

# CODE OF BALTIMORE REGULATIONS ANNOTATED

*Regulations Effective as of January 15, 2021*

## **Title 21 DEPARTMENT OF PUBLIC WORKS**

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# **Title 21 DEPARTMENT OF PUBLIC WORKS**

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**Subtitle 01 DIRECTIVES**

CHAPTER 01 DIRECTIVE 89 – INDUSTRIAL PRETREATMENT DISCHARGE  
REGULATIONS FOR HEAVY METALS

Administrative History

Effective Date: April 15, 1989

|      |                       |  |                                     |   |
|------|-----------------------|--|-------------------------------------|---|
| FRTM | NAME & TITLE          | George G. Balog, Director  | CITY of<br>BALTIMORE<br><b>MEMO</b> |  |
|      | AGENCY NAME & ADDRESS | Department of Public Works<br>600 Abel Wolman Municipal Building                 |                                     |   |
|      | SUBJECT               | DIRECTIVE-89-2 INDUSTRIAL PRETREATMENT<br>DISCHARGE REGULATIONS FOR HEAVY METALS |                                     |   |

TO

DATE: March 29, 1989

Bureau Heads & Division Chiefs  
Department of Public Works

Please be advised that the Department of Public Works is implementing new sewer discharge regulations for heavy metals which will be applied to all non-domestic discharges to the sanitary sewer.

Federal Law (Section 403.5(c) of the General Pretreatment Regulations) requires the development and enforcement of local discharge limits. In addition, the Maryland Department of the Environment (MDE) has required the City to develop technically based metals limits to replace those arbitrarily adopted as local limits during the development of our local pretreatment program.

Therefore, in accordance with Section 27d (Legal Authority) of Article 25 of the Baltimore City Code as amended by Ordinance 129 approved June 28, 1984, I am directing the Pollution Control Section to incorporate the following heavy metal discharge limits into all permits for those industries not subject to metals limits set by the Federal government.

Effective April 15, 1989

| <u>Metal</u> | <u>Limitations</u><br><u>1 day high concentrations,</u><br><u>parts per million (ppm)</u> |
|--------------|---|
| Cadmium      | 0.21  |
| Chromium     | 6.89  |
| Copper       | 6.59  |
| Lead         | 6.81  |
| Nickel       | 2.82  |
| Zinc         | 17.85   |

Non-compliant dischargers will be placed on compliance schedules and given approximately six months to comply.

In order to guard against backsliding, I am directing the Pollution Control Section to periodically determine individual industrial mass

Bureau Heads &  
Division Chiefs  
March 29, 1989  
Page 2

loadings for the above metals so that consistent levels of compliance are guaranteed. Industries can not increase the loadings of pollutants without first obtaining a revised discharge permit.

  
GEORGE G. BALOG  
DIRECTOR

GGB/ROC/tm

cc: Mayor's Office  
Honorable Board of Estimates  
Department of Law  
Department of Finance  
Minimum Wage Commission  
Labor Commissioner  
Department of Education  
Department of Recreation & Parks  
Fire Department  
Police Department  
Bureau of Purchases  
Civil Service Commission  
Department of Housing & Community Development  
Department of Transportation  
Legislative Reference

**Subtitle 01 DIRECTIVES**

CHAPTER 02 DIRECTIVE 95-2 – INDUSTRIAL PRETREATMENT DISCHARGE  
REGULATIONS (SEWER DISCHARGE LIMITATION FOR TOTAL PETROLEUM  
HYDROCARBONS – LAUNDRIES)

Administrative History

Effective Date: May 25, 1995

|             |                       |  |
|-------------|-----------------------|--|
| <b>FROM</b> | NAME & TITLE          | George G. Balog, Director  |
|             | AGENCY NAME & ADDRESS | Department of Public Works<br>600 Abel Wolman Municipal Building |
|             | SUBJECT               | DIRECTIVE - 95-2 - INDUSTRIAL PRETREATMENT DISCHARGE REGULATIONS |

CITY of  
BALTIMORE  
**MEMO**



TO

DATE:  
May 25, 1995

Bureau Heads & Division Chiefs  
Department of Public Works

The Department of Public Works is implementing new sewer discharge regulations for total petroleum hydrocarbons (TPH) and volatile organics which will be applied to industrial laundries (Primary Standard Industrial Classification Code 7218) in the sewer service area of the City of Baltimore with non-domestic discharges to the sanitary sewer. Federal Law (Section 403.5(c) of the General Pretreatment Regulations) requires the development and enforcement of local discharge limits. In addition, the Maryland Department of the Environment (MDE) has required the City to develop limits which are more technically based and take into account the unique problems associated with wastewater generated by industrial laundries. The City and industrial laundry representatives have worked together for three years in an effort to develop the limits established by this Directive. Therefore, in accordance with Section 28 (Legal Authority) of Article 25 of the Baltimore City Code as amended by Ordinance 775 of 1991, I am directing the Pollution Control Section to incorporate the following limits into all wastewater discharge permits for the industrial laundries until national categorical limits are established by the Federal government or the limits are otherwise revised.

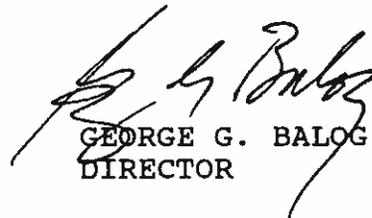
Effective June 1, 1995

| <u>Parameter</u>             | <u>Daily Maximum (ppm)</u> |
|------------------------------|----------------------------|
| Total Petroleum Hydrocarbons | 237                        |
| Volatile Organics            | 11.39                      |

(Volatile organics are defined in this instance as the quantifiable sum of the analyses of chlorobenzene, chloroform, 1,1,1-trichloroethane, ethylbenzene, methylene chloride, tetrachloroethene, toluene, trichloroethene, xylene.)

Bureau Heads & Division Chiefs  
May 25, 1995  
Page 2

The laundries will not be required to install pretreatment technology until such time as future compliance monitoring demonstrates frequent noncompliance with the new limitations. Although the new limitations are based upon the analytical results of one grab sample per day, the limits will be applied to the average result of at least 4 samples per day. After gathering eighteen months of data reflecting the use of four or more grabs per day the limits will be reevaluated.



GEORGE G. BALOG  
DIRECTOR

GGB:ROC/bmcc

cc: Mayor's Office  
Honorable Board of Estimates  
Department of Law  
Department of Finance  
Minimum Wage Commission  
Labor Commissioner  
Department of Education  
Department of Recreation and Parks  
Fire Department  
Police Department  
Bureau of Purchases  
Civil Service Commission  
Department of Housing and Community Development  
Legislative Reference

"BALTIMORE: THE CITY THAT READS!"

**Subtitle 01 DIRECTIVES**

CHAPTER 03 DIRECTIVE 95-5 – INDUSTRIAL PRETREATMENT DISCHARGE  
REGULATIONS (SEWER DISCHARGE LIMITATION FOR TOTAL PETROLEUM  
HYDROCARBONS – INDUSTRIAL USERS)

Administrative History

Effective Date: June 27, 1995

|             |                       |  |
|-------------|-----------------------|--|
| <b>FROM</b> | NAME & TITLE          | George G. Balog, Director  |
|             | AGENCY NAME & ADDRESS | Department of Public Works<br>600 Abel Wolman Municipal Building |
|             | SUBJECT               | DIRECTIVE 95 - 5 - INDUSTRIAL<br>PRETREATMENT DISCHARGE          |

CITY of  
**BALTIMORE**  
**MEMO**



**TO**

DATE:  
June 27, 1995

Bureau Heads & Division Chiefs

The Department of Public Works is implementing a sewer discharge limitation for Total Petroleum Hydrocarbons (TPH) which will be applied to industrial users (excluding Primary Standard Industrial Classification Code 7218) identified as sources or potential sources of TPH located in the sewer service area of the City of Baltimore. A TPH evaluation of industrial discharges has previously been utilized to identify the non-biodegradable portion of fats, oils, and grease (FOG.) A TPH value of 100 mg/l has been proven to protect the treatment plants and conveyance system.

Federal General Pretreatment Regulations (40 CFR Part 403.5) requires the development and enforcement of local discharge limits to protect the wastewater treatment systems, sludge quality, and effluent quality. Therefore, in accordance with Section 28 (Legal Authority) of Article 25 of the Baltimore City Code as amended by Ordinance 775 of 1991, I am directing the Pollution Control Section to incorporate a Total Petroleum Hydrocarbons limit of 100 milligrams per liter (mg/l) into the Wastewater Discharge Permits of industrial users identified as sources or potential sources of the TPH parameter in the sanitary sewer. The test to analyze for TPH is identified as EPA Method 418.1 (Spectrophotometric, Infrared.)

  
GEORGE G. BALOG  
DIRECTOR

GGB:PAB/bmcc

- cc: Mayor's Office  
Honorable Board of Estimates  
Department of Law  
Department of Finance  
Labor Commissioner  
Department of Education  
Department of Recreation and Parks  
Fire Department  
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Legislative Reference

"BALTIMORE: THE CITY THAT READS!"

**Subtitle 01 DIRECTIVES**

CHAPTER 04 DIRECTIVE 02-1 – FATS, OILS, GREASE LIMITATION (DIETZ AND WATSON, INC., WASTEWATER DISCHARGE PERMIT – FOG LIMIT)

Administrative History

Effective Date: May 10, 2002

*Limida*

|              |                       |  |  |   |
|--------------|-----------------------|--|--|---|
| <b>F O M</b> | NAME & TITLE          | George L. Winfield, Director                                     | CITY of<br><b>BALTIMORE</b><br><b>MEMO</b> |  |
|              | AGENCY NAME & ADDRESS | Department of Public Works<br>600 Abel Wolman Municipal Building |  |   |
|              | SUBJECT               | Directive 02-1 Fats, Oils, Grease Limitation                     |  |   |

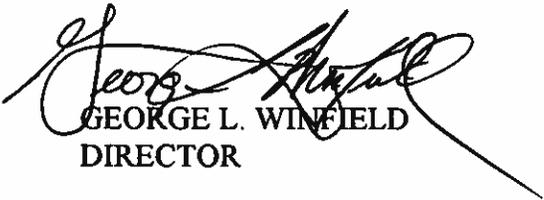
**TO**

DATE: May 10, 2002

Bureau Heads & Division Chiefs

The Department of Public Works is implementing a sewer discharge limitation for Fats, Oils, Grease (FOG) which will be applied to Dietz and Watson, Inc. located at 3330 Henry G. Parks Circle Drive. An evaluation of historical wastewater data was conducted in order to develop a technically based limit.

Federal General Pretreatment Regulations (40 CFR Part 403.5) require the development and enforcement of local discharge limits to protect the wastewater treatment systems, sludge quality, and effluent quality. Therefore in accordance with Section 28 (Legal Authority) of Article 25 of the Baltimore City Code as amended by Ordinance 775 of 1991, I am directing the Pollution Control Section to incorporate a FOG limit of 200 mg/l into the Wastewater Discharge Permit of Dietz and Watson. The FOG analyses must be performed in accordance with 40 CFR 136.

  
 GEORGE L. WINFIELD  
 DIRECTOR

GLW:JS:pb

- Cc:
- Mayor's Office
  - Honorable Board of Estimates
  - Comptroller's Office
  - Fire Department
  - Police Department
  - Department of Housing and Community Development
  - Department of Finance
  - Legislative Reference

**Subtitle 01 DIRECTIVES**

CHAPTER 05 DIRECTIVE 15-1 – FATS, OILS, AND GREASE (FOG) PROGRAM

Administrative History

Effective Date: January 20, 2015

|             |                       |  |  |   |
|-------------|-----------------------|--|--|---|
| <b>FROM</b> | NAME & TITLE          | Rudolph S. Chow, Director  | CITY of<br><b>BALTIMORE</b><br><b>MEMO</b> |  |
|             | AGENCY NAME & ADDRESS | Department of Public Works<br>600 Abel Wolman Municipal Building |  |   |
|             | SUBJECT               | DIRECTIVE 15-1 FATS, OILS & GREASE (FOG) PROGRAM                 |  |   |

**TO** DATE: January 20, 2015

Bureau Heads & Division Chiefs

The Baltimore City Department of Public Works (DPW) is implementing a program for the control of fats, oils and grease (FOG) discharged to the sanitary sewer. In 2002 DPW entered into a Consent Decree with the USEPA and MDE to improve water quality and eliminate sanitary sewer overflows (SSOs) through improvements to the city sanitary sewer system. Paragraph 13 of the Consent Decree requires the City to implement a comprehensive FOG Program.

Legal authority for the FOG Program is in accordance with Article 25 of the Baltimore City Code, as amended, and state of Maryland and federal regulations. Federal General Pretreatment Regulations (40 CFR Part 403.5) require the development of inspection, compliance and enforcement activities to protect worker safety and health, the wastewater conveyance and treatment systems as well as sludge and effluent quality.

Therefore, in accordance with Subtitle 1 of Article 25, I am directing the Pollution Control Section to incorporate the FOG Program into wastewater discharge permits, inspections, compliance activities and enforcement actions applicable to food service establishments (FSEs) that discharge or have the potential to discharge FOG-bearing wastewater into the sanitary sewer.

This FOG Program Policy directive clarifies DPW responsibilities and FSE requirements not specified in the directive entitled Policy Decisions – Pretreatment Program dated April 16, 1986, addressing FOG violations. The FOG Program Policy also includes the following documentation to effectively manage the program activities:

FOG Manual and Appendices

The FOG Manual is an internal document describing the requirements of the FOG Program and specific activities to be performed by City personnel. In addition, it provides the user with information about FOG control, including sizing of a grease control device (GCD), inspection and maintenance guidelines. Implementation details are covered in Sections 4 through 7, which address permitting, data management, facility inspections and program enforcement. Relevant appendices are described below:

Appendix G – FSE Enforcement Response Plan (ERP)

The Enforcement Response Plan (ERP) provides guidance for the Mayor and City Council of Baltimore, acting through the Bureau of Water and

Wastewater under the Department of Public Works (collectively referred to as DPW) for investigations and responses to non-compliance by FSEs.

Appendix I – SOP for the FOG Program Conditional Waiver from Installation of Grease Control Device (GCD)

Issuance of Conditional Waivers from the installation of a GCD allows the DPW Director (or his/her delegated representative) the authority to waive the requirement when it is determined that a FSE FOG discharge is negligible and has an insignificant impact on the sanitary sewer. The waiver is conditional. It may be rescinded at any time if the conditions for its issuance are no longer valid or true.

Appendix J - Memorandum of Understanding (MOU) between DPW, Department of Housing and Community Development (DHCD) and Health Department (HD) Effective: 10-29-2013

The purpose of the MOU is to set forth the duties and obligations of DPW, DHCD and HD to include but not limited to:

1. Maintain compliance with the Clean Water Act and requirements of the Consent Decree;
2. Make every effort to eliminate dry-weather, grease-related SSOs;
3. Minimize FOG discharged to the sanitary sewer system;
4. Improve GCD maintenance practices;
5. Educate users of the sanitary sewer system about kitchen best management practices (BMPs); and
6. Facilitate inter-agency coordination for the FOG Program.

Compliance with FOG Program Requirements

All FSEs that discharge or have the potential to discharge FOG into the sanitary sewer must comply with the FOG Program as described below:

1. Have a valid Wastewater Discharge Permit. DPW's Pollution Control Section issues these permits to non-residential users of the sanitary sewer system;
2. Have a properly sized, installed and functioning GCD. To be effective, each GCD is to be sized and installed in accordance with the Baltimore City Plumbing Code;
3. Clean and maintain the GCD frequently enough to comply with the *25% Rule* (FOG Program Manual (2013) 3.3.1.) This frequency will depend on the number of fixtures discharging to it, the seating capacity of the establishment and the capacity of the device;
4. Keep a GCD maintenance log up-to-date and on-site. The log must document each GCD inspection, maintenance and disposal activities performed. Waste hauler manifests and maintenance records must be retained for three years; and

Rudolph S. Chow, P.E.

January 20, 2015

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5. Properly collect and dispose of FOG. It should be disposed as solid waste or stored in a covered, leak-proof receptacle until it can be taken off-site by a licensed hauler.



Rudolph S. Chow, P.E.  
Director

RSC/JP:pb

cc: Mayor's Office  
Honorable Board of Estimates  
Comptroller's Office  
Fire Department  
Police Department  
Department of Housing and Community Development  
Department of Finance  
Legislative Reference

**Subtitle 01 DIRECTIVES**

**CHAPTER 06 DIRECTIVE 19-1 – DENTAL AMALGAM CERTIFICATION PROGRAM**

Administrative History

Effective Date: December 1, 2019

|             |                       |  |  |   |
|-------------|-----------------------|--|--|---|
| <b>FROM</b> | NAME & TITLE          | Rudolph S. Chow, Director  | CITY of<br><b>BALTIMORE</b><br><b>MEMO</b> |  |
|             | AGENCY NAME & ADDRESS | Department of Public Works<br>600 Abel Wolman Municipal Building |  |   |
|             | SUBJECT               | DIRECTIVE 19-1 DENTAL AMALGAM CERTIFICATION PROGRAM              |  |   |

**TO**

DATE:

December 1, 2019

**Bureau Heads & Division Chiefs**

The Environmental Protection Agency (EPA) established Effluent Limitations Guidelines and Standards for the Dental Category (40 CFR Part 441) effective July 14, 2017. The rule applies to wastewater discharges to Baltimore’s municipal sanitary sewerage system from dental facilities including dental schools and clinics, permanent or temporary offices, home offices, and dental facilities owned and operated by the military and federal, state, or local governments.

The EPA requires certain documentation to be submitted by dental facilities to the Control Authority for the Pretreatment Program. DPW is the Control Authority for the city’s Pretreatment Program. Existing sources must comply with the standards by 7/14/2020 and submit a “one-time certification” by 10/12/2020. New sources must comply immediately, meaning that installations prior to 7/14/2017 are considered existing sources.

