

Sec. 4-131. - Amendments.

INTERNATIONAL PLUMBING CODE 2018

CHAPTER 1 SCOPE AND ADMINISTRATION, is amended by adding new sections 111, 112 and 113

SECTION 101 GENERAL

101.1 Title is amended and shall read as follows:

These regulations shall be known as the International Plumbing Code of City of Wilmington Department of Licenses and Inspections hereinafter referred to as "this code."

SECTION 105 APPROVAL

105.1 Modifications is amended and shall read as follows:

Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification conforms to the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the City of Wilmington Department of Licenses and Inspections.

SECTION 106 PERMITS

Section 106 Permits, is amended by adding new subsections Section 106.3.1.1 and 106.7

Section 106.3 Application for permit, is amended by adding new subsection Section 106.3.1.1 and shall read as follows:

Section 106.3.1.1 - Application for Permit-Permit required section P-106.3: as amended:

Plumbing work shall not be commenced until a permit for such work has been issued by the Department of Licenses and Inspections. A permit is not required for repairs which involve only the working parts of a faucet or valve. New piping additions to an existing piping system and the addition of any fixtures will require a permit. Plumbing work as described above, that does not require a permit, and does not have to be done by a licensed plumber, shall be done in accordance with all Code standards and subject to inspection by the plumbing inspector(s) at any time.

Section 106.5.3 Expiration, is amended and shall read as follows:

Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 90 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 45 days. Before such work can be recommenced, a new permit shall be first obtained and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded 1 year.

Section 106.6.2. Fee schedule, is amended and shall read as follows:

New buildings, additions, and alterations. The fee for every new building, addition, or alterations to an existing building shall be based upon the commissioner's determination of the value of all work involved to complete the project. Permit fee is \$12.00 per every \$1,000.00 rounded up to the next \$1,000.00.

Other fees, generally. Additional permit fees shall be paid for the following related work in connection with any building permit:

- a. Plumbing \$20.00
- b. Heating installation \$20.00
- c. Air conditioning system\$20.00
- d. Mechanical ventilation\$20.00
- e. Electrical work \$20.00
- f. Fire suppression ... \$20.00
- g. Alarm system ... \$20.00
- h. Voice/data/card reader.....\$20.00
- i. Refrigeration equipment ..\$20.00

Section 106.6.3. Fee refunds, is amended by deleting #2 and deleting #3 shall read as follows:

- 3. The code official shall have the authority to charge a plan review fee if the project has been canceled and the code official has reviewed the project in its entirety. The cost of the plan review fee will be determined by the code official and deducted from any fees refunded.

Section 106.7 Liability insurance requirements:

To be able to be issued permits, a licensed master plumber must produce proof of liability insurance in the amount of \$300,000.00 for bodily injury and \$100,000.00 for property damage each year at the time of renewal of his/her plumbing license. No license/permit will be issued without proof of insurance.

SECTION 107 INSPECTIONS AND TESTING

Section 107.2.2.1 - Inspection requests, is amended and shall read as follows:

It shall be the duty of the holder of the permit or their duly authorized agent to notify the code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code. The plumbing contractor, not the general contractor, shall request the inspection and shall be present on-site during the inspection.

Section 107.2.4 Approved agencies is amended and shall read as follows:

The code official is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability. Test reports submitted to the code official for consideration shall be developed by approved agencies that have satisfied the requirements as to qualifications and reliability. The plumbing officials shall make the required inspections or may accept reports of inspection by authoritative and recognized services or individuals as approved by the Department of Licenses and Inspections of the City through qualified on-site inspections and specifications. All such specifications are to be in accordance with the Wilmington City Code. All reports of such inspections shall be in writing and certified by a responsible officer of such authoritative service or by the responsible individual. The plumbing official may engage such expert opinion as may be deemed necessary to report upon unusual technical issues that may arise, subject to the approval of the appointing authority.

SECTION 108 VIOLATIONS

Section 108.1 Unlawful acts, is amended by adding new subsection Section 108.1.1:

Section 108.1.1 - It shall be unlawful for any person to work as a registered plumber in the State of Delaware and City of Wilmington unless such person has received a "Certificate of Registry" showing that said person has been duly registered as a registered plumber by the State Board of Health and has shown proof of insurance.

Except that the owner of a single family residence occupied or to be occupied by him/her and not for sale, rent/lease may perform plumbing work pursuant to Section 102.4 repairs and maintenance Section P-102.4, only on such residence itself or, accessory structures, under the Building Code Section 202.0, or both. The homeowner shall not be permitted to install any gas appliances.

Section 108.4 Violation penalties, is amended by adding new section 108.4.1 and shall read as follows:

Section 108.4.1 - See section 4-129 of the Wilmington City Code.

Section 108.5 Stop work orders, is amended and shall read as follows:

Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to section 4-129 of the Wilmington City Code

SECTION 109 MEANS OF APPEAL

Section 109.2.1 Qualifications is deleted in it's entirety and replace with the following new section

Section 109.2.1 Mechanical Systems Examining Board.

There is hereby established a Mechanical Systems Examining Board (hereinafter referred to as "the board") to consist of five members which shall have the responsibilities and duties set forth in this article and article 20 regarding examination and certification of master plumbers, air conditioning contractors, and heating contractors and the approval and authorization of plant licenses. The board may adopt rules and regulations, as it deems necessary. Two members shall be licensed mechanical contractors, each holding valid city plumbing, heating and air conditioning licenses, each not employed by the city, but each residing in or having his principal place of business in the city, to be selected by the Commissioner of Licenses and Inspections. The third member of the board shall also be the Commissioner of Licenses and Inspections or his designee who shall be the secretary of the board. The fourth and fifth members of the board shall be the city's chief plumbing inspector and the person designated as the city's assistant chief plumbing inspector.

Section 109.2.2 - Master plumbers.

(a) Master plumber's license.

(1) No individual shall engage in the business of plumbing in the city unless licensed as a master plumber under the provisions of this code. The annual fee for issuance of a certificate evidencing the licensee's master plumber's license required by this code shall be \$25.00.

(b) Supervision of work.

(1) No individual, firm, partnership or corporation shall engage in the business of installing, repairing, or altering plumbing unless the plumbing work performed in the course of such business is under the direct supervision of a licensed master plumber who is a fulltime employee of such individual, firm, partnership or corporation (company) or who is the owner of such company and who shall be deemed to be responsible for the work performed and be held accountable for the same at the time of final inspection of that work, such that it shall be a violation of this subsection for any licensed master plumber to allow his license or any building permit issued to him by the city to be used for any work that he has not directly supervised as such fulltime employee or owner of the company that performed the work. For purposes of this subsection, a "fulltime employee" shall mean one who receives a wage or salary and who is actively engaged in the services of the company, firm, or corporation that is using the person's license during the periods of time that the company, firm, or corporation is performing work that would require a permit under this chapter. In addition to the penalties for violations as provided in section 4-130, any person convicted of violating any provision of this subsection shall be subject to possible suspension or revocation of his license in accordance with applicable provisions of chapter 5 of the Wilmington City Code.

