

RESOLUTION NO. 1437
As Amended on August 14, 2006

**A RESOLUTION OF THE CITY OF SALISBURY REVISING THE
PRETREATMENT INDUSTRIAL / COMMERCIAL USER FEE
STRUCTURE TO ESTABLISH A NEW FEE STRUCTURE,
CLASSIFICATION SYSTEM, AND APPEAL PROCESS**

WHEREAS, it is the intention of the City to restructure the Industrial Pretreatment Program fees based on a system of user classification, and

WHEREAS, Section 13.12.090 provides for establishment of pretreatment fees by resolution of the Council of the City of Salisbury,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Salisbury that the following fee structure, classification system, and appeal process for the industrial and commercial pretreatment program is adopted and enacted effective August 14, 2006:

PRETREATMENT RATE CALCULATION:

- Base Unit Cost = \$290, effective January 1, 2007
- Base Unit Cost equals Pretreatment budget divided by the sum of the administrative units of all the users in the system.
- User Annual Fee = User Class Administrative Units times Base Unit Cost

PRETREATMENT CLASSIFICATION SYSTEM

CLASS I: SIGNIFICANT INDUSTRIAL USER

- **CLASS I A.** Administrative Units: 30. Any significant industrial user of the City's Wastewater Treatment Works who discharges a flow equal to or greater than five percent of the hydraulic or organic capacity of the Wastewater Treatment Works. (Administrative Units are based on the cost of resources required for inspections, Compliance Report Review, and Wastewater Discharge Permit development and enforcement, as well as discharge monitoring, compliance tracking, and the increased potential for impact to the Wastewater Treatment Works (WTW) due to the volume of the average daily discharge.)
- **CLASS I B.** Administrative Units: 25. Any significant industrial user of the City's Wastewater Treatment Works who discharges an average of fifty thousand (50,000) gallons per day or more of process wastewater to the Wastewater Treatment Works. (Administrative Units are based on the cost of resources required for inspections, Compliance Report Review, and Wastewater Discharge Permit development and enforcement, as well as

discharge monitoring, compliance tracking, and the increased potential for impact to the WTW due to the volume of the average daily discharge.)

- **CLASS I C.** Administrative Units: 20. Any significant industrial user of the City's Wastewater Treatment Works who is subject to categorical pretreatment standards and discharges process wastewater to the Wastewater Treatment Works. (Administrative Units are based on the cost of resources required for inspections, Compliance Report Review, and Wastewater Discharge Permit development and enforcement, as well as discharge monitoring, and compliance tracking. This classification includes additional monitoring and reporting requirements due to EPA categorical regulations.)
- **CLASS I D.** Administrative Units: 15. Any significant industrial user of the City's Wastewater Treatment Works who discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the Wastewater Treatment Works. (Administrative Units are based on the cost of resources required for inspections, Compliance Report Review, and Wastewater Discharge Permit development and enforcement, as well as discharge monitoring and compliance tracking.)
- **CLASS I E.** Administrative Units: 10. Any significant industrial user of the City's Wastewater Treatment Works who is subject to categorical pretreatment standards, but does not discharge process wastewater to the Wastewater Treatment Works. (Administrative Units are based on the cost of resources required for inspections, Compliance Report Review, and Zero Discharge Permit development and enforcement.)

CLASS II: MINOR INDUSTRIAL/COMMERCIAL USER

- **CLASS II A-1.** Administrative Units: 7. Any user of the City's Wastewater Treatment Works who discharges an average of 5,000 gallons per day or more of total wastewater or is designated as such by the Pretreatment Coordinator based on the type of facility. (Administrative Units are based on the cost of resources required for inspections, routine monitoring, and enforcement, as well as the increased potential for negative impact to the WTW due to the makeup and/or volume of the average daily discharge.) This includes: Large Hospitals and Large Campus.
- **CLASS II A-2.** Administrative Units: 5. Any user of the City's Wastewater Treatment Works who discharges an average of 5,000 gallons per day or more of total wastewater or is designated as such by the Pretreatment Coordinator based on the type of facility. (Administrative Units are based on the cost of resources required for inspections, routine monitoring, and enforcement, as well as the increased potential for negative impact to the

WTW due to the makeup and/or volume of the average daily discharge.) This includes: Dry Process Manufacturing Plant, Hotels, and Light Industry

- **CLASS II B.** Administrative Units: 2. Any user of the City's Wastewater Treatment Works who discharges an average of $\geq 1,000$ gallons per day up to 5,000 gallons per day of total wastewater or is designated as such by the Pretreatment Coordinator based on the type of facility. (Administrative Units are based on the cost of resources required for inspections, enforcement, and monitoring.) This includes: Fast Food and Larger Restaurants, and Large Garages.
- **CLASS II C.** Administrative Units: 1.5. Any user of the City's Wastewater Treatment Works who discharges an average of 500 - 1,000 gallons per day or more of wastewater or is designated as such by the Pretreatment Coordinator based on the type of facility. (Administrative Units are based on the cost of resources required for inspections, enforcement, and monitoring.) This includes: Smaller Restaurants and Garages etc.
- **CLASS II D.** Administrative Units: 1. Any user of the City's Wastewater Treatment Works who discharges an average of < 500 gallons per day or is designated as such by the Pretreatment Coordinator based on the type of facility. (Administrative Units are based on the cost of resources required for inspections and enforcement.) This includes: Restaurants carry out only with no deep fat fryer.
- **CLASS II E.** Administrative Units: 1. Any user of the City's Wastewater Treatment Works who performs processing of photographic materials and discharges silver process wastewater to the Wastewater Treatment Works. (Administrative Units are based on the cost of resources required for inspections and enforcement.)