Legal authority for the Dental Amalgam Certification Program is in accordance with Article 25 of the Baltimore City Code, as amended, and state of Maryland and federal regulations. Federal General Pretreatment Regulations (40 CFR Part 403) require the development of inspection, compliance, and enforcement activities to protect worker safety and health, the wastewater conveyance and treatment systems as well as sludge and effluent quality.

Therefore, in accordance with Subtitle 1 of Article 25, I am directing the Pollution Control Section to incorporate the EPA Dental Office Category Rule (40 CFR 441) into permitting, compliance, and enforcement activities applicable to dental facilities that discharge or have the potential to discharge amalgam-bearing wastewater into the sanitary sewer.

This Dental Amalgam Certification Program (DACP) Policy directive clarifies DPW responsibilities and dental facilities’ requirements not specified in the directive entitled Policy Decisions – Pretreatment Program dated April 16, 1986.

**DPW responsibilities include:**

1. Program development, implementation, and administration:
  - a. Develop program materials and forms;
  - b. Provide forms and outreach materials to dental facilities via the mail and the DPW website;
  - c. Create and maintain a database of dental facilities and track compliance certification submissions in Baltimore City;
2. Issue wastewater discharge permits to dental facilities that require separators and pay the associated annual fees.
3. Initiate necessary enforcement actions to correct violations.

Rudolph S. Chow, P.E.

December 1, 2019

Page 2

Customer responsibilities include:

1. Compliance with Dental Amalgam Certification Program requirements:
  - a. Ensure the removal of dental amalgam solids from all amalgam process wastewater via amalgam separator(s) or equivalent device(s) that meet the standard of the final rule;
  - b. Implementation of two best management practices;
  - c. Comply with reporting requirements;
  - d. Maintain and make available for inspection certain records documenting compliance.
2. An existing source must submit a "One-Time Compliance Certification" to DPW by October 12, 2020;
3. A new source must submit a "One-Time Compliance Certification" to DPW within 90 days of the commencement of discharge.



Rudolph S. Chow, P.E.  
Director

RSC/YK:PAB

cc: Mayor's Office  
Honorable Board of Estimates  
Comptroller's Office  
Fire Department  
Police Department  
Department of Housing and Community Development  
Department of Finance  
Legislative Reference

**Subtitle 02 WATER AND WASTEWATER**

CHAPTER 01 WATER AND WASTEWATER RULES AND REGULATIONS

Administrative History

Effective Date: July 4, 2020

**The Rules and Regulations for Water and Wastewater**



Matthew W. Garbark  
Acting Director

**Nothing herein is intended to limit the powers or authority of the Director of Public Works  
or the Department of Public Works as provided by law.**

**I. Definitions**

- a. All terms defined in Baltimore City Code Article 24 and Article 25 shall have the meaning ascribed therein. To the extent that terms defined in this Section are defined in Article 24 and Article 25, the definitions below are intended to elaborate on and clarify the Article 24 and Article 25 definitions.
- b. Abandon / abandonment – The closure and discontinuation of service from any part of the water supply, the sanitary sewer system, or the storm sewer system.
- c. Account – A unique identifier of one (1) or more services for the purpose of billing.
- d. Baltimore City / City – The Mayor and City Council of Baltimore, the body corporate as established by the Charter of Baltimore City, Article I § 1.
- e. Baltimore County – The legal entity of Baltimore County, Maryland, as established in Article I of the Charter of Baltimore County.
- f. Cleanout – An access opening with a removable plug/cap that is connected to a sewer lateral.
- g. Cross-connection – A link through which it is possible for any contaminant to enter the water supply.
- h. Department of Public Works / DPW – The Baltimore City Department of Public Works established pursuant to the Charter of Baltimore City, Article VII § 27 *et seq.*
- i. Detector check – A valve that is used to detect unauthorized water use or leakage.
- j. Director of Public Works / Director – The Director of the Baltimore City Department of Public Works.
- k. Distribution main – The pipe that carries water for delivery to customers.

- l. Fire service line – The pipe that carries water from the distribution main to a property, building, or facility for the sole purpose of fire protection.
- m. Meter vault – The pit and associated cover where the water service line and water meter are joined together.
- n. Service shut-off valve – A valve that is used to start or stop flows in a water service line or fire service line.
- o. Sewer lateral – The pipe that carries wastewater from a property, building, or facility to the sanitary sewer system.
- p. Stormwater service line – The pipe that carries stormwater and related drainage to the storm sewer system.
- q. Water meter transmitter – A device that stores and transmits water consumption information electronically.
- r. Water service line – The pipe that delivers water to a property, building, or facility from the distribution main.

## **II. Utility Connections**

- a. Any installation, renewal, modification, relocation, or abandonment of the water supply, sanitary sewer system, or storm sewer system shall require a written agreement approved by DPW as specified in applicable law or as otherwise determined by DPW.
- b. Baltimore County – Any installation, renewal, modification, relocation, or abandonment of the water supply in Baltimore County must be approved by Baltimore City and Baltimore County as required by applicable law before incorporation into the Metropolitan District.
- c. DPW will determine whether there is adequate capacity to support any proposed installation, renewal, modification, relocation, or abandonment of the water supply, sanitary sewer system, or storm sewer system and may impose any condition that DPW deems necessary.
- d. Professional Certification Required – All persons acting on the customer’s behalf who perform any connection to the water supply, sanitary sewer system, or storm

sewer system shall be an approved underground utility contractor as determined by DPW.

- e. Performance Security Required – All persons who perform a connection to the water supply, sanitary sewer system, or storm sewer system shall supply a performance security that is acceptable to DPW to allow DPW to recover any cost it may incur to correct faulty construction or work that does not otherwise meet the requirements of applicable law.
- f. Initial Connection to Utility – Unless otherwise provided by applicable law or written agreement approved by DPW, all connections to the water supply, sanitary sewer system, or storm sewer system shall be built according to the standards set forth or adopted by the City and as otherwise provided by law at the property owner’s sole cost and expense after review and approval from DPW. All connections shall be designed by a Master Plumber or Professional Engineer who is licensed and in good standing with the Maryland Department of Labor, Licensing and Regulation. The property owner shall assume all risk and liability pertaining to any design or construction, and review or approval by DPW shall not convey any express or implied warranty that the connection is fit for any particular purpose. The property owner shall abide by all applicable laws and shall obtain all necessary permits and approvals.

### **III. Maintenance of Connections**

Unless otherwise provided by agreement with DPW, this Section shall apply once a water service line, fire service line, sewer lateral, or stormwater service line is constructed in accordance with applicable law.

- a. Water Service Line – The water service line from the distribution main to the meter vault is maintained by DPW. If no meter vault exists, DPW will maintain the water service line from the distribution main to the property line.
- b. Fire Service Line – The fire service line from the distribution main to the property line is maintained by DPW.
- c. Sewer Lateral – The sewer lateral from the sewer main to the property line is maintained by DPW.
- d. Stormwater Service Line – The stormwater service line is the private property of the owner and is not maintained by DPW.

Notwithstanding anything herein to the contrary, all persons shall maintain their property in accordance with applicable law and shall give DPW reasonable access to perform any inspection, repair, or replacement that DPW deems necessary.

#### **IV. Water, Sewer, and Stormwater Services**

- a. Applications for Service
  - i. All persons wishing to install, renew, relocate, modify, or abandon any connection to the water supply shall file a written application on a form provided by DPW or Baltimore County as applicable, and pay all applicable fees.
  - ii. All persons wishing to install, renew, relocate, modify, or abandon any connection to the sanitary sewer system or the storm sewer system shall file a written application with DPW and pay all applicable fees.
  - iii. All persons consolidating two (2) or more properties with separate accounts shall notify DPW.
  - iv. Applications shall be signed by the property owner or his authorized agent.
  - v. Charges shall be effective on the date that an account is created.
  - vi. The property owner shall be responsible for all applicable charges.
- b. Closure of Accounts – All property owners wishing to close their water and/or sewer accounts shall file a written application for abandonment with DPW and pay all applicable fees as determined by the Baltimore City Board of Estimates. All applicable charges shall apply until all balances are paid and the application for abandonment is approved by DPW. Upon payment of all balances and approval of the application for abandonment, no future charges shall apply except as otherwise provided by law.
- c. Metering Required – Except as otherwise determined by DPW, all properties with any connection to the water supply shall be metered with a water meter and water meter transmitter. No person shall connect to the water supply without notifying DPW. Any un-metered consumption of water without approval from DPW may

be subject to charges, fees, penalties, and/or turn-off as provided by applicable law.

d. Meter Installations and Costs

- i. All persons shall purchase water meters from DPW. No water meter shall be issued without payment of all applicable charges.
- ii. Except as otherwise determined by the DPW, all meter vaults and water meters shall be installed at the curb line nearest to the distribution main from which water service is provided.
- iii. Unless the water meter is installed by DPW, upon installation the property owner shall immediately notify DPW. Upon notice, DPW will install a water meter transmitter, provided that applicable fees are paid in full and further provided that the account has no delinquent balance.
- iv. If DPW determines that any connection to the water supply does not have a water meter or water meter transmitter installed and does not otherwise have permission from DPW, DPW may install a water meter and/or water meter transmitter at the property owner's sole cost and expense.

e. Unauthorized Connections Prohibited – No person shall connect to the water supply, sanitary sewer system, or storm sewer system without permission from DPW. Any unauthorized connection may be turned-off and abandoned at the property owner's sole cost and expense.

f. Connection to Abandoned Utilities Prohibited – No person shall connect to any part of the water system, sanitary sewer system, or storm sewer system that is abandoned.

g. Size Limits

- i. The capacity of each water service line, fire service line, sewer lateral, or stormwater service line shall not exceed the capacity of the pipe to which it is connected.
- ii. No water service line or fire service line shall be connected to any distribution main that is 20 inches or larger in diameter.

h. Access to Assets

- i. All meter vaults, water meters, water meter transmitters, service shut-off valves, and cleanouts shall remain accessible to DPW at all times.
- ii. If any meter vault, water meter, water meter transmitter, or service shut-off valve is damaged, malfunctioning, inaccessible, or otherwise in any condition that may endanger public safety, the customer shall immediately notify DPW.

i. Location of Utilities

- i. Upon written request, DPW will furnish the location of any pipe, facility, or related appurtenance of the water supply, sanitary sewer system, or storm sewer system, provided that the information requested is available and further provided that disclosure will not endanger public safety as allowed by law.
- ii. All records shall be provided as-is and without any express or implied warranty that the records are accurate or fit for any particular use or purpose.
- iii. All persons who request any records from DPW shall be solely responsible to verify the accuracy of any records provided at their sole cost and expense.

j. Cross-Connections Prohibited

- i. All cross-connections are prohibited except where approved backflow prevention methods are installed to protect the water supply as provided in the Building, Fire, and Related Codes of Baltimore City or as otherwise determined by DPW.
- ii. All persons given notice regarding the existence of any cross-connection that is not in compliance with applicable law shall take immediate action to identify and control all cross-connections as provided by applicable law. The existence of any cross-connection that is not in compliance with applicable law shall be grounds for immediate termination of water service.

k. Fire Protection Lines

- i. All persons wishing to install, renew, relocate, modify, or abandon any fire service line or water service line that supplies water for fire protection must obtain a written agreement approved by DPW.
- ii. All properties applying to install a fire service line or water service line for fire protection must receive water from the water system.
- iii. DPW may install a detector check on any fire service line.
- iv. All sprinkler systems, private fire hydrants, and related appurtenances for fire protection must be approved by the Building Official and the Fire Marshall, as provided by applicable law.
- v. Size of fire service line or water service line for fire protection:
  1. All fire hydrants shall be connected to a fire service line that is six (6) inches or larger in diameter as determined by DPW.
  2. Sprinkler systems in single-family homes shall comply with the requirements of National Fire Prevention Association (“NFPA”) 13D.
  3. Sprinkler systems in office, commercial, and industrial buildings shall be connected to one (1) or more fire service lines that are four (4) inches or larger in diameter as determined by DPW.
- vi. Existing fire service lines and water service lines for fire protection may be continued without modification, provided that:
  1. There are no fire hydrants or hose connections;
  2. There is approved central station supervision; and
  3. The Fire Marshall, the Building Official, and DPW determine that existing arrangements for fire protection are sufficient to protect health, safety, and welfare.

- vii. If DPW determines that a fire service line is being used for any purpose which is unrelated to fire protection, DPW may install a water meter, water meter transmitter, and related appurtenances at the property owner's sole cost and expense. The water supply classification for the account shall be changed to water service line and the fire service line inspection charge shall be discontinued. All applicable charges pertaining to provision of water shall apply.

1. Fire Hydrants

- i. Fire hydrants' primary purpose is to supply water for fire protection. No person shall damage, deface, or sabotage any fire hydrant. All use of any fire hydrant for any purpose besides fire protection shall require written approval from DPW except as otherwise provided in this Section.
- ii. All persons wishing to use any fire hydrant for any purpose besides fire protection shall obtain a permit from the Department of Public Works. Applicants shall pay all applicable fees before a permit may be issued.
- iii. The following rules shall apply to permit holders. Failure to comply with any rule provided in this Section or as otherwise determined by DPW shall result in immediate termination of the permit.
  - 1. All usage shall be limited to the 2½ inch nozzle outlet on the hydrant. All use of the 4½ inch nozzle on any fire hydrant is prohibited.
  - 2. All defects on or within any fire hydrant shall be reported immediately to the Department of Public Works.
  - 3. The permit shall be maintained at the site where water is obtained.

m. Abandonment

- i. Abandonment of Cross-Connections – Failure to abate any cross-connection that does not comply with applicable law shall be grounds for abandonment of any water service line or fire service line to the property or properties where the cross-connection exists. All costs of the abandonment shall be charged to the property owner.

- ii. Abandonment of Unauthorized Connections – Failure to abate any unauthorized connection to the water supply, sanitary sewer system, or storm sewer system shall be grounds for abandonment of the unauthorized connection. All costs of the abandonment shall be charged to the property owner.
- iii. Abandonment of Un-Used Connections – If DPW discovers any un-used connection to the sanitary sewer system, DPW may provide notice to the owner of the property served by the un-used connection to abandon the connection. If the property owner fails to abandon the un-used connection after notice, DPW may abandon the un-used connection at the property owner’s sole cost and expense.

n. Relocating Assets

- i. Any relocation of City-owned assets shall require a written agreement approved by DPW.
- ii. DPW will determine whether any proposed relocation is practicable and consistent with the protection of health, safety, and welfare. No application shall be approved until any balance in arrears on the applicant’s account is paid in full.
- iii. Any relocation of City-owned assets shall be performed by DPW, provided that a third party may do so if specified in a written agreement approved by DPW.

**V. Privacy**

- a. This Section is adopted to define “sociological information” exempt from disclosure under the Maryland Public Information Act, codified in § 4-330 of the General Provisions Article (“GP”) of the Maryland Code.
- b. The following categories of information shall be deemed “sociological information” and shall not be disclosed in accordance with GP § 4-330 unless the applicant is a person in interest as defined in GP § 4-101(g), or is a person acting on behalf of the person in interest with written documentation attesting to the applicant’s authority:

- i. Social Security number;
- ii. Date of birth;
- iii. State-issued drivers' license number;
- iv. Taxpayer identification number;
- v. Individual or household income;
- vi. Participation status in any program on the basis of income; and
- vii. Hourly, daily, and weekly consumption of water by individual accounts.

## **VI. Charges**

- a. **Incorrect billing – If DPW determines that current charges billed to a property owner for water or sewer consumption are lower than the correct amount, or otherwise incorrect, DPW shall be entitled to correct the bill for a period not to exceed three years.**
  - i. **Incorrect billing does not include the failure to provide a bill but is defined herein to mean a bill with incorrect consumption or usage fees.**
  - ii. **The three-year period shall not apply if a billing defect, discrepancy, malfunction, or miscalculation was due to interference with DPW equipment, in violation of Article 24, Section 21-6 of the City Code. Should the defect, discrepancy, malfunctions, or miscalculation be due to deliberate interference on the part of the property owner, or at the direction or on behalf of the property owner, the property owner will be liable for full payment of all retroactive charges.**
  - iii. **If the correction of an incorrect bill exceeds a customer's ability to pay, DPW may enter into a payment plan.**
- b. **Failure to bill – if DPW is unable to bill a property owner for any water or sewer charges due to any defect or malfunction of the water meter, water meter transmitter, or due to any interruption of billing system functions, DPW shall be entitled to include any unbilled charges on the most current bill, and the property owner shall be responsible for all said charges.**

**VII. Delinquency**

- a. Charges are due and payable upon rendering of bills.
- b. An account becomes delinquent upon failure to pay by the date stated on the bill and, thereafter, water services are subject to turn-off at any time.

APPROVED FOR FORM AND LEGAL SUFFICIENCY:

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HILARY RULEY, CHIEF SOLICITOR

SUBMITTED:

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RUDOLPH S. CHOW, P.E.      DATE  
DIRECTOR  
DEPARTMENT OF PUBLIC WORKS

THIS IS TO CERTIFY that the preceding is a true copy of The Rules and Regulations for Water and Wastewater, as adopted by the Department of Public Works and filed with the Department of Legislative Reference.