(c) The board shall establish standards and procedures for the qualifications, examination, and licensing of master plumbers and shall issue a license to each person who meets the qualifications therefore and successfully passes the examination given by the board. The board shall keep an official record of all its transactions.

Any person who fails to pass an examination as prescribed by the board may apply for reexamination after the expiration of 30 days, upon a new payment of the regular examination fee.

Section 109.2.3 Generally.

Any person desiring to be licensed as a master plumber shall make written application to the board. Examination fees for master plumber's licenses shall be \$50.00, payments of such fee to accompany the application. Examination fees are not returnable

Section 109.2.4 Plant license.

Any person, firm or corporation applying for a license to do plumbing work upon or within their own plant or place of business only, may, after qualifying as hereinbefore prescribed, be granted a license; such license shall be known as a "plant license" and will not permit or entitle the licensee to do plumbing work except within the property lines of the plant or place of business owned or leased by such licensee.

Section 109.2.4.1.

If a plant license is approved and authorized by such board before same is issued, the applicant shall pay to such board a fee of \$20.00, and a like fee shall be so paid for each subsequent annual renewal of such license.

Section 109.2.4.2.

No license shall be granted for more than one year, and all licenses shall expire on December 31 of each year.

Section 109.2.5 Master plumber's bond and deposit.

Upon receiving a license as a licensed plumber, the person, firm or corporation to whom the same is issued shall execute and deliver to the Commissioner of Licenses and Inspections a good and satisfactory surety bond, executed by the person, firm or corporation in whose name the license is to be issued and a surety company to be approved by the Commissioner, in the sum of \$3,000.00,

conditioned that such person, firm or corporation and his or their surety or sureties shall indemnify and hold harmless the city of and from all damage or loss, incurred by the City, growing out of or in any way connected with the negligence of such person, firm, or corporation incident to the prosecution of work done under and by virtue of the authority contained in such license, and also for any cost or expense incurred by the city in repairing, replacing or restoring any sidewalk, alley or footway, over any opening or excavation made by such licensee, to a safe and workmanlike condition; and a further condition to keep and maintain such sidewalk, alley or footway at the place where such work shall have been done in a safe and passable condition for the period of three months immediately following the completion of such work.

Section 109.2.5.1.

Within 30 days of receiving a master plumbing license, or upon renewing such license, each such licensee shall display on all vehicles used for such commercial purposes the business name, telephone number, and business license number on both sides of each such commercial vehicle. The minimum height of such information displayed shall be not less than two inches.

Section 109.2.6 Air conditioning contractors.

(a) Air conditioning contractor's license.

- (1) No individual shall engage in the business of air conditioning in the city unless licensed as an air conditioning contractor under the provisions of this code. The annual fee for issuance of a certificate evidencing the licensee's air conditioning contractor's license required by this code shall be \$25.00 per year.

(b) Supervision of work.

No individual, firm, partnership or corporation shall engage in the business of installing, repairing or altering air conditioning equipment unless the air conditioning work performed in the course of such business is done under the direct supervision of a licensed air conditioning contractor who is a fulltime employee of such individual, firm, partnership or corporation (company) or who is the owner of such company and who shall be deemed to be responsible for the work performed and be held accountable for the same at the time of final inspection of that work, such that it shall be a violation of this subsection for any licensed air conditioning contractor to allow his license or any building permit issued to him by the city to be used for any work that he has not directly supervised as such fulltime employee or owner of the company that performed the work. For purposes of this subsection, "fulltime employee" shall mean one who receives a wage or salary and who is actively engaged in the services of the company, firm, or corporation that is using the person's license during the periods of time that the company, firm, or corporation is performing work that would require a permit under this chapter. In addition to the penalties for violations as provided in section 4-130, any person convicted of violating any provision of this subsection shall be subject to possible suspension or revocation of his license in accordance with applicable provisions of chapter 5 of the Wilmington City Code.

- (c) The board shall establish standards and procedures for the qualifications, examination, and licensing of air conditioning and shall issue a license to each person who meets the qualifications therefore and successfully passes the examination given by the board. The board shall keep an official record of all its transactions.

Any person who fails to pass an examination as prescribed by the board may apply for reexamination after the expiration of 30 days, upon a new payment of the regular examination fee.

Section 109.2.6.1 Examination and certification.

The board shall establish standards and procedures for the qualifications, examinations, and licensing of air conditioning contractors and shall issue a license to each person who meets the qualifications therefore and successfully passes the examination given by the board. The board

shall keep an official record of all its transactions. Any person who fails to pass an examination as prescribed by the board may apply for reexamination after the expiration of 30 days upon payment of the regular examination fee.

Section 109.2.6.2 Generally.

Any person desiring to be licensed as an air conditioning contractor shall make written application to the board. Examination fees for air conditioning contractors' licenses shall be \$50.00, payment of such fee to accompany the application. Examination fees are not returnable

Section 109.2.6.3 Plant licenses.

Any person, firm or corporation applying for a license to do air conditioning work upon or within their own plant or place of business only, may, after qualifying as hereinbefore prescribed, be granted a license; such license shall be known as a "plant license" and will not permit or entitle the licensee to do air conditioning work except within the property lines of the plant or place of business owned by such licensee.

If a plant license is approved and authorized by the board before same is issued the applicant shall pay to the board a fee of \$20.00, and a like fee shall be so paid for each subsequent annual renewal of such license.

No license shall be granted for more than one year, and all licenses shall expire on December 31 of each year.

Section 109.2.6.4 Generally.

Upon receiving a license as a licensed air conditioning contractor, the person, firm or corporation to whom the same is issued shall execute and deliver to the commissioner of licenses and inspections, a good and satisfactory surety bond, executed by the person, firm or corporation in whose name the license is to be issued and a surety company to be approved by the commissioner, in the sum of \$1,500.00, conditioned that such person, firm or corporation and his or their surety or sureties shall indemnify and hold harmless the city of and from all damage or loss, incurred by the city growing out of or in any way connected with the negligence of such person, firm or corporation incident to the prosecution of work done under and by virtue of the authority contained in such license.

109.2.6.5 Display of license information.

Within 30 days of receiving an air conditioning contractor's license or upon renewing such license, each such licensee shall display on all vehicles used for such commercial purposes the business name, telephone number, and business license number on both sides of each such commercial vehicle. The minimum height of such information shall be not less than two inches.

Section 109.2.8 Heating contractors.

(a) Heating contractor's license.

