

Chapter 102

SEWERS AND SEWAGE DISPOSAL

[HISTORY: Adopted by the Board of Commissioners of the Town of Thurmont 4-6-1966. Readopted as revised 1-8-1986 by Res. No. 85-6. Readopted as revised ____2005 by Res. No. ____ Subsequent amendments noted where applicable.]

ARTICLE I Definitions

§ 102-1. Terms defined.

A. Words defined. As used in this chapter, the following terms shall have the meanings indicated:

BOD (denoting "biochemical oxygen demand") -- The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter, in accordance with 40 CFR Part 136.

BUILDING DRAIN -- That part of the lowest horizontal piping of a drainage system which receives the discharge from sanitary sewer waste inside the walls of the building and conveys it to the building sewer.

BUILDING SEWER -- The extension from the building drain to the public sewer or other place of disposal.

COLLECTION SYSTEM OFFICIAL (CSO) -- The Waste-water Treatment Facility Superintendent of the Town of Thurmont, or his authorized deputy, agent, or representative.

GARBAGE -- Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL WASTES -- The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

NATURAL OUTLET -- Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

PERSON -- Any individual, firm, company, association, society, corporation or group.

POLLUTED WATERS -- Any waters containing pollutants such as dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, commercial, and agricultural waste or any other contaminant.

PUBLIC SEWER -- A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

SANITARY SEWER -- A sewer which carries sewage and to which storm-, surface and ground waters are not intentionally admitted.

SEWAGE -- A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground-, surface and storm waters as may be present.

SEWAGE TREATMENT PLANT -- Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS -- All facilities for collecting, pumping, treating and disposing of sewage.

SEWER -- A pipe or conduit for carrying sewage.

SLUG -- Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flows during normal operation.

STORM DRAIN (sometimes termed "storm sewer") -- A sewer which carries storm- and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

TSS or TOTAL SUSPENDED SOLIDS -- Solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering, in accordance with 40 CFR part 136.

WATERCOURSE -- A channel in which a flow of water occurs either continuously or intermittently.

B. Use of terms. "Shall" is mandatory; "may" is permissive.

ARTICLE II Waste Disposal; Sewage Facilities

§ 102-2. Deposits on public or private property.¹

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town of Thurmont or in any area under the jurisdiction of said town, any human or animal excrement, garbage or other objectionable waste.

§ 102-3. Discharges into natural outlet.

It shall be unlawful to discharge to any natural outlet within the Town of Thurmont or in area under the jurisdiction of said town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

§ 102-4. Construction and maintenance of sewage disposal facilities.

¹Editor's Note: See Ch. 64, Dumping and Refuse Disposal.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

§ 102-5. Installation of facilities in buildings; connection with public sewers.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the town, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line. The provisions of the Frederick County Plumbing Code, as amended from time to time, shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, and where connected to a water or sewage system.

ARTICLE III
Private Sewage Disposals

§ 102-6. Use when public sewer is not available.

Where a public sanitary sewer is not available under the provisions of § 102-5, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

§ 102-7. Permit required; plans and specifications; fees.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from Frederick County. The application for such permit shall be made on a form furnished by the town, which the applicant shall supplement with any plans, specifications and other information as is deemed necessary by the CSO. The provisions of the Frederick County Plumbing Code shall apply to private sewage disposal systems.

§ 102-8. Inspections.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the CSO and Frederick County. They shall be allowed to inspect the work at any stage of construction, and in any event the applicant for the permit shall notify Frederick County when the work is ready for final inspection and before any underground portions are covered.

§ 102-9. Compliance with Department of Public Health requirements and zoning.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Maryland. No permit shall be issued for any private sewage disposal system unless it complies with the town Zoning Ordinance.² No septic tank or cesspool shall be permitted to discharge to any natural outlet.

§ 102-10. Connection with public sewers; abandonment of private system.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 102-9, a direct connection shall be made to the public sewer in compliance with this

²Editor's Note: See Ch. 133, Zoning.

chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and decommissioned in accordance with Health Department of Frederick County regulations.