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AVERY AISENSTARK                      DATE  
DIRECTOR  
DEPARTMENT OF LEGISLATIVE REFERENCE

**Subtitle 02 WATER AND WASTEWATER**

CHAPTER 02 REGULATIONS ON CUSTOMER SERVICE FOR WATER, WASTEWATER,  
AND STORMWATER BILLING

Administrative History

Effective Date: August 12, 2019



**BALTIMORE CITY  
DEPARTMENT OF PUBLIC WORKS**

REGULATIONS

ON

**Customer Service and Support for Water, Wastewater, and  
Storm Water Billing**

**Authority: Baltimore City Charter, Art. VII; Baltimore City Code, Art. 24**

***EFFECTIVE AUGUST 12, 2019***

**I. Definitions.**

A. In these regulations, the following terms have the meanings indicated.

B. Terms Defined.

1. “Billing Analyst” means a position within DPW that receives the initial customer contact.
2. “Bureau Head” means the Head of the Bureau of Water and Wastewater.
3. “Chief” means the Chief of the Customer Service and Support Division within the Department of Public Works for the City of Baltimore.
4. “City” means the Mayor and City Council of Baltimore acting as the legal entity known as the City of Baltimore.
5. “Customer” means a person, business, or other entity to whom DPW sends bills for water, wastewater, and/or storm water.
6. “Director” means the Director of the Department of Public Works for the City of Baltimore
7. “Division Manager” is the supervisor of the Section Manager.
8. “DPW” means the Baltimore City Department of Public Works.
9. “OLRA” means the Office of Legislative and Regulatory Affairs within DPW.
10. “Section Manager” is the manager of the Billing Analyst.

**II. Authority and Applicability.**

A. Authority.

1. The General Assembly of Maryland has given the City the power to “establish, operate, maintain, regulate and control a system of water supply and to make charges for the consumption or use of such water” and to “turn off and discontinue the supply of water furnished by the Mayor and City Council of Baltimore to any person or property located in or outside of the City of Baltimore because of the nonpayment of any fee or charge for water supplied.” Baltimore City Charter, Article II, §(45); Code of Public Local Laws for Baltimore City, Subtitle 25.
2. The City’s Charter vests most of the aforementioned powers in DPW by giving it charge of the water supply of the City and of all the properties, reservoirs, streams, pumping and filtration stations, pipes, apparatus and equipment appurtenant thereto and shall exercise all the powers and perform all the duties connected with the operation thereof and the supplying of water to customers. City Charter. Art. VII, §
3. Pursuant to the Baltimore City Charter, Art. VII § 34, DPW shall have charge of the construction, operation and maintenance of all drains, sewers, and sewage disposal facilities, of the inspection or supervision of sewer or drain construction and repair work, and of waste disposal.

4. The Director of DPW has the authority to adopt and enforce regulations governing its operations and the protection of the City's water supply and facilities pursuant to Art. 24 § 1-1 of the Baltimore City Code, Annotated.
  5. The Director of the Department of Public Works (DPW) has the authority to adopt regulations governing its operations pursuant to Art. 24 § 1-1, Art. 25 § 1-2, and Art. 27 § 1-2, Baltimore City Code.
  6. The Director of Finance has the power to collect amounts due and manage the lien process pursuant to Sections 10-13 of Article VII of the Baltimore City Charter.
- B. Applicability. These regulations apply to residents who receive bills from the City for water, wastewater, and/or storm water charges mailed on or after July 1, 2019.

### **III. Dispute Escalation, Review, and Determination.**

- A. DPW shall publish on its website a phone number, email address, and physical address where customers may inquire about their water, wastewater, and/or storm water bills.
- B. Escalation Process.
1. Billing Analyst, Section/Division Manager, or Chief.
    - a. Should a customer choose to dispute a charge on their bill, the customer shall notify a DPW Billing Analyst by phone, via email, or in person.
    - b. The Billing Analyst shall consult and collaborate with the appropriate Section or Division Manager as well as with the Chief, if necessary, in evaluating the dispute and rendering a determination.
    - c. The customer shall be informed of the decision as well as the right to appeal.
  2. Bureau Head.
    - a. Within 10 calendar days of receipt of the determination, the customer shall have the right to appeal the determination to the Bureau Head in writing.
    - b. The Bureau Head shall have 10 calendar days to review the determination to ensure it was made objectively and in accordance with these regulations.
    - c. The Bureau Head must alert the customer in writing within 7 calendar days of receipt of the appeal request if the review will take longer. The Bureau Head will specify the additional time required in days for review.
    - d. The customer shall be informed of the decision as well as the right to appeal.

3. Independent Review.
  - a. DPW shall contract with a hearing officer(s) to provide an independent review.
  - b. The customer shall have the right to a third-party review and hearing.
  - c. The procedures for conducting a third-party review shall conform to Section V of these regulations.
4. Director.
  - a. Within 30 days of the recommendation by the third-party hearing officer, the customer shall have the right to appeal the recommendation of the hearing officer in writing to the Director who shall have final authority.
  - b. The Director shall have 10 calendar days to review the determination to ensure it was made objectively and in accordance with these regulations.
  - c. The Director must alert the customer in writing within 7 calendar days of receipt of the appeal request if the review will take longer. The Director will specify the additional time required in days for review.
  - d. The Director may reject the recommendation of the third-party hearing officer if it can be demonstrated the hearing officer failed to appropriately apply or consider the provisions of these regulations.
  - e. In accordance with the Baltimore City Charter, the Director may, upon the advice and concurrence of the Law Department, make exceptions to the provisions of these regulations in rendering a final determination if extenuating and extraordinary circumstances exist. Such circumstances shall be limited to those specific decisions and by no means shall be considered binding on future decisions.
  - f. The customer shall be informed of the final decision.
5. Circuit Court. If the customer wishes to contest the Director's final determination, the customer can appeal.

C. Procedures for Reviewing and Rendering a Determination.

1. Notwithstanding any other provisions of these regulations, the Section or Division Manager, Chief, Bureau Head, and Director shall review the dispute and render a determination in accordance with this subsection. The third-party hearing officer is not subject to the provision in this subsection.
2. Disputes shall only be allowed for charges incurred within the preceding two billing cycles.

3. Immediately upon notification of a dispute by a customer, DPW shall suspend late fees until the dispute is resolved or the appeals have been exhausted.
4. The customer shall continue to accrue charges based on consumption and usage but need not pay the outstanding balance until the dispute is resolved or the appeal has been exhausted.
5. DPW shall assist the customer in determining whether a leak on the customer's property is causing the charges.
6. If there is a suspicion of a leak, a turn-off test may be performed to help determine if the leak is interior to the property structure or an underground leak. In this test, the customer is asked to shut-off the valve to the main water line coming into the property structure. If water usage is still registering through the meter when the main valve is closed, it indicates there may be an underground leak.
7. Water meters may be tested for a fee based on the size of the meter. If, upon testing, it is determined that the meter failed to meet industry standards, the customer shall not be charged the meter testing fee.
8. If it is determined that an error in the meter and/or billing system is responsible for increased usage charges, the erroneous charges shall be voided. This does not apply to non-consumption or usage charges such as infrastructure or storm water fees.
9. If it is determined that the customer has either an interior/situational leak or an underground leak, the charges may be adjusted in accordance with Section IV of these regulations.
10. At any time, customers may enter into a payment plan agreement with the City.

#### **IV. Adjustments to Bills**

##### **A. Requirements.**

1. A customer may be eligible for an adjustment to their water and/or sewer bill if the customer is the legal owner or an authorized person designated by the property owner.
2. No more than two (2) consecutive bills are eligible for an adjustment for interior/situational usage or an underground leak.
3. No adjustment may be granted if the property has an active leak or the known leak has not been repaired.
4. Adjustment requests must be noted on a standardized Water and Sewer Adjustment Request" form.

##### **B. Adjustment Request Types.**

1. Interior/Situational Usage Adjustment.
  - a. This is an adjustment for water loss typically associated with

interior plumbing in which water loss returns to the sanitary sewer system.

- b. Such incidents may involve broken or leaky pipes, faulty or malfunctioning appliances, or broken water faucets, to name some examples.
- c. An Interior/Situational Usage Adjustment may only be granted at a property once every three (3) years.

2. Underground Leak Adjustment.

- a. This is an adjustment for water loss typically associated with underground pipe ruptures in which water loss does not return to the sanitary sewer system.
- b. In order to qualify for an Underground Leak Adjustment, a receipt from a licensed plumber is required containing the date of the repair, the type of repair, and an indication that the repair was completed.
- c. If water consumption data is available, the data must support the repair receipts.
- d. An Underground Leak Adjustment may only be granted at a property once every two (2) years.

3. Adjustment Types Not Considered. Water loss due to theft or vandalism will not be considered for adjustment under any circumstances.

C. Adjustment Calculation.

1. Interior/Situational Usage Adjustment.

- a. Except for customers enrolled in DPW's BH<sub>2</sub>O Assist program where an adjustment of the full mean average of water usage is credited to the account, an Interior/Situational Usage Adjustment shall be limited to water volumetric consumption.
- b. An Interior/Situational Usage Adjustment is calculated from the consumption of water from the last billing period prior to the leak and is multiplied by the total days of service within the affected billing period.
- c. Fifty percent (50%) of the additional water usage is deducted from the amount owed.

2. Underground Leak Adjustment.

- a. An Underground Leak Adjustment is limited to charges for water and sewer volumetric consumption only.
- b. An Underground Leak Adjustment is calculated from the mean daily average consumption of water from the last billing period prior to the leak and is multiplied by the total days of service within the affected billing period.

- c. The additional water and sewer volumetric charges are deducted from the amount owed.
- D. Effective Date of an Adjustment. An approved adjustment will appear on the customer's water bill approximately four (4) weeks after the request was received.

**V. Independent Review**

- A. DPW shall develop a Memorandum of Understanding with hearing officers or an independent entity to assist in performing independent reviews. For the purposes of this review, hearing officers will be deemed part of DPW so that records of the accounts can be shared with the hearing officers pursuant to state law. Md. Code, Gen. Prov., §4-336(b).
- B. Request for Hearing.
  - 1. In order to obtain a hearing by a third-party hearing officer, an aggrieved party must submit a written request within thirty (30) days of the determination of the Bureau Head.
  - 2. A written request must be submitted on a standardized request form to the hearing officer or independent entity.
  - 3. Upon receipt of a hearing request, the hearing officer or independent entity will provide notice to DPW as well as the aggrieved party and any other necessary parties:
    - a. Acknowledging the timely hearing request; or
    - b. Indicating that the request is untimely, and the Bureau Head decision is final.
- C. Notice of Hearing.
  - 1. Within a reasonable time after receipt of a timely hearing request, generally 30 days, the hearing officer or independent entity will send a letter to the Petitioner and DPW acknowledging receipt of the hearing request and asking the parties to submit a Joint Submission providing:
    - a. The names and contact information of the people who are anticipated to represent each party;
    - b. Any agreement between the parties regarding any exchanges of documents, or discovery, and any proposed deadline by which all such exchanges or discovery must occur;
    - c. Any stipulations of fact agreed to by the parties; and
    - d. A proposed duration of the hearing in hours or days.
  - 2. Within a reasonable time after receipt of the parties Joint Submission, generally 30 days, the hearing officer or independent entity will send a Hearing Notice to the parties which shall provide:
    - a. The date, time, place, and nature of the hearing;
    - b. A statement of the right to present witnesses and documents, or

other evidence, and the right to cross-examine any witness that another party calls;

- c. A statement of any rights or requirements pertaining to representation by counsel;
- d. A statement that failure to appear for the scheduled hearing may result in an adverse action against that party;
- e. A deadline for the parties to exchange and provide documents to the Department, as well as a description of any discovery deemed appropriate by the Department;
- f. A deadline to identify and summarize the scope of testimony of any expert witnesses; and
- g. Where deemed necessary or beneficial, a deadline for filing dispositive motions.

- 3. In establishing the schedule, the hearing officer or independent entity will generally seek to accommodate a joint request by the parties for a particular hearing date or discovery.
- 4. A party seeking to alter a deadline set forth in the Hearing Notice must file a written motion with the hearing officer or independent entity.
- 5. The hearing officer or independent entity will generally conduct hearings within their offices, although it may select another location when deemed appropriate.
- 6. The Notice may also designate a specific person within DPW to receive further pleadings or correspondence from the parties.

D. Manner of Representation.

- 1. A party may appear *pro se*, unless prohibited by law, or may be represented by an attorney authorized to practice law in Maryland.
- 2. A party's representative of record shall be served with all notices, pleadings, and other correspondence.

E. Correspondence and Motions.

- 1. Motions shall be made in the following form:
  - a. Motions shall be made in writing and shall articulate the requested relief or action; and
  - b. A party filing a motion shall attach any documents, as exhibits, that are necessary for the Director or designated hearing officer to decide the issue.
- 2. A party opposing the motion shall file a written response within fifteen (15) days, unless otherwise shortened or extended by the designated hearing officer.
- 3. The moving party may file a written reply to an opposition within ten (10)

days, unless otherwise shortened or extended by the designated hearing officer.

4. The designated hearing officer may schedule a hearing or telephone conference to hear oral argument on any motion.
5. The designated hearing officer shall provide a ruling on any motion in writing prior to the hearing or as part of the final administrative decision.
6. Dispositive motions shall only be permitted where the designated hearing officer determines that it is necessary or beneficial to the orderly and fair resolution of the case.
7. A party filing any pleading or correspondence with the hearing officer or independent entity shall promptly serve a copy on all other parties to the proceeding as verified through a signed certificate of service providing:
  - a. Date and manner of service and
  - b. The name and address of each person served.

F. Conduct of Hearings.

1. Hearings shall be conducted in a full, fair, impartial, and orderly manner.
2. The designated hearing officer shall:
  - a. Administer oaths and affirmations;
  - b. Rule upon offers of proof and receive relevant and material evidence;
  - c. Consider and rule upon any motions deemed appropriate in the subject proceeding;
  - d. Examine witnesses;
  - e. Limit unduly repetitious testimony and reasonably limit the time for presentations;
  - f. Grant a continuance or postponement where deemed necessary or appropriate;
  - g. Modify or waive, reasonably and for good cause, any established deadlines;
  - h. Require parties to submit legal memoranda, and proposed findings or conclusions of law, where deemed appropriate; and
  - i. Issue orders as are necessary to ensure order and administrative fairness and to eliminate unjustifiable expense and delay.
3. Formal rules of evidence shall not apply during the hearing.
4. The hearing shall be filmed, recorded, or transcribed.

G. Independent Recommendation.

1. The designated hearing officer shall provide a proposed written decision

following the hearing articulating:

- a. Findings of fact;
  - b. Legal determinations based on the facts found;
  - c. A recommendation on the disposition of the matter including any proposed relief; and
  - d. Rights for either party to appeal the decision to the Director.
2. The Hearing Officer or the independent entity shall promptly serve a copy of the written determination on each party to the proceeding.

H. Administrative Record.

1. The administrative file shall include:
  - a. The proposed decision;
  - b. A transcript, video, or audio recording of the hearing;
  - c. All correspondence, motions, stipulations, exhibits, or other papers filed in the agency proceeding; and
  - d. Any other document, presentation, or item submitted during the proceeding.

I. Exceptions.

1. If either party disputes the recommended disposition or proposed relief determined by the hearing officer or independent entity, they may file written exceptions with the hearing officer or independent entity within fifteen (15) days of the hearing.
2. Upon receiving written exceptions by either party, the hearing officer or the independent entity shall forward the proposed decision and the administrative record to the Director.

J. Final Decision.

1. Upon transmittal from the hearing officer or the independent entity, the Director shall review the proposed decision, record, and the filed exceptions, and may either:
  - a. Issue a Final Agency Decision adopting the proposed hearing officer's or the independent entity's decision;
  - b. Reject the proposed decision, and issue a written Final Agency Decision; or
  - c. Where the proposed decision fails to provide sufficient information on which to render a decision, remand the decision to the hearing officer or the independent entity for further proceedings.
2. The Director shall promptly serve a copy of the Final Agency Decision or order on each party to the proceeding.

K. Judicial Review. If either party disputes the Director's final decision, the party shall have the right to seek judicial review in a court of law of appropriate jurisdiction.

**VI. Effective Date**

These regulations shall be effective August 12, 2019.

Issued and Approved:

  
\_\_\_\_\_  
Rudolph Chow, Director  
Department of Public Works

8/5/19  
\_\_\_\_\_  
Date

  
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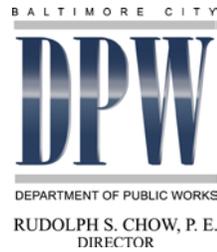
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**Subtitle 02 WATER AND WASTEWATER**

CHAPTER 03 STORMWATER REMEDIATION FEE REGULATIONS

Administrative History

Effective Date: September 8, 2017



## **Stormwater Remediation Fee Regulations**

### **I) Definitions**

- a. All terms defined in Baltimore City Code Article 27 shall have the meaning ascribed therein. To the extent that terms defined in this section are also defined in Article 27, the below definitions are meant to elaborate on and clarify the Article 27 definitions.
- b. Account – “account” means a unique identifier of one (1) or more services for the purpose of billing.
- c. Best management practice (BMP) – “best management practice” means a structural or nonstructural practice designed to temporarily store or to treat stormwater runoff in order to mitigate flooding, reduce pollution, and provide other amenities.
- d. City – “City” means the City of Baltimore.
- e. Common area – “common area” means a parcel or part of a parcel the benefits of which are shared by the owners or occupants of other parcels or buildings within the parcel. Examples include sidewalks within an industrial park, parking areas, swimming pools, and clubhouses.
- f. Department – “Department” means the Baltimore City Department of Public Works.
- g. Equivalent Residential Unit (ERU) – “equivalent residential unit” means a billing unit of 1,050 square feet of impervious surface. The median size of single family properties’ impervious surface in Baltimore City is approximately 1,050 square feet.
- h. Impervious surface – “impervious surface” means any surface that does not allow water to infiltrate into the ground.
  - i. Typical examples are:
    1. Building roof tops and canopies;
    2. Concrete, asphalt, and macadam pavement;
    3. Structural decks and patios (e.g. wood, metal, natural stone, concrete);
    4. Brick, concrete and natural stone pavers; and
    5. Gravel used for vehicular or pedestrian traffic and vehicle parking.