(1) No individual shall engage in the business of heating in the city unless licensed as a heating contractor under the provisions of this code. The annual fee for issuance of a certificate evidencing the licensee's heating contractor's license required by this code shall be \$25.00.

(b) Supervision of work.

(1) No individual, firm, partnership or corporation shall engage in the business of installing, repairing, or altering heating equipment unless the heating work performed in the course of such business is done under the direct supervision of a licensed heating contractor who is a fulltime employee of such individual, firm, partnership or corporation (company) or is the owner of such company and who shall be deemed to be responsible for the work performed

and be held accountable for the same at the time of final inspection of that work, such that it shall be a violation of this subsection for any licensed heating contractor to allow his license or any building permit issued to him by the city to be used for any work that he has not directly supervised as such fulltime employee or owner of the company that performed the work. For purposes of this subsection, a "fulltime employee" shall mean one who receives a wage or salary and who is actively engaged in the services of the company, firm, or corporation that is using the person's license during the periods of time that the company, firm, or corporation is performing work that would require a permit under this chapter. In addition to the penalties for violations as provided in section 4-130, any person convicted of violating any provision of this subsection shall be subject to possible suspension or revocation of his license in accordance with applicable provisions of Chapter 5 of the Wilmington City Code.

Section 109.2.9 Examination and certification.

The board shall establish standards and procedures for the qualifications, examination, and licensing of heating contractors and shall issue a license to each person who meets the qualifications therefore and successfully passes the examination given by the board. The board shall keep an official record of all its transactions.

Any person who fails to pass an examination as prescribed by the board may apply for reexamination after the expiration of 30 days upon payment of the regular examination fee.

Section 109.2.10. Generally.

Any person desiring to be licensed as a heating contractor shall make written application to the board. Examination fees for heating contractors' licenses shall be \$50.00, payment of such fee to accompany the application. Examination fees are not returnable.

Section 109.2.11. Plant license.

Any person, firm or corporation applying for a license to do heating contracting work upon or within their own plant or place of business only, may, after qualifying as hereinbefore prescribed, be granted a license; such license shall be known as a plant license and will not permit or entitle the license to do heating contracting work except within the property lines of the plant or place of business owned or leased by the licensee.

If a plant license is approved and authorized by the board before the same is issued, the applicant shall pay to the board a fee of \$20.00, and a like fee shall be so paid for each subsequent annual renewal of said license.

No license shall be granted for more than one year, and all licenses shall expire on December 31 of each year.

Section 109.2.12. Generally.

Upon receiving a license as a licensed heating contractor, the person, firm or corporation to whom the same is issued shall execute and deliver to the commissioner of licenses and inspections, a good and satisfactory surety bond, executed by the person, firm or corporation in whose name the license is to be issued and a surety company to be approved by the commissioner, in the sum of \$1,500.00 conditioned that such person, firm or corporation and his or their surety or sureties shall indemnify and hold harmless the city of and from all damage or loss, incurred by the city growing out of or in any way connected with the negligence of such person, firm or corporation incident to the prosecution of work done under and by virtue of the authority contained in such license.

Section 109.2.12.1. Display of license information.

Within 30 days of receiving a heating contractor's license, or upon renewing such license, each such licensee shall display on all vehicles used for such commercial purposes the business name, telephone number and business license number on both sides of each such commercial vehicle. The minimum height of such information shall be not less than two inches.

Section 109.2.13 Penalty.

Any person who shall violate a provision of this code as herein adopted, or shall fail to comply with any of the requirements thereof, shall be penalized by a fine of not less than \$100.00 and not more than \$500.00 or by imprisonment not exceeding one year, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

Section 109.2.14 Expiration of license.

Any plumber, heating or air conditioning contractor not receiving his license during any calendar year shall be subject to examination and certification as set forth in sections P-1400.1, P-1400.51, and P-1500.1.

Section 109.2.14.1 Qualifications.

The board of standards and appeals shall consist of three members appointed by the chief appointing authority and as follows: Each for a term of four years.

CHAPTER 1 SCOPE AND ADMINISTRATION, is amended by adding new Sections 111, 112 and 1113 and shall read as follows:

SECTION 111 REQUIREMENT FOR EXAMINATION AND CERTIFICATION

- A. Prior to applying for a plumbing license with the State of Delaware, each applicant must attend a state-approved apprenticeship school for four years, then serve two years under a licensed plumber or equal to, for a total of six years consecutively; or
- B. Each applicant must serve seven years consecutively under the supervision of a licensed plumber or plumbers, and complete the series of tests prepared by the state-approved apprenticeship school to determine if experience is equal to four years of school; or
- C. If applying from out-of-state, all credentials to be reviewed by the board of plumbing examiners who determine whether the experience or the plumbing license from another state meets or exceeds the requirements of Delaware to allow the applicant to sit for examination.

Examination by the board of plumbing examiners shall be quarterly. An acceptable qualifying average under such examination shall not be less than 70 percent. An applicant failing to satisfactorily qualify upon examination may submit for reexamination upon subsequent scheduled examining dates, in accordance with the rules of the board of plumbing examiners. An applicant can reapply for reexamination after 30 days of their initial examination and must meet the requirements which are in effect at the time of application; an application for a second or third retake of the examination may be made after 60 days of the last examination taken and after six months may apply for the fourth retake.

SECTION 112 VARIANCES

- A. Within thirty (30) business days of the receipt of a written application for a variance, the board of plumbing examiners shall recommend either granting the variance, or deny the variance or request further information from the applicant.
- B. The board of plumbing examiners recommends that copies of the written variance(s) be sent to the members of the state board of health within ten business days of their recommendation of granting a variance.

- C. The applicant who has been denied a variance by recommendation by the board of plumbing examiners may appeal the decision by filing a written notice of appeal to the city's board of standards and appeals. An appeal which is timely filed will be placed on the agenda of the next regularly scheduled meeting for the board of standards and appeals for hearing.

SECTION 113 DELAWARE LICENSE NUMBERS

The license number of the registered plumber(s) shall be lettered or painted on vehicles used in the course of the plumbing trade. The number shall be at least three inches in height and designated as that of a registered plumber.

CHAPTER 2 DEFINITIONS

SECTION 202 GENERAL DEFINITIONS

Section 202 is amended by adding the following definitions:

Average quarterly flow shall mean the daily average rate based on the total flow volume over a period of 13 consecutive weeks. BOD, denoting biochemical oxygen demand, shall mean the laboratory determination of the quantity of oxygen by weight, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory conditions of incubation for five days at a temperature of 20 degrees Celsius.

Building drain shall mean that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the buildings and conveys such drainage to the building sewer.

Building drainage system shall mean that part of the plumbing system which receives, conveys, and removes liquid and water-carried wastes to a building drain.

