars; or any other commercial operation that has the potential to discharge grease-laden wastewater. Food service establishments [are referred to hereafter as FSEs. FSEs are a specially designated Industrial User.](#)

818.1.1 Chapter 8 requirements. [Notwithstanding the specific requirements in this section, all applicable regulations in Chapter 8 of this Code that relate to industrial users shall also apply to FSEs.](#)

818.2 Permit required. All qualifying FSEs shall obtain or be issued a FSE Wastewater Discharge Permit. New and existing FSEs may be required to complete a fully signed permit survey to document their Discharge Permit. Failure to return a completed permit survey can subject the FSE to enforcement actions. If the Commission deems the FSE qualifies for a Discharge Permit, the FSE survey may also be used as the permit application requiring the FSE's Commission account number and a responsible party signature.

818.2.1 Issuance of discharge permit. To ensure the FSE is aware of requirements of this Code or other federal, state or Commission deadlines, the Commission reserves the right to issue a FSE Discharge Permit before receiving an FSE's completed permit survey.

818.2.2 Determination of discharge permit. The Commission shall make the determination that an FSE Discharge Permit is warranted under one or more of the following conditions:

- a. Before a new FSE opening with a valid health department permit.
- b. At the time of the Commission's full initial inspection of an open FSE.
- c. Upon receipt of a fully completed permit survey or application.

The Commission shall issue a permit if it is determined that pretreatment facilities are adequate for efficient treatment of discharged waste and that the discharged waste complies with the discharge limitations of this Code.

818.2.3 Survey or application review. The Commission shall review the survey or application submitted by the FSE and may require additional information.

818.2.4 Duration. The FSE Wastewater Discharge Permit shall be issued for a [period of one year with annual renewal](#). This permission shall be conditional on compliance with FSE Discharge Permit requirements and this Code.

818.2.5 FSE Wastewater Discharge Permit requirements. The FSE Wastewater Discharge Permit contains requirements necessary for the Commission to assess and ensure compliance with this Code. The FSE Wastewater Discharge Permit shall, at a minimum, contain the following:

- a. Best Management Practices (BMPs) for controlling FOG discharges
- b. Grease abatement system operations and maintenance standards, when applicable

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- c. On-site record keeping requirements (see Section [808.1.3](#))
- d. Statement of non-transferability.
- e. The FSE Wastewater Discharge Permit may contain other conditions as deemed appropriate by the Commission to ensure compliance with all applicable regulations.

818.2.6 FSE Wastewater Discharge Permit conditions.

The following conditions shall be effective in the permit:

- a. The FSE shall meet all requirements of this Code.
- b. The FSE shall maintain the required county health department permits at all times. Failure to do so may render the wastewater discharge permit invalid.
- c. Duty to mitigate requirements
- d. Duty to comply requirements
- e. Duty to provide information requirements
- f. Requests for reconsideration requirements
- g. Confidentiality procedures
- h. Permit modification, suspension, or termination procedures
- i. Commission right of entry
- j. Notification of changed discharge requirements
- k. Records retention requirements
- l. Falsifying information clause
- m. Permit transferability procedure
- n. Severability clause
- o. Property rights clause
- p. Extension of compliance dates procedures

818.2.7 FSE Wastewater Discharge Permit modifications. The Commission may modify the FSE Wastewater Discharge Permit for good cause including:

- a. To incorporate any new pretreatment standards or requirements.
- b. To address significant alterations or additions to the FSE's operations since the time of FSE Wastewater Discharge Permit issuance.

818.2.8 Permit transferability. The FSE Wastewater Discharge Permit shall not be reassigned or transferred without prior written approval by the Commission.

818.2.9 Discharge fee. Issuance and validity of the FSE Wastewater Discharge Permit shall be conditional on payment by the FSE of the annual Discharge Fee as determined by the Commission. Failure to pay the Discharge Fee shall render the FSE Wastewater Discharge permit invalid.

818.2.10 Other permits. FSEs shall maintain the required County Health Department permits at all times. Failure to maintain health department permits may render the FSE Wastewater Discharge permit invalid.

818.3 Inspections. All FSEs are subject to routine inspections as determined by the Commission. (See Section [807](#))

818.4 Grease abatement system installation and maintenance requirements, general. When directed by the Commission, FSEs shall install and maintain a Commission approved grease abatement system that meets or exceeds minimum requirements cited in Section [302.10](#).

818.4.1 Wastewater discharge permittee/property owner's responsibility. Grease abatement systems shall be maintained in efficient operation at all times by the owner/operator at the owner's/operator's expense.

818.4.2 25% Rule. It shall be the Permittee's/Property Owner's responsibility to ensure that the accumulation of FOG and solids does not exceed 25% of the liquid retention capacity of the grease interceptor. If a grease intercepter is specifically designed to function properly with FOG and solids accumulation greater than 25%, the allowable accumulation of FOG and solids may be adjusted by the Commission on a case-by-case basis.