MINOR INDUSTRIAL/COMMERCIAL USER CLASSIFICATION APPEAL PROCESS

If a minor industrial / commercial user desires to appeal its classification it may do so by submitting a letter to the Pretreatment Coordinator containing the following:

- A description of types of processes employed at the facility, including equipment used, chemicals kept on site, pretreatment systems in use (grease interceptors, oil water separators, sand traps, etc.), documentation of maintenance performed for any pretreatment systems used, hours of operation, and proof of gallons of water used per day.

This description will be compared with standards for the classification, and revisions will be made if appropriate. The results of this evaluation will be reported in writing to the user. If the user still considers the classification to be inaccurate, it may within 30 days of the date of the Pretreatment Coordinator's response to the initial evaluation, submit the following information to the Superintendent, Wastewater Treatment Branch (WWTB), for detailed review. The results of the review will be reported to the user in writing within 15 days.

- Submit an evaluation of the wastewater discharge for the facility conducted by a certified sanitarian at the owner's expense. This evaluation must include analysis of the wastewater discharge for all pollutants as listed in City of Salisbury Municipal Code 13.12.070 (E). All sampling and analysis shall be completed in accordance with the procedures set forth in Section 13.12.120(H).


Final appeal: If the user is not satisfied with the initial two steps, it may within 15 days of the Superintendent WWTB's response, file a written appeal in writing with any additional data appropriate to the Director of Public Works. The decision of the DPW Director is final.

If the facility is granted a reclassification, this reclassification will be contingent on the facility continuing to meet all the requirements listed in the City of Salisbury Municipal Code.


THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on August 14, 2006 and is to become effective immediately upon adoption.

ATTEST:


Brenda J. Colegrove
CITY CLERK


Gary A. Comegys
VICE PRESIDENT, City Council

APPROVED by me this 15th day of August, 2006


Barrie P. Tilghman
MAYOR, City of Salisbury

RESOLUTION No. 1509

A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY FOR THE PURPOSE OF AMENDING RESOLUTION NO. 1437 TO MAKE A TEXT CORRECTION TO THE PRETREATMENT INDUSTRIAL / COMMERCIAL USER FEE STRUCTURE APPEAL PROCESS.

WHEREAS, the City amended Resolution No. 1437 on August 14, 2006 revising the pretreatment industrial / commercial user fee structure to establish a new fee structure, classification system, and appeal process; and

WHEREAS, it was the intent of amended Resolution No. 1437 to establish an approved process to allow significant and minor industrial users to appeal their pretreatment fee classification; and

WHEREAS, the Resolution No. 1437 Appeals Process contained the word "minor" in a manner that limited the users of the appeals process; and

WHEREAS, such text excludes the significant industrial users by limiting the appeal process to minor industrial users.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Salisbury, Maryland, that Resolution No. 1437 is hereby amended by deleting the word "minor" in the text of the Appeal Process as shown by the following bold and strikethroughs:

~~MINOR~~ INDUSTRIAL/COMMERCIAL USER
CLASSIFICATION APPEAL PROCESS

If an ~~minor~~ industrial / commercial user desires to appeal its classification it may do so by submitting a letter to the Pretreatment Coordinator containing the following:

- *A description of types of processes employed at the facility, including equipment used, chemicals kept on site, pretreatment systems in use (grease interceptors, oil water separators, sand traps, etc.), documentation of maintenance performed for any pretreatment systems used, hours of operation, and proof of gallons of water used per day.*

This description will be compared with standards for the classification, and revisions will be made if appropriate. The results of this evaluation will be reported in writing to the user. If the user still considers the classification to be inaccurate, it may within 30 days of the date of the Pretreatment Coordinator's response to the initial evaluation, submit the following information to the Superintendent, Wastewater Treatment Branch

(WWTB), for detailed review. The results of the review will be reported to the user in writing within 15 days.

- Submit an evaluation of the wastewater discharge for the facility conducted by a certified sanitarian at the owner's expense. This evaluation must include analysis of the wastewater discharge for all pollutants as listed in City of Salisbury Municipal Code 13.12.070 (E). All sampling and analysis shall be completed in accordance with the procedures set forth in Section 13.12.120(H).


Final appeal: If the user is not satisfied with the initial two steps, it may within 15 days of the Superintendent WWTB's response, file a written appeal in writing with any additional data appropriate to the Director of Public Works. The decision of the DPW Director is final.

Please Note: If the facility is granted a reclassification, this reclassification will be contingent on the facility continuing to meet all the requirements listed in the City of Salisbury Municipal Code.


THE ABOVE RESOLUTION was introduced at a regular meeting of the Council of the City of Salisbury held on this 9th day of April, 2007, and is to become effective immediately upon adoption.

ATTEST:


Brenda J. Colegrove
CITY CLERK


Michael P. Dunn
PRESIDENT, City Council

APPROVED by me this 12th day of April, 2007


Barrie P. Tilghman
MAYOR, City of Salisbury