Building sewer shall mean a sewer conveying wastewater from the premises of a user to a public sewer.

Categorical standards shall mean the national pretreatment standards, as defined.

Combined sewer shall mean a sewer receiving combined waste.

Combined waste shall mean a wastewater containing surface water or stormwater.

Commissioner shall mean the public works commissioner of the city or his duly authorized deputy, designee, agent or representative.

Composite sample shall mean a sample obtained over a minimum of six-hour period from a continuous sampling device compositing a sample in proportion to flow, or a series of grab samples obtained either manually or with a sampler once each hour and subsequently composited proportionally to the measured flow at the time of each sampling.

Constituent shall mean any analytically defined parameter.

Contributory industrial user shall mean any industrial user permitted by the city that the commissioner has determined discharges specific pollutants to the POTW at concentrations greater than typical domestic/commercial wastewaters as calculated in the city's most recent EPA approved local limit evaluation.

Domestic wastes shall mean a combination of water-carried wastes, consisting of wash water, culinary wastes and liquid wastes containing only human excreta and similar matter flowing in or from a building

drainage system or sewer originating from residences, business buildings, institutions, and commercial establishments.

Effluent shall mean wastewater flowing out of any facility.

Garbage shall mean animal and vegetable wastes from the preparation, cooking, and disposing of food; and from handling, processing, storage, and sale of food products and produce.

Indirect discharge shall mean the introduction of pollutants into the POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the Clean Water Act.

Industrial user shall mean a source of indirect discharge.

Industry shall mean any establishment which uses water in a product or generates a wastewater during any period of production.

Influent shall mean wastewater, raw or partly treated, flowing into any sewage treatment device or facilities.

Intercepting sewer shall mean a sewer which receives dry weather flow from sanitary sewers and/or additional predetermined quantities of combined waste and conducts such flow to a plant for treatment or disposal.

Interference shall mean an inhibition or disruption of the treatment processes or operations, or its sludge processes, use or disposal.

Mass emission rate shall mean the weight of material discharged to the sewer system during a given time interval, expressed as pounds per day of a particular constituent or combination of constituents.

Maximum allowable industrial loading shall mean the maximum mass of pollutants that is allowed to be discharged to the publicly owned treatment works from all contributory industrial users.

Methods of analysis shall mean the examination and analytical procedures set forth in the recommended standard analytical techniques prepared by the U.S. Environmental Protection Agency and published in the Federal Register, including all testing methods specified in 40 CFR 136.

Milligrams per liter (mg/l) shall mean the same as parts per million and is the weight-to-volume ratio of a constituent.

National pretreatment standard shall mean any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with section 307(b) and (c) of the Clean Water Act, and prohibitive discharge limits established pursuant to 40 CFR 403.5 and 40 CFR chapter I, subpart N, parts 405-471.

Nondomestic waste or industrial waste shall mean any wastewater resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resource, or any mixture of such waste with water or domestic wastewater, as distinct from domestic wastewater.

Nonsignificant industrial user shall mean an industrial user that is neither a categorical user as defined by the EPA nor a significant industrial user as defined in this section.

Nuisance shall mean anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Overload shall mean the imposition of any constituent or hydraulic loading on a treatment facility in excess of its treatment capacity.

Person shall mean any individual, firm, company, association, society, corporation, institution, group, or any other legal entity.

pH shall mean the negative base 10 logarithm of the hydrogen ion concentration expressed as moles per liter.

Premises shall mean any parcel of real estate, including any improvements, which is a single user for purposes of receiving, using and paying for sewer service.

Pretreatment shall mean the reduction or elimination of pollutants, or the alteration of the nature of pollutant properties prior to discharging into the public sewer system. This reduction or alteration can be obtained by physical, chemical, or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Public sewer shall mean a sewer owned and operated by the city or other public agency tributary to a wastewater treatment facility operated by the city or another entity.

Sanitary sewer shall mean a sewer the specific purpose of which is to carry domestic or industrial water or a combination of both, and into which stormwater, surface water, groundwater, and other unpolluted waters are not intentionally passed.

Sewage shall mean the same as wastewater, as defined.

Sewage treatment works (sewage treatment plant, pollution control plant) shall mean any arrangement of devices, facilities, and structures used for receiving, processing, and treating wastewater, industrial wastes, and sludges from the sanitary or combined sewers.

Sewer shall mean a pipe or conduit, generally closed, for carrying wastewater.

Sewer system shall mean all sewers, laterals, or other connections or plants which connect with or pertain to a connection with the sewers, plants, public works, and/or projects of the city including all city-owned facilities.

Shall is mandatory; *may* is permissive.

Shredded garbage shall mean garbage shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle having a dimension greater than one-half inch in any direction.

Significant industrial user shall mean an industrial user that is either subject to the Environmental Protection Agency's Categorical Pretreatment Standards under 40 CFR § 403.6 and 40 CFR chapter I, subchapter N; or any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the city's POTW (excluding sanitary, non-contact cooling and boiler blow down wastewater); or contributes a process waste stream that makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the city's POTW; or is designated as such by the city defined in 40 CFR 403.12(a) 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)).

Significant noncompliance shall mean any of the following, such that an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical review criteria (TRC) violations, defined here as those in which 30 percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all pollutants except pH);
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the commissioner determines has caused, alone or in combination with other discharges, interferences or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f) (1) (VI) (B) of this section to halt or prevent such a discharge;
- (5) 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;
- (6) 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, or reports on compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

Storm sewer shall mean a public sewer which carries storm and surface waters and drainage and into which domestic wastewater or industrial wastes are not intentionally passed.

Stormwater shall mean the excess water running off from the surface of a drainage area of a building during and immediately following a period of precipitation, including snowmelt.

Suspended solids (filterable residue) shall mean the dry weight of solids, expressed as milligrams per liter, that float on the surface of, are in suspension, or are settleable in water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device.

To discharge shall mean to include to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.

Toxic substances shall mean any substance whether gaseous, liquid, or solid, which when discharged to the sewer system in sufficient quantities may tend to interfere with any sewage treatment process, constitute a hazard to recreation in the receiving waters of the effluent from the sewage treatment plant, pose a hazard to workers in the sewer system, constitute a hazard to fish or animal life, or interfere with proper sludge disposal.

Unpolluted water shall mean water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

User shall mean any person that discharges, causes or permits the discharge of wastewater into a public sewer.

User charge shall mean a charge levied on the users of wastewater facilities and treatment works for the cost of operation and maintenance of such facilities and works.

Variance shall mean any commissioner approved alternative to the maximum constituent discharge limits contained in section P-302.0 of this article. Variances may be either concentration or mass based.

Waste shall mean rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic and nondomestic activities.