- ii. Exclusions from impervious surface are contained in section (V)(d).
- i. Master meter – “master meter” means a water meter that serves multiple parcels or multiple parts of the same parcel.
- j. Non-Single family property (NSFP) – “non-single family property” means all parcels within the City that do not meet the definition of single family property. This includes, but is not limited to, commercial parcels, industrial parcels, and parcels owned by non-profit organizations, religious institutions, apartments, and condominiums.
- k. Non-Structural best management practice – “non-structural best management practice” means stormwater runoff treatment techniques which use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or eliminate the source of pollutants.
- l. Private way – For the purposes of this regulation, “private way” means any driveway, street, avenue, lane, median, alley, sidewalk, footway, curb, gutter, or similar structure that is included within property delineations and not held by the City of Baltimore or the State of Maryland.
- m. Public way – For the purposes of this regulation, “public way” means the area held by the City of Baltimore or the State of Maryland and not included within property line delineations, which includes but is not limited to streets, avenues, lanes, medians, alleys, sidewalks, footways, curbs, and gutters whether acquired by purchase, grant, dedication or otherwise.
- n. Single family property (SFP) – “single family property” means a developed lot that contains but 1 dwelling unit and is used exclusively as a single-family dwelling. This includes, but is not limited to, row homes, semi-detached and detached houses.
- o. Stormwater only account (SWO) – “stormwater only account” means the billing account used to charge a stormwater remediation fee to a parcel that is not served by a water meter and does not already have an active water billing account.
- p. Structural best management practice – “structural best management practice” means devices which are constructed to provide temporary stormwater retention and treatment of stormwater runoff.

## **II) Calculation of Stormwater Remediation Base Fee**

- a. Single Family Properties
  - i. The stormwater remediation base fee shall be a flat monthly charge.
  - ii. All single family properties shall be placed in one of three billing tiers.
    - 1. Tier 1 – impervious surface less than or equal to 820 square feet, will be charged the equivalent of 2/3 ERU

2. Tier 2 – impervious surface greater than 820 square feet and less than or equal to 1,500 square feet, will be charged one (1) ERU
  3. Tier 3 – impervious surface greater than 1,500 square feet, will be charged two (2) ERUs
- iii. Single family properties will be placed in a tier based on the Department’s assessment of their impervious surface.
  - iv. If the owner of a single family property disagrees with the tier that the owner’s property has been placed in, the owner may request, through the customer service process outlined in section (VII)(b) of these regulations, that the property’s impervious surface be measured. As a result of that measurement, the property may be moved into a lower tier (unless it is already in tier 1) or a higher tier (unless it is already in tier 3).
- b. Non-Single Family Properties (NSFP)
- i. Minimum charge – All non-single family properties shall be charged a minimum of one (1) ERU.
  - ii. Whole ERU billing; rounding – If the measured impervious surface of an NSFP results in a partial ERU, that property’s impervious surface amount will be rounded to the nearest whole ERU number and billed for that whole ERU amount.
- c. Data Sources – In order to determine a parcel’s impervious surface the Department uses information from aerial photographs and the State property tax database. The impervious surface determination can be further refined by reliable information received from the property owner, other City agencies, or as the result of an inspection.
- d. The base fee calculated pursuant to this section may be reduced by the application of credits, exemptions, or legislated reductions to the fee as provided in sections (III), (V), and (VI).
- e. Lot Consolidation – Properties that are consolidated as provided by law will be treated as one (1) property.

### **III) Legislated Reductions to Fee**

- a. **Maximum Stormwater Remediation Fee as a Percentage of Property Tax**
  - i. NSFPs may qualify to have their stormwater remediation fee capped at 20% of their combined State and local property taxes.
  - ii. For a property to qualify for this cap, each of the following must exceed \$1,000:
    1. Net State and local real property taxes levied on the property; and
    2. The assessed base fee.

- iii. Properties taking advantage of a capped fee do not qualify for stormwater fee credits.
  - iv. To receive a cap on the stormwater remediation fee, property owners must submit an application provided by the Department as well as requested documentation that property taxes levied exceed \$1,000. This application will be subject to the process outlined in section (VI)(a)(iv). The Department may request written verification that an account continues to meet the requirements of this section.
- b. Maximum Stormwater Remediation Fee for Religious Organizations
- i. For purposes of section (III)(b), “structure” means a building.
  - ii. The fee for structures located on property owned by religious groups or organizations is \$12/ERU/year if:
    - 1. The property is not subject to State property taxes under Md. Tax-Property Code Ann. § 7-204 or City property tax;
    - 2. The structures on the property are used exclusively for:
      - a. Places of worship; or
      - b. Kindergarten through twelfth grade education; and
    - 3. The religious group or organization is not otherwise enrolled in an approved alternative compliance plan as provided in section (V)(c)(i).
  - iii. Stormwater fee credits may not be applied to the fee for any structures receiving a reduced fee. Stormwater fee credits may be applied to any other portion of a property owned by a religious group or organization that is not eligible for the reduced fee.
  - iv. To receive the reduced stormwater remediation fee as provided in this section, religious groups or organizations must submit an application provided by the Department that identifies the structures with uses considered eligible for the reduced fee. The application will be subject to the process outlined in section (VI)(a)(iv). The Department may request written verification that an account continues to meet the requirements of this section.

#### **IV) Billing Procedures**

- a. Billing mechanism
  - i. The stormwater remediation fee will appear as a single line item on the parcel’s monthly bill.
  - ii. Property owners will be billed monthly. Bills will reflect the amount owed for the previous month.

- iii. Payment of accounts that change ownership during a month will be determined through the normal settlement process.
- b. SWO accounts – For parcels that do not have water service, the Department shall use a “stormwater only” account. These properties will receive a monthly bill containing the stormwater remediation fee.
- c. Master meters
  - i. Except as outlined below, the stormwater remediation fee will be charged on the water bill associated with a master meter for a property or group of properties served by the master meter.
  - ii. Homeowners’ associations; condominium or cooperative regimes
    - 1. Definitions
      - a. “Homeowners’ association” means an organization that governs a group of neighboring homes and may be responsible for common areas shared by member homes, as defined in Md. Code Ann. Real Property Art. § 11B-101.
      - b. “Condominium or cooperative regimes” means:
        - i. A condominium regime formed under the Maryland Condominium Act, State Real Property Article 11; or
        - ii. A cooperative housing corporation formed under the Maryland Cooperative Housing Corporation Act, State Corporations and Associations Article, Title 5, Subtitle 6B.
    - 2. Where individually owned properties share common areas (such as a parking lot), the stormwater remediation fee for the common area parcel will be assigned to the master meter associated with the property wherever possible.
    - 3. If there are multiple meters associated with the common area, the stormwater remediation fee for the common area’s impervious surfaces will be split evenly among the metered billing accounts unless the common area property owner requests that it be apportioned differently.
    - 4. If one master meter serves multiple tax parcels, the Department may, upon request of the homeowners’ association, create stormwater only accounts for the individual tax parcels.
  - iii. Ground rent; land owned by others
    - 1. For impervious surfaces owned by one party but located on land that is owned by another party and provided water service under one (1) water

billing account, the impervious surface on the parcel will be assigned to the water billing account.

2. Where multiple impervious surfaces with multiple owners are present on land owned by another party and the entire parcel is served by a master meter, the stormwater remediation fee for all impervious surface on the parcel will be billed to the master meter account.
3. When land owned by an entity that is exempt from the stormwater remediation fee is leased to a non-exempt entity and the lessee owns or leases impervious surface on the land, the impervious surface is subject to the stormwater remediation fee.

d. Parcels with more than one (1) meter

- i. In parcels such as strip malls, office parks, and multifamily residences (apartments) if a single, active master meter is available, the stormwater remediation fee for the entire parcel will be assigned to the master meter account.
- ii. If more than one active water meter account is available, the stormwater remediation fee for the whole parcel will be split equally among the metered billing accounts. Upon request of the property owner, the Department will consider reapportioning the stormwater remediation fee. Approved reductions of the base fee due to credits, exemptions or legislated reductions will be applied to accounts at the same proportion as the fee is applied.

e. Common areas

- i. Common areas will be assigned to a water billing account served by a master meter.
- ii. Where there is no meter attributable to a common area, a new stormwater only account will be created and billed separately from any of the parcels that may share the common area's amenities. The stormwater only bill shall be sent to the owner of the common area parcel.

f. Aggregation of stormwater accounts

- i. Aggregation refers to the practice of billing stormwater remediation fees for multiple parcels on a single stormwater billing account.
- ii. The Department may aggregate accounts at the request of property owners with multiple stormwater accounts as a billing amenity. The parcels need not be contiguous.
- iii. The ERU amount for each aggregated parcel will be determined prior to aggregation.

g. Requesting change of billing procedure – Property owners who fall under one of the situations described in paragraphs (c) through (f) above and who wish to request a change in

their billing procedure, may do so by contacting the Department's Customer Support and Services Division as described in section (VII)(b). Property owners shall receive a written confirmation of any changes in billing procedures or the Department's determination that the requested change cannot be accommodated.

h. Private ways – Private ways are billable impervious surface.

## V) Exemptions

a. Exemptions in State law based on Property Ownership

- i. Md. Code Ann. Environment Art. § 4-202.1(e)(2) prohibits jurisdictions from charging a stormwater remediation fee to “property owned by the State, a unit of State government, a county, a municipality, a veterans’ organization that is exempt from taxation under § 501(c)(4) or (19) of the Internal Revenue Code or a regularly organized volunteer fire department that is used for public purposes....”
- ii. In the event that the State law is amended to remove or add to these exemptions, the Department will restructure its billing procedures accordingly.

b. Public ways – Public ways are exempted from the stormwater remediation fee.

c. Hardships

- i. An exemption from the stormwater remediation fee may be granted to a charitable, nonprofit organization that experiences a financial hardship as a result of the stormwater remediation fee.
  1. To qualify for a hardship exemption, an organization must document the following conditions:
    - a. Exemption from taxation under § 501(c)(3) or (d) of the Internal Revenue Code;
    - b. Total, annual stormwater remediation fee must exceed 0.75% of total, annual revenue, including any discounts or credits received pursuant to sections (III) or (VI);
    - c. Total, annual revenue must not exceed \$1,000,000; and
    - d. Ownership of the property or a copy of the current landlord/tenant lease agreement demonstrating that the organization is responsible for stormwater remediation fee charges.
  2. In addition to the above documentation, the organization must:
    - a. Submit a written, alternative compliance plan to the Department for review; and

- b. Receive approval of the alternative compliance plan from the Department.
  3. Upon approval of the alternative compliance plan, the organization must initiate implementation of the plan within one (1) year of receiving initial approval of the hardship exemption.
  4. The organization must re-certify its eligibility for the hardship exemption on an annual basis, including proof that the organization is implementing its approved alternative compliance plan. Failure to re-certify eligibility or to document implementation of an approved alternative compliance plan shall remove the organization from the hardship exemption.
- ii. An exemption from the stormwater remediation fee may be granted to persons who experience a substantial financial hardship as a result of the stormwater remediation fee.
  1. To qualify for a substantial financial hardship exemption, an applicant must document at least two (2) of the following conditions:
    - a. Receiving energy assistance subsidy;
    - b. Receiving public assistance – Supplemental Security Income, food stamps, medical assistance, or other public assistance program;
    - c. Receiving veterans or Social Security disability benefits;
    - d. Meeting the gross income criteria established by the Maryland Department of Human Resources to qualify for energy assistance through the Office of Home Energy Programs.
  2. In order to document eligibility for the financial hardship exemption, applicants must submit the following applicable documentation:
    - a. Current enrollment verification in energy assistance subsidy;
    - b. Current enrollment verification of Supplemental Security Income, food stamps, medical assistance, or other public assistance program;
    - c. Verification of eligibility for veterans/Social Security disability benefits;
    - d. Proof of household gross income received in the 30 days prior to the date of application (acceptable documentation includes but is not limited to pay stubs, 1099 forms, and pension statements).
  3. In addition to the above documentation, all applicants must also provide the following:

- a. Proof of identification and proof of residency; and
  - b. Proof of ownership of the property or a copy of the current landlord/tenant lease agreement indicating tenant responsibility for water/sewer charges.
- iii. Discounts for hardship - The Department's Senior Citizen Water Discount Program is designed to render assistance to citizens who would otherwise face a hardship in paying their water bill by reducing their billed amount by a fixed percentage. Participants in this program will automatically receive a reduction in their stormwater remediation fee at the same fixed percentage rate as the rest of the water bill as defined in the annual budget schedule for the water utility.
- d. Exemptions based on site conditions
- i. Some site conditions that would otherwise be considered impervious surface may be exempt from the stormwater remediation fee based on State guidance relevant to the City's Municipal Separate Storm Sewer System ("MS4") permit and Article 27 of the Baltimore City Code.
  - ii. Site conditions eligible for exemption include:
    - 1. Gravel used for landscaping, decoration, or ground stabilization, but not compressed by pedestrian or vehicle traffic.
    - 2. Gravel used as ballast for railroads.
    - 3. Rooftop or pavement where drainage is permitted by the Department to directly connect to the public wastewater system under a wastewater discharge permit.
    - 4. Streets that are privately maintained and open to the public, in lieu of public streets, in single-family residential communities or in cemeteries.
    - 5. Any portion of a property where caps or other impervious surfaces are required to encapsulate a recognized Superfund area or to protect subterranean structures, as required by the State of Maryland or the U.S. Environmental Protection Agency.
    - 6. The portion of ground underlying a solar panel which excludes the foundation and base of the solar panel device, provided that the ground surface is stabilized with vegetative cover or a gravel bed.
    - 7. Any portion of a deck that is not directly touching the ground surface, is constructed with gaps between the boards and the ground underneath, and is stabilized with vegetative cover or a gravel bed.

- iii. Property owners wishing to receive an exemption for a property or portion of a property that has one or more of the conditions listed above must notify the Department that the site condition exists and, where necessary, provide documentation that enables the City to confirm the site condition.

## **VI) Credit Program**

### a. General credit information

- i. Purpose – The following credit program is established to give property owners control over the amount of their stormwater remediation fee and to help the City meet the requirements of its MS4 permit.
- ii. Review of credit program – All portions of this credit program, including the maximum allowable credit, will be subject to periodic review by the Department.
- iii. Maximum credit
  - 1. Purpose – A maximum credit is set to maintain the revenue necessary to provide the base level of stormwater service for water quality improvement requirements and stormwater infrastructure needs.
  - 2. Amount – The credit program will allow for credit types to be combined; maximum credit values for individual credit types are listed in Table 1.

### iv. **Application**

- 1. The Department shall provide application forms and credit guidance documents to the public on the City's website and other Department sponsored websites. Property owners may request the application forms and guidance documents to be mailed by contacting the Department's Customer Support and Services Division.
- 2. Property owners may apply for credits at any time within the billing period. Credit application submission may be completed via email, hand delivery, or mail to:

Department of Public Works  
c/o Customer Support and Services Division  
200 Holliday Street  
Abel Wolman Municipal Building  
Baltimore, MD 21202

- v. Review – The requested credit will only be applied to a property after the Department has reviewed and approved the property owner's application. The Department shall review the credit applications and notify the property owner of the decision in writing within 30 days, whenever possible.

vi. Dispute of credit determination – If a property owner is denied a credit, disagrees with the amount of credit approved by the Department, or disagrees with the Department’s credit determination in any way, the property owner may use the customer service process and appeals process detailed in section (VII) of these regulations to dispute the credit determination.

vii. Credit applied to bill

1. Except as provided in paragraph 2, credit will be applied prospectively to the bill in 12 monthly allotments starting the month following the approval of the credit application by the Department.
2. When a 30 day review period would have allowed a property to receive credit for a new practice on a subsequent monthly bill and the Department is unable to complete the review within that period, the credit will be applied retroactively for any months that are billed after the 30 day review period.

viii. **Renewal**

1. No credit will be provided in perpetuity. Approval periods are established for each credit type to encourage maintenance of the practice and verify that the practice provides the intended water quality improvement.
2. Approval periods are listed in Table 1 for each of the credit types.
3. The credit may be rescinded within the approval period based on Department inspection, as noted in section (VI)(b)(vi). The Department will notify the property owner in writing of any decisions to rescind the credit within the approval period.
4. If a renewal application for a multiple year credit is not received 30 days before the end of the credit period, the credit will not be reflected on the subsequent water bill.
5. Upon approving a credit renewal application, the Department will extend the credit to the property owner for an additional approval period as applicable to the type of credit and as shown in Table 1.