§ 102-11. Operation and maintenance of private facilities.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

§ 102-12. Requirements of Health Officer.

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Department of Frederick County.

§ 102-13. Connection to public sewer when available; time limit.

When a public sewer becomes available, the building sewer shall be connected to said sewer within 90 days and the private sewage disposal system shall be abandoned and decommissioned in accordance with Health Department of Frederick County regulations.

ARTICLE IV Building Sewers; Sewerage Connections

§ 102-14. Connection permit.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the CSO.

§ 102-15. Permits; procedures.

In the application process for all nonresidential Zoning Certificates for any structure served by or to be served by the Town's sewage works, whether for new structures or modifications or additions to existing structures, application shall be made for a sewage permit. A sewage permit approved by the CSO is a prerequisite for approval of the Zoning Certificate. The owners of all nonresidential structures served by or to be served by the Town's sewage works and which are in existence or approved for construction at the time that the new requirements of this chapter are adopted by the Town are required to apply for a sewage permit within 90 days of the adoption of this chapter by the Town. In the permit application, the uses of the structure shall be described in sufficient detail to predict the types and quantities of materials that may be introduced into the sewage works. The permit application must contain true, accurate, and complete information and the must be signed by the owner or his authorized representative. The sewage permit will specify the uses of the structure and which of those requirements of Sections D., E., F., and/or G. of Article 102-29 of this chapter will apply to the applicant's structure and any other special conditions deemed necessary by the CSO to meet the requirements of this Chapter. At such time as changes are proposed concerning processes, quantities, throughput, materials, or any other characteristic of the activities for a permitted structure, application must be made for an amended permit and the amended permit must be approved by the CSO prior to implementation of the changes

Sewage permits are not transferable to another location or assignable to another user. When necessary, the permits of any and all users affected by new or revised Pretreatment Standards shall be amended to require compliance within 90 days after the effective date of the revision. Failure to meet the requirements of this section shall be deemed a violation subject to the penalties in Article VIII of this Chapter.

§ 102-16. Installation at owner's expense; indemnification.

All costs and expenses incident to the installation and connection of the building sewer from the main sewer line to the property line shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§ 102-17. Separate and independent sewers; exceptions.

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

§ 102-18. Old building sewers in new buildings.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the CSO, to meet all requirements of this chapter.

§ 102-19. Materials and methods.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Frederick County building and plumbing codes or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials and Water Pollution Control Federation Manual of Practice No. 9 shall apply.

§ 102-20.

§ 102-21. Surface and ground water drains.

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

§ 102-22. Sewerage connection standards.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the American Society for Testing and Materials and the Water Pollution Control Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from prescribed procedures and materials must be approved by the CSO before installation.

§ 102-23. Sewerage connection supervision.

The applicant for the building sewer permit shall notify the CSO when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the CSO or his representative.

§ 102-24. Excavations; safeguards; restoration.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

§ 102-25. Backflow prevention devices.

The requirements of the Frederick County Plumbing Code to prevent backflow apply. The building owner is responsible for the maintenance and cleaning of all backflow prevention devices to assure proper operation. Any damages resulting from failure of the backflow device to operate properly will be the responsibility of the owner in accordance with 102-38 of this chapter.

ARTICLE V
Public Sewer Use Regulations

§ 102-26. Discharge into sewers restricted.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, sump pump discharge, or unpolluted industrial process waters to any sanitary sewer.

§ 102-27. Discharge into other systems or natural outlets.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the CSO. Industrial cooling water or unpolluted process waters may be discharged, on approval of the CSO, to a storm sewer or natural outlet.

§ 102-28. Prohibited substances and effluent limits.