Wastewater shall mean a combination of the water-carried waste from residences, businesses, buildings, institutions, and industrial establishments, together with any ground, surface, and stormwater that may be present, whether treated or untreated, discharged into or permitted to enter a public sewer.

Wastewater constituents and characteristics shall mean the individual chemical, physical, bacteriological, and radiological parameters including volume, flow rate, and such other parameters that serve to define, classify or measure the contents, quality and strength of wastewater.

Wastewater facilities shall mean all facilities for collection, pumping, treating, and disposing of wastewater.

Wastewater treatment plant shall mean sewage treatment works, as defined.

Watercourse shall mean a natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

Water service - as to any water pipe from street to curb, the department of public works shall advise and shall inspect it for compliance. Amend Section 107.7 to add that a final inspection must include a determination that a water meter should be in place before certificate of occupancy is issued.

CHAPTER 3 GENERAL REGULATIONS

SECTION 302 EXCLUSION OF MATERIALS DETRIMENTAL TO THE SEWER SYSTEM

Section , 302 Exclusion of Materials is amended by adding new subsection Section 302.3, Section 302.4, Section 302.5, Section 302.6, Section 302.7, Section 302.8, Section 302.9, Section 302.10, Section 302.11, Section 302.12, Section 302.13, Section 302.14, and Section 302.15 and shall read as follows:

Section 302.3 Prohibited discharges.

It shall be unlawful for any person to discharge or permit the discharge or infiltration into any public sewer any of the following:

- (a) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit or any substance which causes the temperature of the total wastewater treatment plant influent to exceed 104 degrees Fahrenheit.
- (b) Any liquid containing fats, wax, grease or oils of mineral or petroleum origin, whether emulsified or not, in excess of 100 mg/l, or of animal or vegetable origin in excess of 300 mg/l. Lower limits may be applied to mineral oils where necessary to prevent interference with POTW operations or pass through.
- (c) Any water or wastes that contain more than 10 mg/l of hydrogen sulfide.
- (d) Any pollutants which create a fire or explosion hazard in the collection and treatment system including, but not limited to, waste streams with a closed cup flash point of less than 140 degrees Fahrenheit, using the test methods specified in 40 CFR 261.21.

- (e) Any pollutants which result in the presence of toxic gases, vapors, or fumes within the collection and treatment system in a facility that may cause acute worker health and safety problems.
- (f) Any trucked or hauled pollutants except at discharge points designated by the commissioner.
- (g) Any substances that may:
 - (1) Cause obstruction to the flow in a sewer system;
 - (2) Interfere with operation of sewage treatment works;
 - (3) Cause excessive loading or overloading of wastewater facilities; or
 - (4) Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the incompatibility of the substance and cause violation of state or federal regulations.
- (h) Any discharge into public sewers of solid or viscous substances including but not limited to:
 - (1) Ashes
 - (2) Cinders
 - (3) Sand
 - (4) Mud
 - (5) Straw
 - (6) Shavings
 - (7) Metal
 - (8) Glass
 - (9) Rags
 - (10) Paper products, either whole or ground by garbage grinders
 - (11) Tar
 - (12) Plastics
 - (13) Wood or sawdust
 - (14) Underground garbage
 - (15) Whole blood
 - (16) Paunch manure
 - (17) Hair and fleshings
 - (18) Entrails
 - (19) Feathers
 - (20) Bones
 - (21) Slops
 - (22) Chemical residues
 - (23) Paint residues
 - (24) Bulk solids

- (i) Any garbage that has not been properly shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half inch in any dimensions are prohibited.
- (j) Any liquid having a pH lower than 6.0 or higher than 9.0 or having any property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works. PH deviations between 5.0 and 11.0 shall be permitted for a total of 10 percent of the time in an eight-hour work shift, provided that the user installs and operates a pH monitoring device to continuously monitor and record the pH of the discharge.

Any stormwater, surface water, groundwater, roof runoff, interior, or exterior footing drainage, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 302.4 Maximum constituents.

- (a) The concentration in wastewater of any of the following constituents shall be limited to the following:

TABLE INSET:

	Contributory Industrial User 30 day Avg. mg/L	Wilmington POTW Maximum Allowable Industrial Loading lbs/day
Arsenic	0.09	8.18
Cadmium	0.07	9.15
Chromium, total	4.00	177.66
Copper	0.91	108.39
Lead	1.94	175.97
Mercury	0.0057	0.42
Nickel	1.00	206.40
Selenium	0.65	67.46
Zinc	3.49	422.37
Ammonia as Nitrogen	35.00	4950.00
Cyanide	0.49	79.59

Phenolics, total	10.00	6780.00
BOD	500.00	118991.00
Suspended Solids	500.00	72268.00

- (b) Notwithstanding the limitations set forth in subsection (a) above, the commissioner may accept the discharge of wastewater with constituents in excess of such concentrations provided that the commissioner determines that such increased concentrations are compatible with the wastewater treatment process and such concentration variances do not create a total contributory industrial user loading allocation above the stated maximum allowable industrial loading. Such variances shall not be applicable to national pretreatment standards or the requirements set forth in 40 CFR 403.

Nothing in this article shall be construed as preventing or precluding any special agreement or arrangement between the commissioner and any person whereby an industrial waste of unusual strength or character may be accepted by the commissioner for treatment, subject to the requirements of the national pretreatment standards. For such waste, the commissioner may require the user to provide any additional documentation or to conduct any special studies, at the user's expense, as deemed necessary to demonstrate that such waste complies with the limitations specified under sections P-301.0 and P-302.0.

- (c) The discharge of constituents in excess of the concentration limits set forth in subsection (a) may be subject to the payment of a surcharge fee, as established from time to time by the city council, which surcharge shall be based upon the additional unit cost incurred in the wastewater monitoring, collection, transmission and treatment process attributed to such increased concentrations.
- (d) Any industrial discharger required under federal law to meet national categorical pretreatment standards for any pollutants shall meet these standards in its discharge, provided that such categorical standards are more stringent than the local standards established under section P-302.0(a) for the pollutant. Where categorical standards are less stringent than the local standards the local standards shall apply. The commissioner may revise the discharge limits for specific pollutant(s) covered in the discharger's categorical pretreatment standard, provided that such revision has been approved by the appropriate state and/or federal authority pursuant to 40 CFR 403.7. Where the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutants per unit of production, the commissioner may establish equivalent mass-per-day or concentration limitations as provided in 40 CFR 403.6.
- (e) No user shall discharge radioactive materials into public sewers without a discharge permit. The commissioner may establish, in compliance with applicable state and federal regulations, regulations for discharge of radioactive wastes into public sewers. In no instance shall the active elements, or their local concentrations permitted to be discharged into the sewers, exceed the concentration limits established.
- (f) Dilution prohibited as substitute for treatment. Except as provided under federal law, the use of dilution as a partial or complete substitute for adequate treatment to achieve compliance with categorical or local limitations is prohibited. The commissioner may impose mass-based limitations or otherwise modify the limitations to account for dilution in each case.