**Table 1: Summary of Credit Program**

| <b>Type</b>               | <b>Description</b>   | <b>Maximum Credit</b>  | <b>Approval Period</b>        |
|---------------------------|--|--|-------------------------------|
| <b><i>SFP Owners</i></b>  |  |  |                               |
| Participation             | Participation in an eligible event within the City, such as stream clean-up, tree planting, and de-paving events. Participants may donate credits to a property other than their own.  | \$30 / year for 12 hours participation   | 1 year <sup>1</sup>           |
| Simple Residential BMPs   | Installation and maintenance of designated BMPs on-site: rain gardens, tree planting, and rain barrels. The BMPs will be subject to inspection via a simple right-of-entry agreement. Technical review of the application by the Department is not required. | \$8 / year for a small rain garden   | 3 years                       |
|                           |  | \$16 / year for a large rain garden  | 3 years                       |
|                           |  | \$5 / year / tree  | 3 years                       |
|                           |  | One-time credit of \$25 / rain barrel for approved rain barrels that are 50 gallons or larger. | One time credit / no renewal. |
| Other Residential BMPs    | Installation and maintenance of designated BMPs on-site. The BMPs will be subject to inspection via a simple right-of-entry agreement. Technical review of the application by the Department is required.  | 45% for 100% on-site treatment, unless the BMP treatment exceeds on-site impervious surface    | 3 years                       |
| <b><i>NSFP Owners</i></b> |  |  |                               |
| Participation             | Participation in an eligible event within the City, such as stream clean-up, tree planting, and de-paving events. Limited to NSFP owners with bills of two (2) ERUs or fewer.<br><br>Participants may donate credits to a property other than their own.     | \$30 / year for 12 hours participation   | 1 year <sup>1</sup>           |

<sup>1</sup> Participation credits are not renewable. To get more participation credits, the property owner or persons acting on the property owner's behalf must participate in more eligible events.

| <b>Type</b>  | <b>Description</b>  | <b>Maximum Credit</b>   | <b>Approval Period</b>                                |
|--|---|---|---|
| Treatment  | Structural and Environmental Site Design BMPs - Installation and maintenance of MDE-approved BMPs located on and off of the property, including BMPs installed prior to July 1, 2013.   | 45% for 100% on-site treatment, unless the BMP treatment exceeds on-site impervious surface | 3 years   |
|  | Activity-based BMP is associated with a recurring activity, such as mechanical sweeping or inlet cleaning.  | 45% for 100% on-site impervious surface treatment   | 1 year  |
| Small Development Credit                           | Fee reduction for parcels containing 50 to 820 square feet of impervious surface.   | 33%   | 3 years   |
| Green Space Credit                                 | Credit reduction for parcels containing less than 50 square feet of impervious surface.   | 45%   | 3 years   |
| NPDES Industrial Stormwater Permit or Exemption    | Credit for properties already managing stormwater pursuant to a permit issued by the Maryland Department of the Environment.  | 55%   | 5 years (coincident with permit issuance and renewal) |
| Direct Discharge to Harbor                         | Credit for properties that maintain their own storm drains and outfalls and which discharge stormwater directly to the Baltimore Harbor   | 30%   | 5 years   |
| <b><i>Historic Cooperative Property Owners</i></b> |   |   |   |
| Onsite Stormwater Management System                | An historic cooperative property that maintains an onsite stormwater management system that conveys stormwater from its property to a public stormwater conveyance system shall receive a 40% credit against its base fee.                      | 40%   | 3 years   |
| Neighboring Stormwater Conveyance                  | An historic cooperative property that maintains an onsite stormwater management system that conveys stormwater from a neighboring community to the City's stormwater management system shall receive a 40% credit against its total annual fee. | 40%   | 3 years   |

b. Credit Types and Criteria

i. Participation Credit

1. In general

- a. Many SFP owners will, due to the nature of their property, have no opportunity to do on-site treatment to reduce their base fee. Giving credit for their participation in volunteer-based stormwater management activities will allow these owners to reduce their base fee. Similarly, NSFP properties with bills of two (2) ERUs or less are limited in their ability to pursue treatment practice credits and may take advantage of this program.
- b. The credit amount is based on the Department's estimated cost of service reductions as a result of eligible participation events.

2. Eligible participation events

- a. Eligible events for the Participation Credit must be located within the geographic boundaries of Baltimore City. Participation in events located at the drinking water reservoirs in Baltimore and Carroll Counties (Loch Raven, Liberty, and Pretty Boy Reservoirs) are not eligible for this credit.
- b. For the purpose of this credit, eligible events are limited to volunteer-based activities targeted at a specific geographic area (such as a park, neighborhood, school, or stream) to be completed within a short duration (less than one (1) day) and have a specific outcome that will directly improve water quality.
- c. Eligible event types for the Participation Credit include:
  - i. Stream clean up – A stream cleanup is an event in which participants patrol a defined portion of a water body to remove trash and other debris.
  - ii. Community clean up – A community cleanup is an event in which participants patrol a defined portion of a neighborhood to remove trash and other debris.
  - iii. Tree planting event– A tree planting event is an event in which volunteers plant multiple trees and may include street trees. These events should be coordinated with the Tree Baltimore Initiative to verify compliance with City landscaping regulations, appropriate property access, and proper maintenance to ensure the survival of the trees.

- iv. De-paving – A de-paving event is where participants remove impervious surface, such as removing black top from a school play area. Once the impervious surface is removed, the ground must be stabilized with vegetation such as grass, plantings, or trees. Event organizers must demonstrate permission from the owner to access the parcel in order for this event to be eligible for credit. For de-paving events disturbing more than 5,000 square feet of land, building and grading permits must be obtained from the City in order for the event to be eligible for this credit.
- v. BMP installation event – A BMP installation event is an event where participants install an approved stormwater BMP. Event organizers must demonstrate permission from the owner to access the parcel in order for this event to be eligible for credit. For BMP installation events disturbing more than 5,000 square feet of land, building and grading permits must be obtained from the City in order for the event to be eligible for this credit.

d. Registering an event

- i. The organizer of an eligible event must register the event with the City's 311 system at least 14 days in advance of the event.
- ii. Once the Department has verified that the event qualifies as an eligible event for the Participation Credit, the Department will send the event organizer a Stormwater Participation Event certificate via email or regular mail. The certification form will include the following information:
  - 1. Event name;
  - 2. Event date;
  - 3. Event location;
  - 4. Estimated duration of event (hours)
  - 5. Event Confirmation Number; and
  - 6. Event Organizer.

e. Parameters

- i. The minimum amount of participation necessary for a credit is four (4) hours within one (1) year.

- ii. The maximum amount of participation eligible for credit is 12 hours within one (1) year for one (1) property.
  - iii. Multiple residents of the same SFP or multiple representatives of eligible NSFP (those with bills of two (2) ERUs or less) may all receive participation credit towards their stormwater remediation fee up to the 12 hour maximum per property.
  - iv. The credit for an individual's participation in an event may only be applied to one (1) property.
- f. Amount of credit
- i. Four (4) hours of participation in one (1) year will result in a \$10 credit.
  - ii. Eight (8) hours of participation in one (1) year will result in a \$20 credit.
  - iii. Twelve (12) hours of participation in one (1) year will result in a maximum \$30 credit.
- g. Application of the Participation Credit to Bill
- i. At the end of the event, the organizer will provide a Stormwater Participation Event certificate to each participant.
  - ii. Individual participants will attach certification forms from all eligible events to the credit application form and submit to the Department via email, hand delivery, or mail to:  
  
Department of Public Works  
c/o Customer Support and Services Division  
200 Holliday Street  
Abel Wolman Municipal Building  
Baltimore, MD 21202
  - iii. Once the Department receives and processes the application, credit will be applied to the property identified by the participant. One twelfth of the total credit earned will be applied to each of the subsequent twelve monthly bills.
  - iv. An event participant may donate their Stormwater Participation Event certificate to another party (such as an elderly neighbor or church). All properties, including NSFPs larger than two (2) ERUs, are eligible to receive donated

credits. The maximum amount of participation credit a property may receive is \$30 per year.

ii. Simple Residential BMPs for SFP Owners

1. Upon successful completion of the application process, credit shall be given for the BMPs described in this section in the amounts shown in Table 1. Except as limited for trees, BMPs installed prior to July 1, 2013 shall be eligible for credits.
2. Rain garden – A rain garden is a depressed area of the ground planted with vegetation, allowing runoff from impervious surfaces such as parking areas and roofs the opportunity to be collected and infiltrated into the groundwater supply or returned to the atmosphere through evaporation and evapotranspiration. This credit is categorized as follows:
  - a. A small rain garden must have a minimum size of 50 square feet and a minimum drainage area of 500 square feet to be eligible for this credit.
  - b. A large rain garden must have a minimum size of 100 square feet and a minimum drainage area of 1,000 square feet to be eligible for this credit.
  - c. If the drainage area exceeds 2,000 square feet, the property owner may choose to apply for an “Other Residential BMP” credit, which requires a technical review but may result in a larger credit.

iii. Trees – Trees reduce stormwater runoff, in addition to decreasing energy needs. Trees planted after 2010 are eligible for credit. The planted tree must be one (1) inch or greater in diameter. Tree plantings must conform to City landscaping guidelines. A minimum of two (2) trees must be planted to be eligible for this credit.

iv. Rain Barrels – A rain barrel system collects and temporarily stores rainwater from roofs for use to water gardens, lawns, and trees. A minimum 50 gallons of storage is required to be eligible for this credit. The property owner must demonstrate that the rain barrel is properly installed and the water will be used to irrigate green space.

v. Other Residential BMPs for SFP Owners – Any best management practices installed on SFP that meet the standards outlined in section (VI)(b)(iv) for NSFP Treatment Practice Credits, may receive credit as outlined in section (VI)(b)(iv)(5).

vi. Treatment Practice Credit for NSFP Owners

1. Approved BMPs – A BMP is eligible for a credit if it has received approval from the Department in accordance with Article 7, Division II of the Baltimore City Code. The type of BMP must also be approved by the Maryland Department of the Environment (“MDE”) as evidenced by either a

certification letter from MDE or as listed in the latest MDE-issued guidance documents, including but not limited to:

- a. Maryland Stormwater Design Manual
  - b. Environmental Site Design (ESD) Process & Computations
  - c. Accounting for Stormwater Wasteload Allocations and Impervious Acres Treated
2. New technology – If a property owner wishes to receive credit for a new BMP technology that has not been approved by MDE, the Department may enter into a memorandum of understanding with the property owner.
  3. Existing BMPs – BMPs installed prior to July 1, 2013 that are otherwise eligible for credit under this section shall receive credit upon successful completion of the application process.
  4. Off-site treatment BMPs
    - a. While on-site treatment is, usually, the preferred method of stormwater management, off-site BMPs will be eligible for this credit type. Off-site treatment refers to a BMP that has been installed and maintained by a property owner, but it is located in the public way, on public lands, or on a separate private property.
    - b. Justification – In addition to application submittal requirements for Treatment Practice Credits, property owners that want to be credited for off-site treatment BMPs must provide a written narrative description of why the off-site treatment practice was implemented instead of on-site treatment.
    - c. Geographic limitations – In order to obtain credit for an off-site BMP, the BMP must be located within the City of Baltimore and in the same 8-digit watershed as the property to which the credit will be applied.
  5. Calculation of treatment practice credit
    - a. The amount of credit given for a treatment practice will be based on the amount of impervious surface for which the practice treats 1 inch of runoff (also known as equivalent impervious surface restored). The Department will reference MDE-issued guidance documents to calculate the equivalent impervious surface restored.
    - b. The percentage of the property's impervious surface treated by the practice is then multiplied by the maximum credit of 45%. The resulting number is the percentage deducted from the base fee.

- c. The roofs or pavement associated with treatment practices, such as green roofs and permeable pavement, will be defined as impervious surface for the purpose of the stormwater remediation fee. These treatment practices will be eligible for credit upon the City's approval of a credit application.
- d. Treatment of stormwater run-on – If the BMP of an NSFP treats surface water that runs on to that property from a neighboring property or public way, the total amount of impervious surface treated by the practice will be expressed as a percentage of the impervious surface of the property where the practice is located (even if that total is greater than 100%) when calculating the credit for the practice. Structural best management practices cannot result in a credit that reduces the fee beyond the minimum NSFP charge of one (1) ERU.
- e. Activity based BMPs – The property owner will be required to provide data after one year of carrying out the practice to demonstrate the equivalent impervious surface restored that is to be credited, according to the criteria listed in MDE-issued guidance.

vii. Maintenance

- 1. It is the responsibility of the property owner to ensure that all treatment practices are properly maintained.
- 2. Improper maintenance, as discovered by routine inspection, may be grounds for rescinding a credit.

viii. Inspection of treatment practices

- 1. To be eligible for the Simple Residential BMP credit, the property owner or designated representative must execute a simple right-of-entry agreement with the Department.
- 2. To be eligible for all other Treatment Practice credits, the property owner or designated representative must execute an inspection and maintenance agreement on all current and subsequent owners of land served by the BMP. This agreement provides access to the BMP, at all reasonable times, for regular inspections by the Department or its authorized representative to ensure that the BMP is maintained in proper working condition to meet design standards.
- 3. The Department may inspect the eligible BMP at least once every three (3) years.
- 4. The Department may accept independent inspections of treatment practices performed by a Professional Engineer who is licensed and in good standing

with the State of Maryland. The Department may accept independent inspections of non-structural BMPs performed by a Landscape Architect or Professional Land Surveyor who is licensed and in good standing with the State of Maryland, provided that construction of the non-structural BMP is exempt from Baltimore City Code, Article 7, Division II. A written report of the inspection (signed and sealed by the Professional Engineer, Landscape Architect, or Professional Land Surveyor, as applicable) must be provided to the Department. The Department reserves the right to perform a separate inspection to verify the results of the submitted report.

5. All inspections will result in a written inspection report, a copy of which shall be provided to the property owner.
  - a. Noncritical inspection issues
    - i. A noncritical inspection issue occurs when the Department determines that a practice is designed and constructed properly with no structural flaws but there are some deficiencies in functionality due to problems with maintenance.
    - ii. Upon finding a noncritical inspection issue, the Department will inform the property owner of the issue in writing and provide a deadline for all identified issues to be addressed. The Department will return after the deadline to re-inspect.
    - iii. If, upon re-inspection, all issues have been addressed, no further action will be taken.
    - iv. If, upon re-inspection, the issues have not been addressed, the Department may rescind the credit to the account for the impacted practice. The property owner will have to reapply for the credit once the deficiency has been addressed.
  - b. Critical inspection issues
    - i. A critical inspection issue occurs when the Department determines that a BMP is:
      1. No longer present;
      2. Constructed improperly such that function is impacted;  
or
      3. Structural elements have failed.
    - ii. Upon finding a critical inspection issue, the Department will notify the property owner of the deficiencies in writing; the

credit to the property will be rescinded, effective as of the then current billing period.

iii. If, upon re-inspection, the critical issues have been addressed, the property owner must re-apply for the credit.

ix. Small Development Credit – Parcels containing 50 to 820 square feet of impervious surface are eligible for a credit which reduces the base fee to the equivalent of the initial fee for SFP Tier 1 property.

x. Green Space Credit

1. Parcels containing less than 50 square feet of impervious surface are eligible for a credit equivalent to 45% of the base fee.
2. If a parcel qualifies for this credit, then any future development will not be eligible for the redevelopment waiver for stormwater management.
3. This credit may be rescinded if the Department finds that the parcel is not regularly mowed and kept free of litter and debris, as evidenced by the parcel having no more than two Department of Housing and Community Development Referrals to the Bureau of Solid Waste within one year.

xi. NPDES Industrial Stormwater Permit or Exemption Credit

1. Properties subject to an NPDES industrial stormwater discharge permit that requires stormwater management or that have been determined by MDE to be exempt from stormwater permitting due to a condition of no exposure shall receive a credit equal to 55% of the base fee.
2. To receive this credit, property owners shall submit to the Department a copy of their MDE-issued NPDES permit or Exemption Certificate with the initial application for the credit and every time the permit or exemption is renewed.
3. If an MDE permit or exemption is administratively extended due to the timely submission of a renewal application but delayed approval by MDE, the term of the credit shall automatically be extended until MDE issues the revised permit or exemption.
4. If a permit or exemption holder receives a Notice of Termination of their permit or exemption from MDE, the Department shall revoke the associated credit.
5. The NPDES Industrial Stormwater Permit or Exemption Credit takes the place of treatment practice credits. The treatment practices used to comply with the permit or exemption may not receive credit separately from the credit given for the permit.

xii. Direct Discharge Credit

1. Properties that discharge directly to the Baltimore Harbor and not through the City storm drain system shall receive a credit of 30% of the base fee. If less than all of the property discharges directly to the Harbor, the amount of the credit shall be reduced proportionately by the percentage of property that discharges to the City storm drain system.
2. To receive this credit, the property owner must submit a site plan drawing of the propert(ies) showing the following:
  - a. The drainage areas and flow patterns of the site;
  - b. Any private stormwater collection systems, including inlets, manholes, roof drain connections, etc.;
  - c. Location of structural outfalls;
  - d. Topographic contours of the property; and
  - e. Delineation of the portion of the property and impervious area that would be eligible for this credit.
3. Application approval for this credit type may be contingent on the Department's field verification of drainage connections.

xiii. Historic Cooperative Property Credits

1. An historic cooperative property that maintains an onsite stormwater management system that conveys stormwater from its property to a public stormwater conveyance system shall receive a 40% credit against its base fee.
  2. An historic cooperative property that maintains an onsite stormwater management system that conveys stormwater from a neighboring community to the City's stormwater management system shall receive a 40% credit against its base fee.
- c. All credits are cumulative and may be added together to reduce the base fee, except where otherwise noted. The total amount of credit granted to a parcel shall not exceed 100% of the parcel's base fee.

**VII) Adjustment of Fee**

- a. Department review of bills – As part of the Department's quality assurance and quality control process, the Department will periodically undertake review of stormwater remediation fees and any credits, exemptions or discounts granted to a property owner to reduce the base fee.

b. Customer service process

- i. Property owners who have questions or concerns about their stormwater remediation fee or the denial or application of a credit, exemption, or legislated fee reduction may contact the Department's Customer Support and Services Division via email or telephone.
- ii. The contact information for the Department's Customer Support and Services Division will be listed on all monthly water and stormwater only bills, as well as on the City's website and other Department sponsored websites.
- iii. Customer service representatives will be able to review stormwater remediation fee charges and assist the property owner over the phone or via email. If it is determined that a stormwater remediation fee is in error, the fee can be adjusted without the property owner appearing in person to the Department.
- iv. The Department shall maintain records of all contacts with property owners and the reasoning behind all decisions made and actions taken regarding their stormwater remediation fee.
- v. If, after utilizing the customer service process outlined in this subsection, the property owner remains in disagreement with the Department about the amount of the stormwater remediation fee, the property owner has the option to formally appeal the fee in writing.

c. Appeals process

- i. An appeal shall be submitted in writing within 30 days of receiving a stormwater remediation bill that the property owner feels to be in error.
- ii. If the property owner has begun the customer service process within 30 days of receiving the contested stormwater remediation bill, the legislated 30 day window for a property owner to file an appeal begins at the conclusion of the customer service process as indicated by the date of the property owner's receipt of the Department's written notice denying the requested adjustment.
- iii. A letter appealing the bill that the property owner finds improper should be sent to the Bureau of Water and Wastewater via email, mail, or hand delivery to:

Department of Public Works  
c/o Customer Support and Services Division  
200 Holliday Street  
Abel Wolman Municipal Building  
Baltimore, MD 21202

- iv. The appeal letter must contain:
  - 1. The property owner's name;
  - 2. Account number;
  - 3. Basis of appeal; and
  - 4. Evidence to support the property owner's contention.
- v. Evidence supporting an appeal may include:
  - 1. Measurements from an approved as-built engineering drawing;
  - 2. A land survey that shows the total parcel area and the impervious surface;
  - 3. Proof of ownership or proof of sale; or
  - 4. Other reliable documentation that proves the property owner's contention.
- vi. The Director of Public Works is the final authority for the Department on all appeals. If the property owner is aggrieved by the Director's final decision on an appeal, the property owner may seek review of that decision before the Board of Municipal and Zoning Appeals. A property owner aggrieved by the final decision of the Board of Municipal and Zoning Appeals may seek judicial review by petition to the Circuit Court for Baltimore City. A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals.

d. Bill adjustments

- i. Property owner overcharged – If the Department determines that a property owner's stormwater remediation fee is higher than the correct amount, the property owner's account will be credited with the overcharge (actual charge less correct charge) for up to the preceding one-year time period or for the length of time the property owner has been responsible for that parcel, whichever is shorter. The property owner may decide if they would like the credit to remain on the account to be used towards future bills or they may request a refund check through the Finance Department.
- ii. Property owner undercharged – If the Department determines that a property owner's stormwater remediation fee is lower than the correct amount, the property owner will not be penalized. The fee will be corrected and the appropriate amount applied in the next regular billing cycle. There will be no retroactive billing for the underpayment from the property owner.

