

**ORDINANCE NO. 2099**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE FY10 SEWER FUND BUDGET TO APPROPRIATE SURPLUS FUNDS TO PAY A CIVIL PENALTY FOR VIOLATIONS OF THE DISCHARGE PERMIT FOR THE CITY'S WASTEWATER TREATMENT PLANT.

WHEREAS the City's wastewater treatment plant legally discharges wastewater into the Wicomico River through an Environmental Protection Agency (EPA) authorization, known as a National Pollution Discharge Elimination System (NPDES) permit; and

WHEREAS the NPDES permit has certain effluent limitations and sewer overflow restrictions that cannot be exceeded; and

WHEREAS the City exceeded those effluent limitations and sewer overflow restrictions and the Maryland Department of the Environment (MDE) filed a civil action against the City in response to alleged violations of the NPDES permit; and,

WHEREAS, to resolve this action, MDE and the City have agreed to the entry of a Consent Order and Judgment on February 3, 2010 in the Circuit Court of Wicomico County; and,

WHEREAS the City negotiated with the MDE to settle the NPDES violations with a cash payment of \$50,000 and payable as follows: \$20,000 on or before March 5, 2010 and the remaining \$30,000 on or before February 5, 2011.

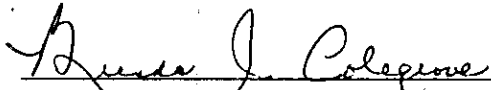
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that the City's Fiscal Year 2010 Sewer Fund budget be, and is hereby, amended as follows:

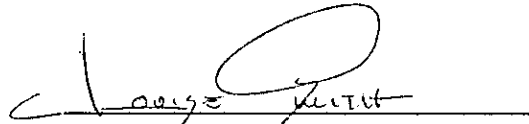
- 1) Increase the current surplus account for the Sewer Fund by \$20,000
- 2) Increase the Sewer Fund expenses by \$20,000

BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 22<sup>nd</sup> day of February, 2010, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the 1<sup>st</sup> day of March, 2010.

ATTEST:

  
Brenda J. Colegrove, City Clerk  
CITY CLERK

  
Louise Smith, President  
Salisbury City Council

APPROVED by me this

1 day of March, 2010

  
James Ireton Jr., Mayor

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**OFFICE**

**MEMO**

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## Public Works Department

**To:** John R. Pick, City Administrator  
**From:** Newell W. Messick, Deputy Director  
**Subject:** Budget Amendment – Sewer Fund  
**Date:** February 17, 2010

The City's wastewater treatment plant legally discharges wastewater into the Wicomico River through an Environmental Protection Agency (EPA) authorization, known as a National Pollution Discharge Elimination System (NPDES) permit. This permit has certain effluent limitations and sewer overflow restrictions that cannot be exceeded. Since 200, particularly during the construction of the upgrade and expansion of the treatment plant, the City exceeded those effluent limitations and sewer overflow restrictions and the Maryland Department of the Environment (MDE) filed a civil action against the City. In order to resolve this action, on February 3, 2010, MDE and the City agreed to the entry of a Consent Order and Judgment in the Circuit Court of Wicomico County. Under the terms of this Consent Order, the City negotiated with the MDE to settle the NPDES violations with a cash payment of \$50,000 to be payable in two installments, as follows: \$20,000 on or before March 5, 2010 and the remaining \$30,000 on or before February 5, 2011. Since the first of these payments was not anticipated in the adoption of the FY 10 budget, we are requesting that the Council adopt a budget amendment to appropriate \$20,000 from the Sewer Fund budget to make the first of these two payments. Funds will be included in the FY 11 budget to cover the second payment.

Please see the attached budget amendment ordinance for the Sewer Fund.

If you have any questions, please let me know.

cc: Teresa Gardner  
Pam Oland  
Brenda Colegrove