Section 302.5 Wastewater discharge permits required.

- (a) All nondomestic users proposing to connect or to discharge into a public sewer shall obtain a wastewater discharge permit before connecting to or discharging into a public sewer. All existing nondomestic users connected to or discharging into a public sewer, when notified by the commissioner, shall apply for a wastewater discharge permit within 90 days of notification.
- (b) Permit application. Users seeking a wastewater discharge permit shall complete and file with the commissioner an application in the form prescribed by the commissioner, and accompanied by any applicable fees. The applicant shall be required to submit, where applicable, in units and terms appropriate for evaluation, the following information:
 - (1) Name, address, and telephone number of applicant or responsible party;
 - (2) Volume of wastewater to be discharged;
 - (3) Wastewater constituents and characteristics as determined by a laboratory mutually agreed to by the commissioner and the user;
 - (4) Time and duration of discharge;
 - (5) Average and hourly peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
 - (6) Conceptual site and plumbing plans to show all sewers and appurtenances by size, location, and elevation;
 - (7) A general description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged to the public sewers;
 - (8) Each product produced by type and raw materials processed where known, the nature and concentration of any pollutants in the discharge which are limited by local standards under section P-302.0(a) or national pretreatment standards; and a statement whether the standards are being met on a consistent basis and, if not, whether additional pretreatment is required to meet applicable standards;
 - (9) If additional pretreatment will be required, the shortest schedule by which the user will provide such pretreatment. The schedule shall contain increments of progress leading to the construction and operation of pretreatment facilities, each increment not exceeding nine months; and the completion date shall be no later than the compliance date established for the applicable categorical pretreatment standards;
 - (10) Each product produced by type, and raw materials processed;
 - (11) Number of employees, and hours of work; and
 - (12) Any other information as may be deemed by the commissioner to be necessary to evaluate the permit application. The commissioner will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the commissioner will issue within 45 days a draft wastewater discharge permit. A 45-day comment period shall be allowed all users, and thereafter the commissioner shall issue a wastewater discharge permit subject to the terms and conditions herein.
- (c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of these regulations and all other regulations, user charges, and fees established by the city or the county, as applicable. The conditions of wastewater discharge permits shall be uniformly enforced by the commissioner. Wastewater discharge permits may contain the following:
 - (1) The unit charge or schedule of user charges and fees, as set forth in sections 45-53 through 45-60 of the Wilmington City Code as most recently amended, for the wastewater to be discharged to a public sewer;

- (2) Limits on the average and maximum wastewater constituents and characteristics consistent with (i) the applicable discharge standards in section P-302.0 and (ii) the monitoring frequency established for the discharge;
 - (3) Limits on rate and time of discharge or requirements for flow regulation;
 - (4) Requirements for installation of inspection and sampling facilities;
 - (5) Pretreatment requirements, including national pretreatment standards;
 - (6) Specifications for monitoring programs which may include sampling locations, frequency, and method of sampling, number, types and standards for tests and reporting schedule;
 - (7) Requirements for the filing of periodic discharge reports and progress reports on compliance schedules. The discharge report may include, but not be limited to wastewater volume rates of flow, constituent concentrations and mass emission rates, hours of operation, number of employees, or other information which relates to the wastewater discharge to the sewers;
 - (8) Requirements for maintaining plant records relating to wastewater discharge as specified by the commissioner, and affording access thereto to inspect and copy all applicable records;
 - (9) Compliance schedules containing increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment or other means required for the discharger to meet the applicable discharge standards (e.g., hiring an engineer, completing preliminary plans, executing contracts, etc.). Increments of progress shall not exceed nine months;
 - (10) A requirement to notify the city in advance of any substantial change in the volume or character of pollutants in the discharge;
 - (11) Other conditions as deemed appropriate by the commissioner to ensure compliance.
- (d) Duration of permit.
- (1) Permits shall be issued for a specified time period, not to exceed five years. A permit shall be issued for a period of not less than a year, or may be stated to expire on a specific date. If the user is not notified by the commissioner 30 days prior to the expiration of the permit, the permit shall be extended one additional year. The terms and conditions of the permit may be subject to modifications and change by the commissioner during the life of the permit as limitations or requirements are modified and changed. The user shall be informed of any proposed changes in the permit at least 90 days prior to the effective date of those changes. All users shall be allowed a comment period, relating to any of the proposed changes in his permit; such comment period shall be the first 45 days of the 90-day period prior to the effective date of the changes. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (e) Transfer of a permit.
- (1) Wastewater discharge permits shall be issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation.
- (f) Permit fee.
- (1) The commissioner is hereby authorized to develop and recommend to city council a structure of categories of permits and permit fees, to be set forth herein by ordinance of council amending this subsection, for the issuance or modification, or both, of wastewater discharge permits and for issuance of variances. The structure of categories and fees for industrial users shall be as follows:

- (i) One-time user: \$200.00 per six-month period.
- (ii) \$2.00 per 1,000 gallons of discharge.
- (iii) Fully permitted user: \$200.00 per six-month period.

Section 302.6 Pretreatment.

- (a) Where preliminary treatment facilities are required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. To aid the commissioner, the owner, subsequent to the commencement of operation of any pretreatment facilities, shall make periodic reports to the commissioner setting forth therein data upon which he may determine the effectiveness and adequacy of such installation in reducing the concentrations of constituents to acceptable limits. Any approval by the commissioner of a type, kind, or capacity of an installation shall not relieve the owner of the responsibility of revamping, enlarging, or otherwise modifying an installation to accomplish its intended purpose to the degree necessary to comply with the rules and regulations, or of the requirements of a discharge permit.
- (b) Grease, oil and sand removal equipment shall be provided when in the opinion of the commissioner, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients. All such equipment shall be of a type and capacity approved by the commissioner and shall be located so as to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil, and sand removal equipment shall be maintained by the owner, at his expense, in continuously efficient operation at all times

Section 302.7 Compliance monitoring.

At all times and at his discretion, the commissioner shall have the power to take samples of any user's discharge to the public sewers in accordance with the following:

- (a) Inspections.

The commissioner and other duly authorized employees of the city, bearing proper credentials and identification shall be permitted to enter all premises at a reasonable hour for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article and chapter. The user shall not be held liable for any allegedly unsafe acts performed by the commissioner or his representative while on the user's premises and any loss to the user as a direct result of any allegedly unsafe acts performed by the commissioner or his representative while on the user's premises shall be the responsibility of the commissioner. The commissioner or his representative shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

- (b) Samples.