**VIII) Incentive Program**

- a. Funds received from the stormwater remediation fee may be used for an incentive program, the purpose of which is to encourage citizens and groups to participate in stormwater programs or to enhance the benefits of a program that has or may have stormwater benefits.
- b. Incentives can take many forms including, but not limited to:
  - i. Large and small grants administered by the Department or a designated third party;
  - ii. Collaboration with other public or private environmental or greening programs;
  - iii. Technical support for planning and design of stormwater BMPs; and
  - iv. Equipment and materials for volunteer activities.

APPROVED FOR FORM AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
VICTOR K. TERVALA, ESQ.      9/8/2017  
CHIEF SOLICITOR                      DATE

SUBMITTED:

  
\_\_\_\_\_  
RUDOLPH S. CHOW, P.E.      9/18/17  
DIRECTOR                              DATE  
DEPARTMENT OF PUBLIC WORKS

THIS IS TO CERTIFY that the preceding is a true copy of the Stormwater Remediation Fee Regulations, as adopted by the Department of Public Works and filed with the Department of Legislative Reference.

  
\_\_\_\_\_  
AVERY AISENSTARK      9/13/17  
DIRECTOR                              DATE  
DEPARTMENT OF LEGISLATIVE REFERENCE

**Subtitle 02 WATER AND WASTEWATER**

CHAPTER 04 WATERSHED REGULATIONS

Administrative History

Effective Date: December 12, 2011

**CITY OF BALTIMORE**

**WATERSHED REGULATIONS**

**Regulations Governing the  
Loch Raven, Prettyboy and Liberty Reservoirs  
Being the Sources of Water Supply  
for the City of Baltimore and Outlying Regions**

January 1, 2012 Edition

**I. INTRODUCTION**

The City of Baltimore supplies water to approximately 1.8 million people in a 215-square-mile service area consisting of the City itself and portions of Anne Arundel, Baltimore and Howard Counties. In addition, the Carroll County Sanitary Commission withdraws raw water from Liberty Reservoir for treatment and distribution to part of the Freedom District of Carroll County; and Harford County withdraws raw water from the Susquehanna Pipeline, either fed by Conowingo Reservoir or backfed by Loch Raven Reservoir, for treatment and distribution. To meet the demands of this service area, the City relies upon three sources of supply: the Gunpowder Falls, the North Branch Patapsco River and the Susquehanna River.

There are two impoundments on Gunpowder Falls: Loch Raven, a 2400-acre terminal reservoir, and Prettyboy, a 1500-acre upstream reservoir. Liberty Reservoir is a 3100-acre terminal reservoir located on the North Branch Patapsco River. Conowingo Reservoir, formed by the Conowingo Hydroelectric Dam, serves as an impoundment on the Susquehanna River.

Protection of the natural environment surrounding the reservoirs is instrumental in the City's ability to provide clean drinking water to its customers. The reservoirs not only store water but also support natural settling and biological processes that improve the quality of the stored water and reduce treatment costs. However, for the natural purification to be effective, the reservoirs' natural processes must be uninhibited. Therefore, it is essential that care be taken to protect the reservoirs and contiguous watershed land from impacts that would adversely affect the natural processes.

As forestland and farmland in the privately-owned portions of the drainage areas are converted to housing

developments, industrial parks, and shopping centers, the importance of the 17,580 acres of City-owned watershed lands surrounding the three reservoirs increases as does the need to protect it.

We ask all visitors to remember that the reservoirs were created for the sole purpose of maintaining an ample supply of water of the highest quality for treatment and distribution to consumers in the Baltimore Metropolitan area and that recreational use must, of necessity, be relegated to a position of lesser importance.

## **II. PURPOSE OF REGULATIONS**

These Watershed Regulations are adopted by the City of Baltimore as Ordinance 02-476 pursuant to Article VII, Section 33, of the Baltimore City Charter (2010 Edition); Article 24, Subtitles 1 and 21 of the Baltimore City Code (2010 Edition); Article 25, Section(s) 14, 39 and 48 of the Public Local Laws for the City of Baltimore; and Maryland Natural Resources Article, Title 5, Subtitle 11 and Title 10, Subtitle 4.

The Watershed Regulations are adopted for the purpose of protecting the natural environment of the Loch Raven, Prettyboy and Liberty Reservoirs, their tributaries, and the property surrounding the reservoirs, against detrimental impacts while permitting limited use of those areas for recreation.

The City of Baltimore recognizes the interest of the public in using the reservoirs and their forested buffer lands for recreation and will allow recreational use to the extent that it does not disturb the natural environment or interfere with providing the highest quality public water supply. Insofar as the public is permitted limited access to and use of these lands, it is essential that the reservoirs and visiting public be protected during public use of the reservoirs. Therefore, these regulations are designed to protect not only the water supply and watershed lands but also our neighbors and visitors.

These regulations govern all of the City of Baltimore Water Quality Management Areas, including the reservoirs and adjacent watersheds, under the care, custody, or control City of Baltimore and administered by the Department of Public Works.

**Definitions:**

**Water Quality Management Area (WOMA):** The reservoirs and their adjoining forested buffer lands under the care, custody or control of the City of Baltimore. This definition includes but is not limited to:

- All leased properties within the boundaries of the Water Quality Management Area.
- All roads, bridges, woods roads, utility rights of way wholly or partially in within the boundaries of City managed property.
- All infrastructure necessary to direct water from the reservoirs to the water treatment facilities.

**Watershed:** The source water area for the Baltimore Metropolitan Supply Area as defined by the Baltimore Metropolitan Council.

**Watershed Rangers:** Certified Police Officers appointed by the Director of Public Works to maintain order and protect persons and natural resources within the territory used by the City of Baltimore to maintain the public water supply.

**Woods Roads:** Unpaved roads built and maintained by the City of Baltimore located in the City managed Water Quality Management Areas.

**III. PROHIBITED ACTIVITIES**

**A. TRESPASSING**

Vehicular access to the Water Quality Management Areas shall be only over paved roads.

1. No motorized vehicles of any type are allowed on the unpaved woods roads. (Vehicles used for patrol, emergencies or maintenance are exempted from this prohibition, including contractors working on behalf of the City of Baltimore).
2. Fire road entrances must remain clear at all times.
3. Free roaming or grazing of livestock is not permitted on any part of the property.
4. Visitors may not interfere with City personnel or City contractors conducting operations in the Water Quality Management Areas or on watershed lands.
5. Trespassing in restricted areas is prohibited.

6. Entering a Water Quality Management Area posted as closed, restricted access, or no trespassing is prohibited.
7. Entering any building or structure not open to the public is prohibited.
8. Entering and traversing City-owned property in a manner contrary to the provisions of this section will be trespassing and is prohibited.
9. Trespassing sunset to sunrise is prohibited. All activities, other than motor vehicle traffic on public roads or hunting with a valid City-issued hunting permit, are prohibited during these times (Hunting with bow and arrow is permitted on the Liberty, Prettyboy and Loch Raven Water Quality Management Areas between one half-hour before sunrise and one half-hour after sunset during seasons specified by the Maryland Department of Natural Resources).

## **B. POLLUTION OF THE RESERVOIRS**

1. Pollution in any manner (including the deposit of papers, cans, bottles, etc.) of the waters of the reservoirs, tributaries or lands under the jurisdiction of the City of Baltimore is prohibited.
2. All bottles, cans, trash or any other debris shall be either deposited in trash cans provided by the Department of Public Works or be removed from the Water Quality Management Area.

Within the area defined as the Watershed, no person shall:

3. Contaminate a reservoir or a tributary of a Baltimore City Reservoir.
4. Alter the physical, chemical or biological properties that will or have the potential to render the waters harmful to:
  - a. Public Health, Safety or Welfare
  - b. Fish or Aquatic Life
  - c. Birds or other animals
5. Store hazardous or potentially hazardous materials or waste products in a manner that poses a threat to the public water supply.

### **C. SMOKING**

Fire in a watershed not only damages or destroys the forest ecosystem, but could have a devastating effect on water quality. We therefore prohibit smoking within the Water Quality Management Areas except on paved roads and in parking areas.

Smoking is defined as the carrying or use of a lit tobacco product.

### **IV. PROHIBITED CONDUCT**

For the safety of the public and the protection of the water supply and surrounding watershed environment, the following are prohibited within the Water Quality Management Areas:

1. Alcoholic beverages - possession and/or consumption
2. Bungee jumping
3. Camping or erecting of tents or other structures
4. Possession or use of an FDA (Food and Drug Administration) controlled substance, except for prescription drugs
5. Cutting trees, branches, flowers, etc.
6. Defacing of structures, signs, picnic tables, trees, roadways, rock outcrops, etc. by any means
7. Destruction of property; either City property or the personal property of another person
8. Disorderly conduct or any behavior that would have a tendency to harass, annoy or alarm others
9. Dumping or the scattering of trash or other debris into water courses or on the forested buffer lands. This includes the depositing of household or commercial trash into the trashcans provided by the Department of Public Works.
10. Fires of any description including charcoal grills, stoves of any description and lanterns
11. Cooking
12. Firearms including air rifles, air guns,

paintball guns, BB guns, shotguns, rifles and pistols. Bow and arrow and crossbows are permitted for use only during the regular hunting seasons as established by the Maryland Department of Natural Resources, Wildlife and Heritage Service. (This section does not apply to Watershed Rangers, other Police Officers or employees or contractors engaging in resource management activities or customers making lawful use of the Loch Raven Skeet and Trap Center)

13. Ice boating
14. Ice fishing
15. Ice skating or walking on ice
16. Littering or the leaving of personal effects within the Water Quality Management Area. This shall include but is not limited to:
  - a. Signs, handbills and posters.
  - b. Unapproved trail markers, directional signs, etc.
  - c. Geocaches or similar materials
  - d. Human or animal waste
17. Operation of motor vehicles of any description including motorcycles, trail bikes, mini-bikes, snowmobiles, etc. except on paved roads. Vehicles used for patrol, emergencies or maintenance are exempted from this prohibition.
18. Blocking of fire road entrances
19. Operating a motor vehicle in a manner endangering resources, property or persons, including the operator
20. Operating a motor vehicle that is not in compliance with Maryland motor vehicle law
21. Parking in violation of posted signs
22. Parking a motor vehicle where prohibited
23. Blocking of woods roads entrances
24. Parking a motor vehicle blocking a gate or public access
25. Feeding of wildlife
26. Pets, except on leash (leash not required for dogs engaged in supervised fox chasing at Prettyboy); Pets may not be in the reservoir

waters at any time.

27. Removal of soil, archaeological artifacts, stone, plants, trees
28. Advertisement, sale or rental of goods or services without the written permission of the City of Baltimore Board of Estimates
29. Rock climbing or rappelling
30. Swimming
31. Wading in a reservoir including the use of float tubes, chest waders, and hip boots
32. Trapping
33. Fail to obey a lawful order of a Watershed Ranger or other police officer while performing their lawful duties
34. Tree climbing (except when using an ASTM certified tree stand for the purpose of hunting)

#### **V. PERMITTED ACTIVITIES**

The following recreational activities, which have minimal impact on the natural environment, are permitted with some restrictions described hereinafter within areas of the Water Quality Management Areas open to the public: biking in approved areas, fishing from watercraft, bank fishing, use of watercraft, picnicking (no fires), hiking, horseback riding, bow and arrow hunting at Liberty, Prettyboy and Loch Raven, bird watching, skeet shooting (only at **Loch Raven Skeet and Trap Center** – call **410-252-3851** for information), and golf (only at **Pine Ridge Golf Course** at Loch Raven – call **410-561-1534** for information).

**Recreational activities not specifically addressed herein are prohibited unless first approved by the Director of Public Works.**

Recreational activities are subject to further limitations as described hereafter in this document.

#### **A. USE OF WATERCRAFT AT PRETTYBOY AND LIBERTY RESERVOIRS**

1. The use of watercraft at Liberty or Prettyboy except by permit issued by the City of Baltimore Department of Public Works is

prohibited

2. Persons desiring to use their watercraft on Liberty, Loch Raven and/or Prettyboy Reservoirs must sign an affidavit stating that their watercraft will be used ONLY on Liberty, Loch Raven and/or Prettyboy Reservoirs.
3. The use of rowing-type boats licensed by the State and equipped with oars and oarlocks and propelled by rowing or battery-powered electric outboard motors; the use of canoes propelled by paddling or battery-powered electric outboard motors; the use of kayaks propelled by rowing; and the use of rowing shells propelled by rowing will be permitted by persons holding a permit issued by the City of Baltimore. This permit must be carried by the occupant when the watercraft is in use and must be shown to City personnel and/or Maryland Natural Resources Police officers upon request. All boats and canoes must have oars and oarlocks or paddles as an auxiliary form of propulsion in the event of loss of battery power for electric outboard motors.
4. Watercraft with means of propulsion other than rowing or battery-powered electric outboard motors are prohibited
5. Watercraft with gasoline-powered motors attached, inflatable or collapsible watercraft, sailboats and pontoon boats are prohibited
6. Fishing is allowed from rowing-type boats, canoes, and kayaks; fishing is prohibited from shells.
7. The watercraft season extends from March 1<sup>st</sup> through December 31<sup>st</sup>, weather permitting. No watercraft shall be placed on the reservoirs or watershed lands before March 1<sup>st</sup> and all watercraft must be removed from City property by December 31<sup>st</sup>. Watercraft may be launched and recovered only at the ramps provided. All watercraft shall be kept securely locked at all times at such places as shall be designated by the City. Watercraft must be kept between the chain or cable and the water. Any watercraft found not so locked

may be removed by the City and the owner's permit revoked for the remainder of the season.

8. Use of watercraft on City reservoirs except during the official watercraft season is prohibited
9. Persons using watercraft, who wish to store their watercraft at the watercraft ramps in the spots reserved for disabled persons, must submit a physician's certificate to the Reservoir Natural Resources Section stating why such storage is necessary. Persons using watercraft not submitting such proof or non-disabled persons illegally storing watercraft will have their watercraft impounded.
10. Watercraft placed on the reservoir without a permit, watercraft not removed from City property by December 31<sup>st</sup> and watercraft otherwise in violation of these regulations will be removed by the City and held for payment of a storage charge of fifty dollars (\$50.00) per month or part thereof for a period not longer than one year. At the end of the year, if the fines have not been paid and the watercraft reclaimed, such watercraft shall be considered the property of the City and shall be disposed of in such a manner as the City shall determine.
11. The City will not be responsible for damage to, or loss of, any privately owned watercraft whether or not it is being held by the City because of violation of these regulations.
12. All watercraft must meet Federal and State Boating Safety Requirements and be equipped with one (1) U.S. Coast Guard approved, wearable personal floatation device (i.e. life jacket, life vest or floatation aid) for each person on board. Additionally, watercraft sixteen (16) feet and over (except canoes, kayaks, and shells) must have one (1) throwable personal floatation device (buoyant cushion or ring buoy) for use in the event of a water rescue. Fire extinguishers must be carried on all watercraft that have one or more of the following conditions: electric motors; marine, automotive, golf cart, etc. batteries;

closed compartments under seats or thwarts; double bottoms not sealed to the hull or which are not completely filled with floatation materials; closed storage compartments; or permanently installed fuel tanks (NOTE: The City prohibits fuel in such tanks). All watercraft must have some means of making an efficient sound signal such as a whistle, bell or horn. In addition, the Maryland Boating Safety Education Law requires that any person born on or after July 1, 1972 must have in their possession a valid "Certificate of Boating Safety Education" when operating a State-numbered boat in Maryland waters. The wearing of life preservers is strongly recommended, especially by children, non-swimmers and by everyone during the spring and fall.

13. No watercraft may be operated with greater than the authorized number of occupants as specified by the watercraft manufacturer.
14. No person under 18 years of age will be permitted on the reservoirs in watercraft unless accompanied by a person 18 years of age or over.
15. Use of watercraft is prohibited between Liberty Road and Liberty Dam as well as within 1500 feet of Prettyboy Dam.
16. Watercraft storage or launching and recovery of watercraft is prohibited except at designated boat docks
17. No watercraft will be allowed out on the reservoirs between sunset and sunrise.
18. The transferring of any permit by the owner shall be subject to the approval of the City. The person to whom the permit is transferred must fill out and sign a new permit application by writing to:

**City of Baltimore  
Reservoir Natural Resources Section  
5685 Oakland Road  
Eldersburg, MD 21784-6828**

NOTE: Fluctuating water levels due to prolonged dry

spells or demands of the distribution system may make it difficult or impossible to launch and recover watercraft.