A. Prohibited substances

No user shall contribute or cause to be contributed, directly or indirectly, to the sewage works or sewage treatment plant, any pollutant, substance, or wastewater, which will cause interference with the operation, or pass through the facilities or the wastewater treatment process. The substances listed in Article III of the Frederick County Industrial Wastewater Pretreatment Ordinance (Ordinance 92-12-047) as amended from time to time are specifically prohibited. Any user found to be discharging any substance or engaging in any practice listed in Article III of the County Ordinance shall be considered in violation of this chapter and subject to any and all enforcement actions listed in Article VIII below.

B. Effluent limits

The wastewater discharged to the sewage works or sewage treatment plant shall not contain pollutants in excess of the concentrations set forth in section 2.1 of Article X of the Frederick County Industrial Wastewater Pretreatment Ordinance (Ordinance 92-12-047) as amended from time to time, except that the daily maximum limits for BOD and TSS shall be 500 mg/l and the daily maximum limit for oil and grease (of animal/veg. origin) shall be 100mg/l. For any pollutant where National Pretreatment Standards or State Pretreatment requirements are more stringent, these shall prevail. Any user found to be discharging any substance in excess of the maximum concentrations listed in Section 2.1 of Article X of the County Ordinance or the BOD or TSS limits specified herein shall be subject to any and all enforcement actions listed in Article VIII below.

The abbreviations and definitions in Article II of the Frederick County Industrial Wastewater Pretreatment Ordinance (Ordinance 92-12-047) as amended from time to time apply to this section and any references to “the Bureau” shall be read as the Town of Thurmont.

§ 102-29.Pretreatment requirements

A. General requirements

All users shall provide the necessary wastewater pretreatment as required to comply with this Ordinance, the National General Pretreatment Regulations (40 CFR part 403) and all applicable National Categorical Pretreatment Standards (in 40 CFR subchapter N parts 401 through 471), applicable state requirements, and the local limits and all prohibitions within this ordinance. The more stringent of any regulation shall apply and be enforced. All pretreatment systems and equipment shall be designed and built in accordance with the Frederick County Plumbing Code. For new facilities, the pretreatment system must be completed and operational prior to receipt of an Occupancy Permit. All pretreatment systems must include a monitoring port accessible by the Town, and located and configured to provide the capability to draw representative samples of the wastewater leaving the pretreatment facility.

Any user pretreating wastewater shall properly operate and maintain the pretreatment system and processes at the expense of the user. Any user intending or required to pretreat its effluent shall provide, prior to any implementation or construction, detailed plans for Town and County review and approval. These plans shall show all pretreatment systems, equipment, processes, and operational procedures. Plan review and approval by the Town and/or County shall not relieve the user of the responsibility for complying with all provisions of this Ordinance, Federal or State regulations or standards, or any condition within a discharge permit issued to the user. Any subsequent changes in the pretreatment system or process methods shall be reviewed and approved by the Town and/or County prior to the user’s initiation of the proposed changes.

For existing facilities in operation at the time this ordinance was adopted, the addition of pretreatment systems meeting the requirements of the Frederick County Plumbing Code including grease traps and interceptors, oil separators, sand interceptors, and interceptors for commercial laundries, bottling establishments and slaughterhouses shall not be required if the effluent from the facility is consistently in compliance with the prohibited substances requirements and effluent limits of this ordinance. If the existing facility is unable to consistently meet these requirements within 90 days of the enactment of this ordinance, it must install a pretreatment system meeting the requirements of the Frederick County Plumbing Code that provides sufficient pretreatment to eliminate violations of the prohibited substances and effluent limits of this ordinance. If the production capacity or throughput of an existing facility is increased by more than 20% or if the facility undergoes a major alteration as determined by the CSO, it must install a pretreatment system meeting the requirements of the Frederick County Plumbing Code that provides sufficient pretreatment to assure compliance with the prohibited substances and effluent limits of this ordinance.

B. Dilution prohibition

Users or facilities shall not increase the use of process water or in any other way attempt to dilute the discharge as a partial or complete substitute for adequate treatment to achieve compliance with any Federal, State, or local discharge standard or limit.