Samples shall be taken and flow measurements made, whenever possible, at a common manhole into which all flows from such premises are combined. Such manhole shall be constructed by the owner of such premises, at said owner's expense, when directed by order of the commissioner.

Whenever the installation of such a common manhole is impossible or impractical, the owner of such premises shall construct and maintain at his own expense, in lieu of the common manhole, two or more manholes as required by order of the commissioner, for accurate measurement of all flows discharged from such premises into the sewer system; in the event that no special manhole has been required, the control sample shall be taken at a point or points to be mutually selected by representatives of the commissioner and the user.

(c) Confidentiality.

Information and data about a user from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the commissioner that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Wastewater constituents and characteristics shall not be recognized as, nor deemed to be confidential information.

(d) Method of analysis.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined at the control manhole, or upon suitable samples taken at such control manhole. Sampling shall be carried out by the customarily accepted methods to reflect the composition of the user's discharge to the public sewers.

(e) Determination of constituent concentration.

The constituent concentrations of any wastewater shall usually be determined from representative samples discharged to the public sewers. The samples may be taken by representatives of the commissioner at sampling stations as described under this section of these rules and regulations, at any period, or time, or of such duration and in such a manner as determined by the commissioner. The intent of any sampling procedure is to establish the constituent concentrations in the wastewater discharged during an average or typical working day. These concentrations may be derived, according to the best judgment of the commissioner, by combining repeated sub samplings during one day, by combination of a series of such days. The analysis of samples taken shall be performed by a laboratory mutually approved by the commissioner and the user. The acceptability of the wastes shall be as determined from such analysis.

Section 302.8. Property designation.

(a) Firm with multiple buildings.

Where a parcel of real property consisting of one block and lot is occupied by multiple buildings having tenants with unrelated manufacturing processes, each building shall be considered a separate source of constituents.

(b) A block and lot with multiple buildings.

Where a parcel of real property, consisting of one block and lot is occupied by multiple buildings having tenants with unrelated manufacturing processes, each building shall be considered a separate source of constituents.

(c) Multitenant industrial buildings.

Where a parcel of real property, consisting of one block and lot or lots, is occupied by a multitenant industrial building connected to the sewer system by one or more sewers and the tenants in such building discharge wastewater into the drainage system, each tenant shall be considered a separate source of constituents and the constituent concentration shall be determined at sampling locations selected by the commissioner for each source.

(d) Industrial park and/or industrial building complex.

Where a parcel of real property consists of more than one block, and lot and one or more buildings on such parcel occupy a single block each such building or buildings may be considered as a block and lot with multiple buildings and the constituent concentration

discharged from such building or buildings to the sewer system shall be determined as described under subparagraph (b) of this section.

(e) Tenant activities.

Any tenant of such real property as described in subparagraphs (a), (b), (c) or (d) of this section shall comply with all the rules and regulations of this article.

Section 302.9 Spill notification and prevention.

(a) Notification of discharge.

Users shall notify the commissioner immediately upon any occurrence of accidentally discharging wastes in violation of these regulations in-order to enable countermeasures to be taken to minimize damage to the public sewer, treatment facility, treatment processes, and the receiving waters.

Such notification shall be followed, within five days of the date of occurrence, by a detailed written statement to the commissioner describing the causes of the accidental discharge and the measures being taken to prevent any future occurrence.

(b) Notices to employees.

In order that employees of users be informed of these requirements, users shall make available to their employees copies of these provisions, together with such other wastewater information and notices which may be furnished by the commissioner from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of these provisions.

(c) Preventive measures.

The commissioner may require users to develop spill prevention plans where there is a potential for adverse input.

Section 302.10 Administrative enforcement.

(a) Responsibility for enforcement.

All rules and regulations as set forth in the provisions herein shall be enforced by the commissioner or his duly authorized deputy, designee or representative. The commissioner, acting on behalf of the city, is hereby authorized to promulgate an enforcement response plan and an accompanying guide in accordance with requirements of the U.S. Environmental Protection Agency (EPA) that shall be applicable to all industrial users of the City of Wilmington's publicly owned treatment works (POTW). Any issue not specifically covered by this section or by the response plan and guide shall be resolved in accordance with EPA guidelines and the Code of Federal Regulations.

(b) Notification of violation.

Whenever the commissioner finds that any industrial user has violated or is violating this article or chapter, or a permit or order issued hereunder, the commissioner or his agent may serve upon such user written notice of violation. Within ten days of the date of receipt of this notice, an explanation of the notice of the violation and plan for the satisfactory correction and prevention thereof, including specific required actions, shall be submitted to the commissioner. Submission of this plan in no way relieves the user of liability for any violations occurring before or after the receipt of the notice of violation.

(c) Show cause hearing.

The commissioner may order any industrial user who or which contributes to violation of this article or chapter, or any permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail, return receipt requested, at least ten days prior to the date of the hearing. Such notice shall be served upon any principal executive, general partner or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

(d) Administrative order.

Whenever the commissioner finds that an industrial user has violated, or continues to violate any provision of this article and chapter, or any permit or order issued hereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also include such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, self-monitoring, and management practices.

(e) Administrative fines.

Notwithstanding any other provision of this article and chapter, any user who is found to have violated any such provision, or any permit or order issued hereunder, shall be fined in an amount not to exceed \$1,000.00 per violation. Each day on which noncompliance shall occur, or continue, shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the commissioner shall have such other collection remedies as he has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such fines must file a request for the commissioner to reconsider the fine within ten days of being notified of the fine. In any instance in which the commissioner believes the request has merit, he shall convene a hearing on the matter within 15 days of the date of receipt of such request from the industrial user.

(f) Termination of service.

(1) *Emergency suspensions.* The commissioner may suspend the wastewater treatment service and/or the permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health, safety, or welfare of persons, the collection and treatment system, or the environment.

Any user notified of a suspension of the wastewater treatment service and/or permit shall immediately stop or eliminate its contribution. Upon a user's failure to immediately comply voluntarily with the suspension order, the commissioner shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the collection and/or treatment system, its receiving stream, or endangerment to any individuals. The commissioner shall allow the user to recommence its discharge when the endangerment has passed, unless termination proceedings are initiated against the user as set forth below.

(2) *Continuing noncompliance.* The commissioner may, upon 30 days' notice to the industrial user, revoke the permit, terminate service to the user, or both, unless, at the expiration of such period, the commissioner is satisfied that the user is making satisfactory progress to eliminate or correct the conditions which caused such notice.

Section 302.11 Judicial remedies.

(a) Injunctive relief.

Whenever an industrial user has violated or continues to violate any provisions of this article, or of any permit or order issued hereunder, the commissioner, through counsel may petition the court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, which restrains or compels the activities on the part of the industrial user.

(b) Civil penalties.