Recreational users of watercraft are urged not to interfere with persons fishing.

**A -1. WATERCRAFT PERMITS AND  
FEES FOR PRETTYBOY AND  
LIBERTY RESERVOIRS**

Watercraft permit applications may be obtained by sending a self-addressed, stamped, business-sized envelope to the following address:

**City of Baltimore  
Reservoir Natural Resources Section  
5685 Oakland Road  
Eldersburg, MD 21784-6828**

The fee for a season permit is \$60.00. Applications made by mail must be accompanied by a check or money order in the amount of \$60.00 made payable to the **DIRECTOR OF FINANCE, CITY OF BALTIMORE.**

Permits will be revoked by the City if the holder thereof has been found in violation of any of these regulations. The City may refuse any such person the privilege of any further use of watercraft on the reservoirs. No refund will be made on watercraft permits for any reason.

For additional information on the use of watercraft, please call the 24-hour **Watercraft Information Line** at **410-795-6150.**

**A-2. DISPLAY OF CITY STICKERS ON  
WATERCRAFT USED AT  
PRETTYBOY AND LIBERTY  
RESERVOIRS**

1. The two stickers provided to holders of watercraft permits shall be displayed on the outside of the watercraft, one on each side in line with the rear seat.
2. The Federal Boat Safety Act of 1971 prohibits the display of any number other than those assigned under that Act (State Registration Number and Stickers) to appear on the

forward section of any watercraft.

**A-3. SPECIFICATIONS FOR  
WATERCRAFT USED AT  
PRETTYBOY AND LIBERTY  
RESERVOIRS**

1. Only watercraft that are of safe design and construction and conform to the following specifications will be permitted. No inflatable or collapsible watercraft, sailboats, pontoon boats or watercraft equipped with internal combustion engines are allowed on any of the reservoirs and no permits will be issued for such craft. Watercraft deemed unsafe by the City shall not be used and shall be removed from the reservoirs.
2. Construction shall be of marine plywood of 1/4" minimum thickness, wood plank, metal, fiberglass or plastic. Watercraft shall be buoyant if submerged and shall have permanently installed air chambers or flotation materials such as cork or expanded foam.
3. Boats must have a minimum length of twelve (12) feet and a maximum length of twenty (20) feet, a beam (width) of not less than forty-eight (48) inches and a depth of not less than eighteen (18) inches. Canoes must have a minimum length of twelve (12) feet and a maximum length of twenty (20) feet and a beam (width) of at least thirty-five (35) inches. Kayaks and rowing shells must have a minimum length of twelve (12) feet and a maximum length of twenty (20) feet.
4. By establishing these specifications, the City in no way warrants that watercraft conforming to these criteria will be safe for use on the reservoirs and persons using watercraft on the reservoirs do so at their own risk.
5. The City reserves the right to immediately remove any watercraft when its occupants violate Watershed Regulations. Violators shall be subject to a fine in addition to the storage fee of \$50.00 per month or part thereof before the watercraft is returned to its owner. When any watercraft is removed for violation, the

permit for the season will be revoked and any fee paid to the City will not be refunded.

#### **A-4 USE OF WATERCRAFT AT LOCH RAVEN RESERVOIR**

1. Use of watercraft and fishing from watercraft at Loch Raven Reservoir is under the management of the Baltimore County Department of Recreation and Parks in cooperation with the City of Baltimore Department of Public Works. The County has a limited number of watercraft, electric motors and batteries available for rental for use on Loch Raven Reservoir.
2. The use of watercraft at the Loch Raven Reservoir, except by and in conformance with a permit issued by the Baltimore County Department of Recreation and Parks, is prohibited
3. The use of watercraft is prohibited between the Loch Raven Drive Bridge and Loch Raven Dam as well as between Loch Raven Dam and the small Loch Raven Dam.

For information on the use of watercraft or fishing at Loch Raven, please call or visit the **Loch Raven Fishing Center**, 12101 Dulaney Valley Road, 410-887-7692, or contact the **Baltimore County Department of Recreation and Parks** at 410- 887-3871.

**WATERCRAFT PERMITS PURCHASED FROM THE CITY OF BALTIMORE ARE VALID ONLY ON PRETTYBOY AND LIBERTY RESERVOIRS AND THOSE PURCHASED FROM BALTIMORE COUNTY ARE VALID ONLY ON LOCH RAVEN RESERVOIR.**

#### **A-5. PRECAUTIONS AGAINST THE INTRODUCTION OF ZEBRA MUSSELS**

1. Persons desiring to use their watercraft on Liberty, Loch Raven and/or Prettyboy Reservoirs must sign an affidavit stating that their watercraft will be used ONLY on Liberty, Loch Raven and/or Prettyboy Reservoirs.

2. Since watercraft equipped with gasoline-powered motors are obviously used on bodies of water other than on the City of Baltimore's three reservoirs, permits will not be issued for watercraft equipped with internal combustion motors.
3. Permits will not be issued for any watercraft longer than twenty (20) feet.
4. The City reserves the right to reinstate the moratorium on the use of private watercraft on any or all of its reservoirs at any time.
5. The use of live aquatic bait is prohibited unless it has been purchased from a Maryland State-certified zebra mussel-free bait store. Anglers using live bait must have in their possession a receipt less than 48-hours old from the certified bait store where the bait was purchased.

## **B. FISHING**

Fishing will be permitted from rowboats, runabout type boats, canoes or kayaks having permits and from the shores of the reservoirs between sunrise and sunset at such places as are set aside and designated by the City for this purpose. Fishing will not be allowed from rowing shells. Bank fishing is permitted year round. Fishing from watercraft is permitted only from March 1<sup>st</sup> to December 31<sup>st</sup> on Liberty and Prettyboy Reservoirs. Fishing from watercraft at Loch Raven Reservoir will be allowed during the season established by the Loch Raven Fishing Center.

### **B-1. MANNER OF FISHING**

1. Fishing will be permitted only with rod, hook and line.
2. No nets or other devices of any kind will be allowed.
3. Fishing through the ice is prohibited.
4. Bow fishing is prohibited
5. Maryland Freshwater Sportfishing Regulations, including size and creel limits, apply in all cases
6. Fishing between sunset and sunrise is prohibited

## **B-2. FISHING AREAS**

1. No bank fishing will be permitted where the banks are steep, where there are rock cliffs or promontories or at any other places where there is danger of persons falling into the water with resultant risk of injury or drowning.
2. No fishing will be permitted in those areas designated as a Fish Refuge Area.
3. No fishing will be permitted within 1500 feet of the Prettyboy Dam
4. Fishing is prohibited between Liberty Road and Liberty Dam
5. Fishing is prohibited between the Loch Raven Drive Bridge and Loch Raven Dam as well as between Loch Raven Dam and the small Loch Raven Dam
6. Fishing from bridges is prohibited except from the platforms provided on the Dulaney Valley Road Bridge at Loch Raven Reservoir and the Deer Park Road/Nicodemus Road Bridge at Liberty Reservoir.

The City reserves the right to further limit or to eliminate entirely all fishing.

## **B-3. FISHING PERMITS**

Persons who have reached their 16<sup>th</sup> Birthday and wish to fish in the reservoirs must possess a Maryland Freshwater Sportfishing License that may be purchased at most Maryland sporting goods stores. No special fishing fees are charged by either the City of Baltimore or Baltimore County for watercraft or bank fishing.

## **C. PICNICKING**

Picnicking is permitted within Water Quality Mangement Areas except in:

1. Watercraft launching areas
2. The Loch Raven Skeet and Trap Center
3. Maryland State Police and Baltimore County Police Pistol Ranges
4. The Pine Ridge Golf Course
5. Watershed Maintenance Facility areas and where parking restrictions preclude such activities
6. Picnicking is prohibited in areas with steep banks, rocky promontories or any other place

where there is danger of persons falling with resultant risk of injury or drowning.

No reservations will be made for picnicking. Picnicking is prohibited between sunset and sunrise. Trees, branches or other vegetation may not be cut. Cooking is not permitted. No fires of any kind are permitted including gasoline or alcohol stoves and charcoal grills. Pollution of the reservoirs, its tributaries or its shores is strictly prohibited. Visitors must carry out all trash, fishing tackle, etc. that they bring with them. Pets will be allowed on leash only. Pets are not allowed in the reservoirs. Feeding of wildlife is not permitted.

#### **D. HUNTING**

Hunting with bow and arrow is permitted in the Liberty, Prettyboy and Loch Raven Water Quality Management Areas subject to the following restrictions;

1. Hunting is permitted within designated bow hunting areas between one half-hour before sunrise and one half-hour after sunset during seasons specified by the Maryland Department of Natural Resources.
2. Bow hunting at Loch Raven Reservoir is permitted for White-tailed deer only.
3. Species and bag limits must comply with Maryland hunting regulations.
4. It is illegal to bait for deer.
5. Waterfowl may not be hunted.
6. The chasing of fox with horse and dog is permitted on the Prettyboy Water Quality Management Area, but requires a right of Entry (please see VI. ORGANIZED ACTIVITIES).
7. Feeding or baiting of wildlife is prohibited in all Water Quality Management Areas and on watershed lands
8. No hunting is permitted south of Liberty Road on the Baltimore County side of Liberty Watershed. No hunting is permitted southeast of Prettyboy Dam Road at Prettyboy Watershed. No hunting is permitted in areas not designated for hunting at Loch Raven Watershed. For information on designated bow hunting areas on the Loch Raven Reservoir Watershed please refer to the Cooperative Wildlife Management Area map provided by the Maryland Department of Natural Resources,

**Wildlife and Heritage Service website**

9. Permanent tree stands or blinds are prohibited (Patented portable tree stands are permitted. Temporary, patented portable tree stands of approved design may be used but must be removed daily. In permitting tree stands, the City makes no guarantee of their safety. Tree stands found to be damaging to trees must be removed.
10. No blinds of any type are to be built or occupied on watershed lands.
11. Hunting is not permitted within fifty (50) feet of the high water shoreline
12. Masks or other face gear shall be removed upon leaving the forest and when approaching within 100 yards of another person

**D-1. BOW HUNTING PERMITS**

Every hunter must possess and display the hunting licenses, stamps, and permits required by the Maryland Department of Natural Resources as set forth in the "Hunting and Trapping in Maryland" guide. In addition to the State licenses, stamps, and permits, each hunter must also possess a "Liberty and Prettyboy Reservoirs Bow Hunting Permit" or "Loch Raven Reservoir Deer Bow Hunting Permit" issued at no cost by the Maryland Department of Natural Resources for hunting by bow and arrow on Liberty, Prettyboy and Loch Raven Watersheds.

Crossbows are permitted for use within all City of Baltimore Water Quality Management Areas

**E. HORSEBACK RIDING**

Horseback riding is permitted on the unpaved fire roads ONLY. There are over 200 miles of such roads on the three Water Quality Management Areas. Horseback riding is not permitted in areas where the public normally congregates. More specifically, riding is banned in the follow areas;

1. Picnic areas
2. Along paved roads (except where necessary to reach fire roads)
3. Parking lots
4. Police pistol ranges
5. Pine Ridge Golf Course property
6. The Loch Raven Skeet and Trap Center

7. Maintenance facility areas
8. Boat Dock areas
9. Below the high water line or in the reservoirs and tributary streams
10. Shortcutting between fire roads is prohibited
11. When the roads are wet or muddy
12. Within the reservoir lakes
13. Through wetlands or other environmentally sensitive areas

The City reserves the right to exclude horseback riding from any other area. The above provisions also apply to horseback riding when chasing foxes. See also Section VI, Organized Activities.

#### **F. MOUNTAIN BIKING**

The use of non-motorized bicycles will be permitted only on specifically "Designated Mountain Bicycle Routes," on unpaved woods roads and trails subject to the following restrictions;

1. Riding is not permitted on deer trails, paths, etc.
2. Bikes may not be ridden when the roads are wet or muddy nor may they be ridden through any watercourses, wetlands or other environmentally sensitive areas.
3. Riders are urged to wear helmets. NOTE: Maryland Law requires all bicyclists fourteen (14) years of age or younger to wear a riding helmet.
4. Cyclists must yield the trail to hikers and horseback riders.
5. Bikes shall be equipped with bells that shall be sounded when approaching curves or the crest of hills.
6. For the safety of riders and others using the fire roads, racing or riding at excessive speeds is prohibited.
7. Groups wishing to obtain permission to conduct organized bike rides on reservoir property should see Sections V and VI for requirements covering waivers and organized group activities.

The City reserves the right to immediately impound any bicycle when its operator violates the Watershed Regulations..

For additional information on mountain biking, please call the 24-hour **Mountain Biking Information Line**

at 410-549-6812.

#### **G. SALE OF GOODS OR SERVICES**

Advertisement or the sale or rental of goods or services in the Water Quality Management Areas is strictly prohibited unless first approved by the City of Baltimore Board of Estimates after making a request to the Director of Public Works.

#### **V. MODIFICATION/WAIVERS**

These regulations may be modified or waived to protect the water supply, the natural environment, or to meet the needs of individuals as deemed appropriate. Requests for modification to or waiver of these regulations must be submitted to the Director of Public Works in writing and will be considered on a case-by-case basis. Such modifications or waivers granted for individuals will not be considered as precedents for future modifications or waivers even under similar circumstances.

#### **VI. ORGANIZED ACTIVITIES**

The City requires a fully executed **Right of Entry** for all organized group activities. Persons wishing to sponsor an organized activity (including charity fundraisers) on City Watershed Lands must first obtain a **Right of Entry** from the Department of General Services. At least thirty (30) days prior to the proposed event, applicants should call 410-396-5004 for information and then apply in writing to:

**City of Baltimore  
Department of General Services  
200 Abel Wolman Municipal Building  
200 N. Holliday Street  
Baltimore, MD 21202**

Applicants should include the name of the organization, the proposed activity, the expected number of attendees, and the proposed date, time and specific location of the activity. Proof of insurance must also be submitted. Groups or organizations entering without first obtaining a **Right of Entry** are trespassing and will be charged as such along with any fees assessed.

#### **VII. RELEASE OF LIABILITY FOR THE CITY OF BALTIMORE**

In granting the privilege of access to, or use of, the reservoirs or any other property of the City of Baltimore for any purpose whatsoever, the City does not warrant that its property is suitable for the purpose for which the privilege or permit is issued pursuant to these regulations and whether or not a permit fee has been received, notwithstanding the fact that a particular portion of the City property may be specified in the permit. The City will not be responsible for any damage, injury or death resulting from an accident on any of its property or from drowning in the waters of any of its reservoirs notwithstanding the fact that the negligence of an employee of the City of Baltimore may contribute to such accident or drowning. By accepting the permit or by using the privilege granted, the permittee thereby agrees to keep the property in the condition in which he/she finds it and agrees to assume all responsibility for his/her own safety and the safety of any minor who accompanies him or her and he or she thereby releases the City from all claims and causes of action whatsoever arising out of the issuance of the permit or arising out of access to and use of the City's property whether or not such claim or cause of action arises by virtue of the negligence of any of the City of Baltimore's agents or employees.

The permit fees mentioned in these regulations are not charges for the use of property of the City but are applied as partial reimbursement to the City for expenses incurred in issuing permits and in regulating the use of its property for the benefit of the permittees and for the protection of the City's water supply.

#### **VIII. PENALTIES FOR VIOLATION OF REGULATIONS**

In addition to any other civil or criminal penalty or enforcement procedure, these regulations may be enforced by issuance of:

- (a) an environmental citation under City Code Article 1, Subtitle 49 {"Environmental Control Board"}; or
- (b) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}

The issuance of an environmental citation does not preclude the City from pursuing any other civil or criminal penalty or action authorized by law. (Ord. 02-476)

**Criminal Penalties:**

- (a) Any person who violates any regulation is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense. (Ord. 02-476)
- (b) Each day that a violation continues is a separate offense. (Ord. 02-476)

The provisions of this document may be enforced by any police officer.

The City of Baltimore reserves the right to deny access to persons violating any of the preceding regulations.

**IX. SEVERABILITY**

Severability is intended within and throughout these regulations. If any section, subsection, clause or phrase of this document shall be held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the remaining portions of these regulations.

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Reviewed by Law Department as to Form and Legal Sufficiency.

RECOMMENDED:

*Rudolph S. Chow*  
\_\_\_\_\_  
DATE

RUDOLPH S. CHOW, P.E.

BUREAU HEAD  
BUREAU OF WATER  
AND WASTEWATER

APPROVED:

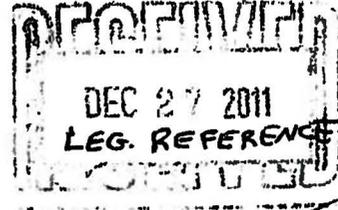
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DATE 12/16/11

ASSISTANT CITY SOLICITOR

SUBMITTED:

*Alfred H. Foxx*  
\_\_\_\_\_  
DATE 12/14/11  
DIRECTOR  
DEPARTMENT OF PUBLIC  
WORKS

THIS IS TO CERTIFY that the preceding is a true copy of the 2011 Watershed Regulations, as adopted by the Department of Public Works and filed with the Department of Legislative Reference.