C. Bypass prohibition

Bypasses of pretreatment systems or monitoring ports are prohibited unless unavoidable to prevent the loss of life, personal injury, or severe property damage. The Town shall be notified immediately of any bypass event.

D. Spill control and management

All users which utilize materials which, if spilled, could cause violation of effluent limits and/or prohibited substance requirements shall provide protection from the accidental or slug discharge of all prohibited substances and materials by the development and implementation of an accidental spill management/prevention and slug control plan. This plan shall be available to the Town for inspection at any time.

E. Grease traps and interceptors

As specified in the Frederick County Plumbing Code, a grease trap or interceptor shall be required to receive the drainage from fixtures and equipment with grease-laden waste located in food preparation areas, such as restaurants, hotel kitchens, bars, factory cafeterias or restaurants and clubs. The Town of Thurmont requires that all nonresidential food service or preparation facilities having the potential of discharging grease and oil of animal or vegetable origin to the sewage works, including schools, daycare facilities, churches, grocery and convenience stores, and meat processing facilities install and operate grease interceptors or traps to assure compliance with the prohibited substances and effluent limits of this ordinance. A grease trap or interceptor shall not be required for individual dwelling units or any private living quarters. Additional requirements concerning grease interceptors and traps specified by the Town of Thurmont are listed in 102-30.

F. Oil separators

As specified in the Frederick County Plumbing Code, oil separators are required at repair garages, gasoline stations with grease racks, grease pits, or work racks, carwashing facilities with engine or undercarriage cleaning capability, and at factories where oily and flammable liquid wastes are produced.

G. Interceptor requirements for other facilities

The Frederick County Plumbing Code requirements for sand interceptors and interceptors for commercial laundries, bottling establishments, car washes, and slaughterhouses apply.

§ 102-30 Grease traps and interceptors – additional requirements

A. Purpose

The discharge of oil and grease of animal or vegetable origin into the sanitary sewage works of the Town could create adverse impacts to these systems. In order to prevent occurrences of this nature, these additional requirements apply to all users identified in 102-29 E.

B. Grease trap and interceptor design and construction

All new or modifications to grease traps and interceptors shall be designed and constructed in accordance with the Frederick County Building and Plumbing Codes and will be inspected and permitted by the Frederick County Department of Permits and Inspections. All grease traps and interceptors shall be readily and easily accessible for cleaning and maintenance by the user and inspection by the Town.

C. Grease trap and interceptor operation and maintenance

Each user is responsible for maintaining grease traps in continuous proper working condition including inspecting, repairing, and replacing equipment as needed to ensure proper operation and function to be in compliance with the requirements of this ordinance. Grease traps and interceptors shall be operated such that the influent shall not exceed 160F and the effluent shall not exceed 85F. The direct addition of any enzymes, live bacteria, or emulsifiers or any other biological additives to modify the properties of the fats, oils, and grease is prohibited as well as the addition of any substance causing excessive foaming. Each user shall establish and adhere to a schedule for clean out of their grease traps and interceptors which assures that the effluent limits of this ordinance are not exceeded. In no event shall the interval between clean outs cause the grease accumulation to exceed 50% of the wetted height of the grease trap or interceptor as measured from the bottom of the trap or interceptor to the bottom of the outlet pipe. Disposal of grease trap and interceptor waste shall be by a licensed waste hauler or by disposal meeting all applicable Town, County, State, and Federal requirements.

D. Sampling of grease trap and interceptor effluent

The Town shall, at various intervals, sample the effluent from those facilities listed in Section 102.29E for verification of compliance with the limits of this ordinance. If the results of any of these samples exceed the limits specified in this ordinance, a notice of violation shall be issued to the user and a repeat sample taken within 3 days. Owners will have the right to contract with an independent laboratory at their expense

and to participate in a split sample with the Town. Sampling and analysis shall be conducted using analytical test procedures established in 40 CFR 136, as may be amended from time to time.