(1) Any industrial user who has violated or continues to violate any provisions of this article, or any order or permit issued hereunder, shall be liable for a civil penalty of not more than \$5,000.00 plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the commissioner may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(2) The commissioner through counsel shall petition the court to impose, assess, and recover such sums. In determining the amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions, taken or to be taken by the industrial user, the compliance history of the user, and any other factor as justice may require.

(c) Criminal prosecution.

(1) Violations.

(a) Any industrial user who willfully or negligently violates any provision of this article and chapter, or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$5,000.00 per violation per day, or imprisonment for not more than one year, or both such fine and imprisonment.

(b) Upon a second conviction, the user shall be subject to a fine not to exceed \$5,000.00 per violation per day, or by imprisonment for not more than three years, or by both such fine and imprisonment.

(2) Falsifying information.

(a) Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than \$5,000.00 per violation per day, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Upon a second conviction, the user shall be subject to a fine not to exceed \$5,000.00 per violation per day, or by imprisonment for not more than three years, or by both such fine and imprisonment.

Section 302.12 Notification of proposed termination of service and/or revocation of discharge permit.

The commissioner shall not terminate service to a user and/or revoke a discharge permit, except in an emergency, without first delivering, or causing to be delivered, to the user written notice of such proposed termination and/or revocation. The notice shall state the reason or reasons for such termination and/or revocation and shall allow a reasonable time for satisfactory compliance to meet the wastewater constituent and/or characteristic limitation(s) that are being violated.

Section 302.13 Appeals

Any user, permit applicant, or permit holder affected by any decision, action or determination made by the Commissioner, interpreting or implementing the provisions in this article or in any permit issued pursuant hereto, may file with the commissioner a written request for reconsideration within ten days of the date of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Commissioner's decision, action, or determination shall remain in effect during such period of reconsideration. Any person aggrieved by a decision of the commissioner may appeal such decision in the manner provided by law.

Section 302.14 Public notification

The Commissioner shall annually publish in the largest daily newspaper published in the city a list of the users who or which were not in compliance with any pretreatment requirements or standards during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12-month period.

Section 302.15 Severability

The provisions of the ordinance from which the articles and the sections thereof derive are declared to be severable and if any article, section, subsection, sentence, clause or phrase of these two articles or the ordinance shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining articles, sections, subsections, clauses and phrases of this article and the ordinance but they shall remain in effect, if being the legislative intent that this article and the provisions of the ordinance shall stand notwithstanding the invalidity of any part.

CHAPTER 5 WATER HEATERS

Section 501.2.1- All combination space heating and domestic water heating units shall meet the following requirements:

- (a) Install a reduced pressure principal, atmospheric type backflow preventer conforming to ASSE 1012 in the cold water feed line to the unit.
- (b) Install an NSF 61 approved expansion system on the domestic hot water side of the unit.
- (c) Install an anti-scald mixing valve conforming to ASSE 1016 on the domestic hot water side of the unit.
- (d) Maximum water temperature setting of any combination unit shall not exceed that of 125 degrees Fahrenheit.

Section 502 Installation, is amended by adding the following new subsection 502.6 and shall read as follows:

Section 502.6 , Material. When non-metallic water distribution pipe is being used, the first 18 inches (457 mm) of both hot and cold water lines shall be non-flexible metallic pipe as listed in Table P605.4 of the International Plumbing Code.

Section 504.6, Requirements for discharge piping, is amended by revising #13 and shall read as follows:

Section 504.6 Requirements for discharge piping, The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

- #13. Be constructed of rigid metallic piping only.

CHAPTER 6 WATER SUPPLY AND DISTRIBUTION

Section 601 General, is amended by adding new subsection section 601.1.1 and shall read as follows:

Section 601.1.1 - Section 601.1 by deleting the letter "M" each time it appears.

SECTION 605 MATERIALS, JOINTS, AND CONNECTIONS

Section 605.3 Water service pipe, is amended by adding new subsection Section 605.3.2 and shall read as follows:

Section 605.3.2 delete any references to galvanized steel pipe, "M" Pipes, Asbestos cement pipe ASTM C 296 and for copper and copper alloy tubing, delete M and WM each time it appears in the code.

CHAPTER 7 SANITARY DRAINAGE

SECTION 703 BUILDING SEWER

Section 703.2 Drainage pipe in filled ground, is amended by adding new subsection 703.2.1 and 703.3.1 and shall read as follows:

Section 703.2.1 - Sections P-703.2 is amended by deleting the words, "asbestos cement pipe," "bituminized fiber pipe," "concrete pipe," "terra cotta pipe," "vitrified clay pipe" and "lead pipe:" are deleted each time they appear.

Section 703.3.1 - Sections P-703.2 is amended by deleting the words, "asbestos cement pipe," "bituminized fiber pipe," "concrete pipe," "terra cotta pipe," "vitrified clay pipe" and "lead pipe:" are deleted each time they appear.

SECTION 704 DRAINAGE PIPING INSTALLATION

Section 704 Drainage piping installation, is amended by adding new subsection section 704.5 and shall read as follows:

Section 704.5 One or two-family dwellings shall have a minimum four-inch sanitary drainage pipe to the first fixture.

CHAPTER 9 VENTS

SECTION 901 GENERAL

Section 901 General is amended by adding new subsections Section 901.7, 903.8 and 919.3 shall read as follows:

Section 901.7 Main vent required. Every sanitary drainage system receiving the discharge of sanitary fixtures shall have a main vent three inches in diameter.

Section 919.3 Main vent required. Every sanitary drainage system receiving the discharge of sanitary fixtures shall have a main vent three inches in diameter.

SECTION 903 VENT STACKS AND STACK VENTS

Section 903.8 Vent stack required. A vent stack shall be required for every drainage stack that is two branch intervals or more.

SECTION 918 AIR ADMITTANCE VALVES

Section 918 Air Admittance Valves, is amended by adding new subsection **Section 918.1.1** and shall read as follows:

Section 918.1.1 The use of an automatic air vent or air admittance value to vent any plumbing fixture is prohibited unless approved by the building official.

SECTION 919 ENGINEERED VENT SYSTEMS

Section 919.3 Main vent required. Every sanitary drainage system receiving the discharge of sanitary fixtures shall have a main vent three inches in diameter.

CHAPTER 10 TRAPS, INTERCEPTORS AND SEPARATORS

Section 1002.4 Trap Seals. Section 1002.4 is amended by deleting section 1002.4.1.2 Reclaimed or gray water-supplied trap seal primer valve, section 1002.4.1.3 Waste water, section 1002.4.1.4 Barrier-type trap seal protection device, and by adding section 1002.4.2 trap seal prohibited materials.

Section 1002.4.2 Trap Seal Prohibited Materials. The use of Reclaimed or Gray Water, Waste Water, and Barrier Type Trap Seals are prohibited.