818.4.3 Maintenance and inspection intervals. The minimum maintenance frequency for Volume-Based Grease Interceptors, including cleaning, shall be quarterly, or shall be determined by the manufacturers' recommendations, or by the Code Official's directive, or by Section [818.4.2](#), "25% Rule", whichever is more stringent. Volume-Based Grease Interceptors shall be internally inspected annually by a qualified inspection service to determine needs for additional cleaning or repair work or other maintenance activities. The minimum maintenance frequency Flow-Based Grease Interceptors, including cleaning, shall be determined by manufacturers' recommendations, or by the Code Official's

written directive, or by Section [818.4.2](#), "25% Rule", whichever is more stringent. Flow-based Grease Interceptors shall be inspected weekly so as to identify any operational or maintenance issues and to monitor compliance with the applicable maintenance requirements. Deviation from required maintenance intervals listed above shall be submitted to and approved or disapproved by the Commission in writing before implementation. The Commission shall maintain a list of all such approved deviations, and shall provide said list to MDE and EPA upon written request.

818.4.3.1 Maintenance documentation. The FSE, at all times, shall keep onsite written or electronic documentation of grease abatement system maintenance. This documentation must be in a format pre-approved by the Commission. For interceptors, a written or pre-approved electronic Commission grease hauler manifest record is required. For grease abatement system replacement, partial replacement, modification or additions/deletions, the FSE shall obtain prior Commission approval and all necessary plumbing permits.

818.4.3.2 Deviation. FSEs who deviate from the frequency of pumping or maintenance requirements of their Commission issued Maintenance Directive, without prior Commission approval, will be in violation and are subject to a civil citation at the discretion of the Code Official.

818.5 Notification of changed discharge. Any changes which affect the volume or characteristics of the wastewater discharge, including the addition of new production shifts, fixtures, or processes, shall be reported to the Commission in writing and approved at least 30 days before the proposed change. This notification shall also apply to the shutdown of any such processes, grease abatement systems, or facilities covered by a FSE discharge permit.

818.6 Waste hauler. A valid WSSC waste hauler [discharge permit](#) or [zero discharge permit](#) is required for all waste haulers performing pumping and cleaning services on grease abatement systems located in the Commission service area. Pumping and disposal of the contents shall be performed in accordance with conditions of the waste hauler discharge permit cited in Section [814](#). It is a violation of this Code for an FSE to allow an unpermitted waste hauler to perform pumping or cleaning services on the FSE's grease abatement system.

818.7 Use of additives. The introduction into the plumbing system of any surfactant, solvent, emulsifier, free enzymes or material that allows the grease to pass from the grease abatement system into the collection system is prohibited.

818.7.1 Conditional allowance. Use of a biological additive may be conditionally allowed with the Commission's approval if the product manufacturer or distributor can demonstrate to the satisfaction of the Commission that:

- a. The additive will not interfere with the normal operation of the grease interceptor.
- b. The additive will not interfere with operations of the receiving wastewater treatment plant.
- c. The use of the additive does not increase the potential for FOG to be discharged to the sanitary sewer.
- d. The only active ingredients are bacterial products.
- e. The use of the additive will not cause foaming in the sanitary sewer.
- f. The pH of the additive is between 6 and 10.

818.7.2 Additives not a substitute. The use of an additive will not substitute for the need for proper cleaning or maintenance of the grease and cannot be used as justification for altering the cleaning frequency.

818.7.3 Additive exception. Additives that are added to drain lines that do not connect to a grease abatement system are not impacted by this restriction.

818.7.4 Normal cleaning products. Normal kitchen and dish cleaning products are not considered additives for the purpose of this section.

818.8 On-Site plumbing system maintenance. The on-site plumbing system for commercial and multi-unit residential properties shall be maintained by, and at the expense of the property owner; including cleaning of the system due to grease related discharges. All jetted material must be removed at the nearest downstream manhole. Except in conjunction with a jetting operation, chemical cleaning of sewer lines is prohibited.

818.9 Violations.

818.9.1 Violations Include. Violations of the food service establishment shall include the following:

818.9.1.1 Grease abatement maintenance. Failure to properly maintain a grease abatement system

818.9.1.2 Records. Failure to keep or to present records of maintenance

818.9.1.3 Tampering flow control device. Unauthorized removal or tampering with the flow control device

818.9.1.4 FSE permit. Failure to present Food Service Establishment Discharge Permit

818.9.1.5 FSE wastewater permit. Failure to comply with any condition of a FSE Wastewater Discharge Permit

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818.9.1.6 Waste hauler. Failure to use a permitted Waste Hauler for interceptor maintenance

818.9.1.7 Master plumber. Failure to use a WSSC-Licensed Master Plumber for correcting any and all enforcement actions that require plumbing work

818.9.1.8 Normal operation. Bypassing, tampering or otherwise preventing normal operation of a grease abatement system or grease interceptor.

818.9.1.9 Pass-through. Pass-through of observable and measurable amounts of FOG to the Commission's sewer service

818.9.2 Violation enforcement actions. Violations shall subject the FSE to penalties and other enforcement action as provided for in this Code and the Commission's FSE Enforcement Response Plan.

818.9.3 Repeated violations FBGI. Repeated violations for failure to clean or maintain a flow-based grease interceptor shall result in a requirement to install a volume-based grease interceptor as provided for in the Commission's FSE Enforcement Response Plan.

818.9.4 Repeated violations VBGI. Repeated violations for failure to clean or maintain a volume-based grease interceptor will subject the FSE to increased enforcement as provided for in the Commission's FSE Enforcement Response Plan.