E. Inspection of grease traps and interceptors

The user shall allow access by the Town to inspect their grease traps and interceptors, including the operation of these systems and the equipment and fixtures which are connected to these systems.

E. Record Keeping

Users shall maintain records pertaining to the maintenance, inspection, and cleanout of their grease traps and interceptors including logs of the maintenance and inspections performed and the cleanouts including the volumes of waste removed and its disposition. These records shall be maintained on-site for a period of at least 3 years and be available for inspection at any time by Town staff.

F. Blockages of sewage works by grease

For any blockages caused by an accumulation of fats, oil, and/or grease occurring in the Town's sewage works which can be attributable to a single user by virtue of its location or other verifiable means, that user shall be responsible for costs as described in 102-38. Should a subsequent blockage occur caused by the same user, the Town may require the user to (1) modify its operations to prevent future blockages, (2) install new or additional grease traps or interceptors meeting the requirements of this ordinance and installed on a schedule agreed to by the Town, or (3) cease discharging to the Town's sewage works in accordance with 102-39.

G. Education

All operators of grease traps and interceptors shall educate their employees concerning the procedures for minimizing the quantity of fats, oils, and grease that is discharged to the building sewer, procedures for the proper disposal of these materials, and procedures for the proper operation of the grease traps and interceptors.

§ 102-31. Special agreements and arrangements.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment subject to payment therefor by the industrial concern.

ARTICLE VI Protection of Sewerage System

§ 102-32. Tampering with facilities unlawful.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of destruction of property.

ARTICLE VII Powers and Authority of Inspectors

§ 102-33. Right of entry.

The CSO and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, testing and review of records to verify compliance of the user with the requirements of this chapter. It shall be unlawful for a user to deny access to all parts of the premises relevant to the requirements of this ordinance during reasonable hours. The duly authorized employees of the town shall,

where possible, make arrangements in advance of the visit or to make arrangements for unannounced visits where deemed appropriate by the Town.

§ 102-35. Entry upon property on which the town holds easements.

The CSO and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement, for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VIII Enforcement

§ 102-36. Notices to violators; remedial action required.

Any person found to be violating any provision of this chapter, except Article VI, shall be served by the town with written notice stating the nature of the violation and the time limit for the satisfactory correction thereof. The offender shall, within the time limit stated in such notice, permanently cease all violations. In the event the violator shall fail or refuse to comply with said notice, the town may correct the violation and charge the cost to the violator. Alternatively, a written remedial action plan may be proposed by the violator and, if approved by the CSO, will serve as the compliance agreement between the violator and the Town. Such plans shall include a description of the actions to be taken to come into compliance, the schedule for same, the conditions of discharge to the sewage works allowed during the period of the agreement, and the penalties for not meeting the conditions specified in the plan.

§ 102-37. Violations and penalties; separate offenses.

The violation of this chapter is declared to be a municipal infraction. The penalty for violation shall be the sum of \$ 250. Each day in which any such violation shall continue shall be deemed a separate offense unless the violator is in compliance with the conditions of an approved compliance agreement.

§ 102-38. Liability of violator.

Any person violating any of the provisions of this chapter shall become liable to the town for the full cost of any cleanup, repair, damage, waste disposition, fine, or other expense incurred by the town by reason of such violation. Any person violating any of the provisions of this chapter shall also become liable for any damages and costs incurred by other users as a result of the violation. Any person responsible for repeat violations within any 12 month period shall also be assessed an administrative fee of 1½ the cost incurred by the Town as a result of the violation.

§ 102-39. Suspension and/or termination of permits and services

The Town may suspend or cut off the sewage works connection and sewage permit of any user if the continued discharge of sewage from the user is deemed by the Town to:

- A. Present or may present an imminent or substantial endangerment to the health or welfare of humans.
- B. Present or may present an imminent or substantial endangerment to the environment.
- C. May cause or actually causes interferences in the sewage works of the Town.
- D. Cause the sewage treatment plant to violate any condition of its NPDES permit or state discharge permit.