*Avery Aisenstark*  
\_\_\_\_\_  
Avery Aisenstark  
Director

*Avery Aisenstark*  
\_\_\_\_\_  
Avery Aisenstark, Director of  
Legislative Reference

**City of Baltimore**  
**Reservoir Natural Resources Section**  
5685 Oakland Road  
Eldersburg, MD 21784-6828  
Boating Information Line: (410) 795-6150  
Mountain Biking Information Line: (410) 549-6812  
Other: (410) 795-6151  
Fax: (410) 549-9327  
[www.baltimorecity.gov/Government/AgenciesDepartments/PublicWorks/BureauofWaterWastewater/ReservoirNaturalResources.aspx](http://www.baltimorecity.gov/Government/AgenciesDepartments/PublicWorks/BureauofWaterWastewater/ReservoirNaturalResources.aspx)

**City of Baltimore**  
**Environmental Police (Watershed Rangers)**  
Office: (410) 795-2014  
Dispatch: 410 545-3651  
Emergency: 911

**Loch Raven Fishing Center**  
12101 Dulaney Valley Road  
In Season: (410) 887-7692  
Off-Season: (410) 887-3871  
[www.baltimorecountymd.gov/Agencies/recreation/countyparks/fishingcenter/index.html](http://www.baltimorecountymd.gov/Agencies/recreation/countyparks/fishingcenter/index.html)

**Loch Raven Skeet and Trap Center**  
12301 Dulaney Valley Road  
(410) 252-3851  
[www.lochravenskeettrap.com](http://www.lochravenskeettrap.com)

**Pine Ridge Golf Course**  
2101 Dulaney Valley Road  
(410) 561-1534  
[www.bmgcgolf.com/sites/courses/baltimore.asp?id=502&page=25864](http://www.bmgcgolf.com/sites/courses/baltimore.asp?id=502&page=25864)

**FOR EMERGENCIES**  
**DIAL**  
**911**

**Subtitle 03 GUIDELINES**

CHAPTER 01 CONTRACTOR QUALIFICATIONS, PERFORMANCE EVALUATIONS,  
PROCEDURES

Administrative History

Effective Date: November 21, 2016

84-108

FROM

|                       |   |
|-----------------------|---|
| NAME & TITLE          | Rudolph S. Chow, Director   |
| AGENCY NAME & ADDRESS | Department of Public Works<br>200 N. Holliday Street, 6 <sup>th</sup> Floor   |
| SUBJECT               | <del>Rules for Qualification of Contractors, Performance</del><br>Evaluations of Construction Contractors and Consultants and Procedures and Guidelines for Hearings Before the Office of Boards and Commissions Review Committee |

CITY of  
BALTIMORE  
**MEMO**



DATE:

TO

The Honorable President and Members  
of the Board of Estimates

November 21, 2016

**ACTION REQUESTED OF BOARD OF ESTIMATES:**

The Department of Public Works respectfully requests that the Honorable President and Members of the Board of Estimates approve the *Rules for Qualification of Contractors, Performance Evaluations of Construction Contractors and Consultants and Procedures and Guidelines for Hearings Before the Office of Boards and Commissions Review Committee* regarding prequalification and contractor/consultant performance reviews.

**BACKGROUND/EXPLANATION:**

On December 17, 2014, the Board of Estimates ("Board") approved the creation of the Office of Boards and Commissions Evaluation Committee ("Committee") to replace the Contractor Qualification Committee and oversee the operations and functions of the Office of Boards and Commissions ("OBC") (approval attached hereto as Exhibit A). OBC's operations are currently governed by the *City of Baltimore Rules for Qualification of Contractors* (the "Qualification Rules", Board approved October 30, 1991) and the *Guidelines for the Performance Evaluation of Design Consultants and Construction Contractors* (the "Evaluation Guidelines", Board approved April 28, 2004). The Board empowered the Committee, subject to Board approval, to review and amend the Qualification Rules and Evaluation Guidelines or enact such new rules and procedures as might be necessary to the operations and functions of OBC and the Committee. The Committee has determined that the existing rules governing OBC and Committee hearings on prequalification and contractor/consultant performance should be replaced and new rules enacted in their place. Pursuant to the authority granted by the Board, the Committee has promulgated the *Rules for Qualification of Contractors, Performance Evaluations of Construction Contractors and Consultants and Procedures and Guidelines for Hearings Before The Office of Boards and Commissions Review Committee* ("Rules and Guidelines"), attached hereto as Exhibit B, which shall supersede and replace the existing rules and guidelines currently set forth in the Qualification Rules.

Comments from representatives from the construction contractor and the design consultant community were solicited and considered by the Committee. The methods used to prequalify contractors have been updated to reflect a more thorough examination of potential contractors for the City of Baltimore. The Committee, acting either as a Committee or through a Hearing Officer appointed by the Committee Chair, shall be governed by the Rules and Guidelines in all hearings that are requested by consultants/contractors dissatisfied with any recommendations by the Committee and OBC relating to contractor/consultant performance and

contractor qualification. The Rules and Guidelines provide contractors and consultants a full, fair, and evidentiary hearing.

These Rules and Guidelines shall be effective immediately upon Board approval. Upon Board approval, a copy of the Rules and Guidelines will be sent to each design consultant and construction contractor prequalified with the City of Baltimore and shall be referred to and incorporated within all future design and construction contract specifications.

  
Rudolph S. Chow  
Director

APPROVED BY THE BOARD OF ESTIMATES:

Bernice N. Taylor  
Clerk Date NOV 30 2016

cc: Mayor Stephanie Rawlings-Blake

**CITY OF BALTIMORE**

**RULES FOR QUALIFICATION OF CONTRACTORS, PERFORMANCE  
EVALUATIONS OF CONSTRUCTION CONTRACTORS AND CONSULTANTS AND  
PROCEDURES AND GUIDELINES FOR HEARINGS BEFORE THE OFFICE OF  
BOARDS AND COMMISSIONS REVIEW COMMITTEE**

## PREAMBLE

The Guidelines and Procedural Rules for the Performance Evaluation of Design Consultants and Construction Contractors (“Guidelines”) were approved by the Board of Estimates (the “Board”) on April 28, 2004 and the Office of Boards and Commissions (“OBC”) was charged with responsibility for implementation of the Guidelines and Procedural Rules for the Performance Evaluation of Design Consultants and Construction Contractors. OBC, which was also responsible for enforcing the Board’s rules, regulations and standards for the prequalification, requalification and disqualification of contractors, was under the oversight of the Contractors Qualification Committee (approved by the Board on October 30, 1991). The Contractors Qualification Committee was abolished by Board action on December 17, 2014, and reconstituted as the Office of Boards and Commissions Review Committee (“Committee”). The Committee was charged with full authority to oversee the operations of OBC in regard to the performance evaluation of consultants and contractors and all matters relating to prequalification, requalification and disqualification of contractors and consultants. The Committee was expressly empowered to amend such existing rules as were appropriate to the operation and duties of OBC and the Committee, subject to Board approval. Pursuant to that authority, the Committee has promulgated the following revised Rules for Qualification of Contractors, the Guidelines and Procedural Rules for the Performance Evaluation of Consultants and Construction Contractors and the Procedures and Guidelines for Hearings before the Office of Boards and Commissions Review Committee, all of which are hereby adopted by the Board. These amended rules and guidelines replace and supersede in their entirety all prior rules and guidelines approved by the Board on October 4, 1991 and April 28, 2004 and are applicable to all contracts entered into after the date of their approval by the Board.

### **I. RULES FOR QUALIFICATIONS OF CONTRACTORS**

#### **1.1 Office of Boards and Commissions**

1.2 The Committee shall have oversight of OBC and shall be the administrative arm of the Board in all matters relating to the prequalification, requalification, suspension, disqualification and increase in or reduction of ratings of contractors and the maintenance of eligibility lists thereof, provided that no action taken shall be effective until ratified and confirmed by the Board.

1.3 OBC shall review the applications for prequalification or requalification filed by persons, partnerships, or corporations, whether prime contractors or subcontractors (“contractors”), desiring to bid on or perform contracts in amounts in excess of Fifty Thousand Dollars (\$50,000.00) for construction, maintenance, repair, or demolition of physical facilities to be awarded by the City for any department, bureau, or agency thereof, or for any agency all or part of whose funds are supplied by said City (“City work”).

1.4 Prequalification or requalification of consultants shall be in accordance with the City of Baltimore Resolution Relating to Architectural & Engineering Services approved by the Board of Estimates on June 29, 1994

1.5 Legal counsel to the Committee and OBC shall be provided by the City Law Department.

2.0. **Bid Compliance Reports**

2.1 Each City agency receiving bids for publically procured projects shall be required to submit written reports to OBC, on forms to be furnished by OBC, regarding any non-compliance by bidders with the bidding rules and procedures mandated by the laws and regulations of the City of Baltimore ("Bid Compliance Reports") which results in a bid being rejected. The Bid Compliance Reports shall contain the following:

2.1.1. the name of the rejected bidder.

2.1.2. the project/contract number and brief description.

2.1.3. the date of the bid rejection.

2.1.4. the detailed reason for the rejection.

2.1.5. if the bid rejected was the low bid, a statement whether the bid was awarded to the second or any subsequent bidder or the project re-bid. If awarded to another bidder the price differential between the rejected bid and the bid awarded shall be listed.

2.1.6. a statement whether the bidder had previously submitted a bid for the same project and what action was taken on the bid.

2.1.7. a statement of how many times in the one (1) year period preceding the rejected bid a bid from the same bidder had been rejected.

2.2 A separate Bid Compliance Report for each Bidder shall be submitted to OBC within thirty (30) days of the date of bid rejection.

2.3 OBC shall maintain the Bid Compliance Reports for three (3) years and shall make them freely available to authorized agency representatives upon request. Other than requests by authorized agency representatives, the Bid Compliance reports shall be maintained in confidence by OBC.

3.0. **Requirements for Qualification**

3.1. All prime contractors intending to bid on any City work in excess of Fifty Thousand Dollars (\$50,000.00) shall annually establish proof of their qualification for the work they propose to perform before being permitted to submit a bid. Prime contractors also must

be prequalified at the time of bid opening, bid award, and when work commences and remain prequalified for the duration of the project. Possession of a valid Certificate of Prequalification is deemed proof of qualification.

3.2. Subcontractors intending to perform City work in excess of Fifty Thousand Dollars (\$50,000.00) shall qualify in the same manner as prime contractors and such qualification must be established before they are permitted to commence work. Prime contractors shall be qualified in all classifications of work not performed or intended to be performed by subcontractors on a particular contract.

3.3. Generally, a contractor requesting prequalification to perform City work must:

3.3.1. Possess net working capital sufficient to undertake and conduct the dollar capacity of work; and

3.3.2. Possess and/or have available sufficient equipment appropriate to perform the classifications of work proposed, or possess net current assets adequate to purchase or lease the necessary equipment; and

3.3.3. Have previous satisfactory work performance with the City and/or satisfactory experience elsewhere which can be verified so as to be acceptable to OBC, and if the contractor is a newly formed corporation or firm, the previous work performance and/or experience of its owners, officers and/or principal employees shall be considered; and

3.3.4. Comply with all laws and regulations governing business relations with the City, including, but not limited to, requirements covering Minority and Women-Owned Business Enterprise participation goals (Baltimore City Code, Article 5, Subtitle 28), Equal Employment Opportunity (Mayor's Executive Order, Jan.1, 1977), Employment Practices and Minimum Wage (Baltimore City Code, (1976 Edition, as amended), Article 4, Section 10 and Article 19, Section 61 *et. seq*); and

3.3.5. Not have had two or more bids in the course of one (1) year rejected for failure to comply with the bidding requirements of the City of Baltimore, the Mayor's Office of Minority and Women's Business Opportunity Office or any state, federal or City of Baltimore requirement applicable to City procurements.

3.4. A contractor with no previous work performance and/or experience may be prequalified for limited amounts and classifications of work, based on the previous performance and experience of its officers and/or principal employees. Subsequent work performance

shall serve as a basis for further qualification, if other prequalification requirements are met.

- 3.5. Only contractors prequalified by these Rules shall be entitled to purchase documents for bidding purposes. Any other individual may purchase documents stamped “**SAMPLE – NOT FOR BIDDING PURPOSES.**”
- 3.6. Unless prequalification is suspended or revoked by OBC for cause, in accordance with Rule 12.2. of these Rules, prequalification is valid for two (2) years after Board approval. No later than the one year anniversary date of Board approval of prequalification, the contractor must submit a new financial statement that complies with Rule 5.0 *et seq.* of these Rules. Failure to file the financial statement may be used by OBC to disqualify the contractor in accordance with Rule 12.0 *et seq.* of these Rules.
- 3.7. Joint ventures will be considered for prequalification as a single entity by evaluating the qualifications of the individual co-venturers, each of which must be prequalified by OBC. Documents establishing the joint venture as an entity must be provided with the application. In the event that the joint venture is formed as a corporation, limited liability corporation, limited liability partnership or limited partnership, the joint venture shall be registered and qualified to conduct business in Maryland and shall be in good standing with the state Department of Assessments and Taxation. If any co-venturer is not or cannot be prequalified, the joint venture will not be prequalified and may not purchase documents for bidding until such time as all co-venturers are prequalified.

#### **4.0. Procedure for Prequalification of Prime Contractors/Subcontractors**

4.1. Each contractor desiring to bid for or perform City work shall file with OBC a written application for prequalification on a form prescribed and furnished by OBC. Such application shall be submitted under Oath, signed and, if submitted by a corporation, sealed. Information shall be furnished relating to:

4.1.1. Specific classifications of work proposed.

4.1.2. Financial responsibility, including an audited, compiled or reviewed financial statement dated within the last 12 months and as more specifically described in Paragraph 5, below.

4.1.3. Adequacy of facilities and equipment.

4.1.4. Prior work performed for the City and others. Details shall be complete, including type of work, for whom work was performed (naming City Department or Agency), contract amounts and dates of completion. Contractors may be required to furnish the educational and experience backgrounds of the owners, officers and/or principal employees of the company.

4.1.5. Equal Employment Opportunity and Affirmative Action Requirements as adopted by the City of Baltimore.

4.1.6. Such other pertinent information, guarantees and affidavits as OBC may prescribe.

4.1.7. All applicable licenses and/or certifications related to the category of work to be performed.

4.1.8. All Bids submitted by the Bidder to the City, or to other jurisdictions, which were rejected for any violation of the City's or other jurisdictions' procurement rules or procedures within the one year period prior to the date of the application for prequalification or requalification. Contractor shall submit a written statement, under oath and the penalties of perjury, identifying the jurisdiction to which the bid was submitted and providing detailed reasons for the rejection. For purposes of this section, if the City or another jurisdiction rejected all bids, including the Bidder's, for budgetary reasons or because rejection of all bids was deemed to be in the best interests of the City or the other jurisdiction, such action need not be disclosed by the Bidder.

4.2. A statement shall be furnished as to the type, model, year of manufacture, current book value and condition of each piece of owned or permanently leased equipment and all facilities related to the proposed classifications of work.

4.3. All contractors are required to maintain a level of satisfactory performance on each contract for any construction, maintenance, repair or demolition of physical facilities for the City of Baltimore or for any agency thereof. Prime contractors will be responsible for the performance of their subcontractors

4.4 Any application not completed within 60 days of the submission of the application to OBC shall be deemed invalid and require a new application to be submitted. Any fees submitted with the application shall be forfeited.

4.5 If an individual is doing business under a name other than his or her own, he or she must report same as part of the application.

4.6 Any required fees must be submitted with the written application in order for the application to be processed. Application fees are based upon the type of financial statement submitted and are as follows: \$100 for Compiled, \$500 for Reviewed, and \$1000 for Audited.

**5.0. Financial Statement.**

5.1. The application shall contain statements showing the financial ability of contractors. Such statements shall be prepared as of the end of the contractor's most recent fiscal year, as reported for the federal income tax purposes, unless otherwise requested or authorized by OBC upon the direction of the Committee. If the most recent fiscal year's financial information is unavailable, OBC may accept the previous year's financial information at its discretion.

5.2. The financial statement must be audited and accompanied by an independent accountant's report executed by a licensed Certified Public Accountant ("CPA") of any State, except that a reviewed financial statement accompanied by an independent accountant's report executed by a licensed CPA will permit consideration of a capacity rating not to exceed eight million dollars (\$8,000,000.00) and a compiled financial statement will permit consideration of a capacity rating not to exceed one and a half million dollars (\$1,500,000.00).

5.3. An accountant's report will not be accepted if prepared by a CPA who is an employee of, or who has a substantial financial interest in, the firm submitting the statement or any parent or subsidiary company.

5.4. The contents of a contractor's financial statement are confidential and shall not be available for inspection, unless otherwise provided by law, in accordance with the Maryland Public Information Act (Md. Ann. Code, Article 76A, Section 3(c)).

5.5. All documents submitted by a contractor, including financial statements and all calculations performed by OBC shall be available to the City Auditor for review.

5.6. An audited financial statement shall include a balance sheet, an income statement, a statement of changes in financial position, the report of independent accountants and all notes to financial statements.

5.7. A financial statement having an audited balance sheet, report of independent accountants and having unaudited income statement or other statements, shall not yield a work capacity rating of more than \$1.5 million.

5.8. The following financial statements will not be accepted by OBC:

5.8.1. A statement that does not include an income statement.

5.8.2. An audited or reviewed statement without the independent accountant's report or accompanying notes.

5.8.3. A statement, any portion of which appears in any way to be altered, removed, or the comments or work of someone other than the independent account who is reporting on the statement.

5.8.4. A draft or incomplete statement or a statement that covers less than a one (1) year period.

**6.0. Capacity Rating.**

6.1. A combined or consolidated financial statement must be accompanied by a written statement by the independent accountant or other person who prepared or audited the financial statement that all inter-company transactions have been eliminated. Such financial statement must also separately show the financial information for the contractor making application or must be accompanied by an additional document prepared by the independent accountant or by an officer of the parent corporation showing the portion of current assets and current liabilities applicable to the applying contractor. An assigned work capacity rating will be based on:

6.1.1. The net working capital assignable to the applicant contractor based on their financial presentation; and/or:

6.1.2. The appropriate portion of the net working capital assignable to the parent company when accompanied by an approved guarantee executed by the parent on behalf of the applicant.

6.2. If a capacity rating is determined by combining financial statements from more than one entity (such as company plus the personal statement of the guarantor stockholder), each statement must first be considered separately and a rating determined for each statement based on the net working capital, the ten times multiple and the type of statement (compilation, review, audit). The contractor's capacity is the total of the ratings for each separate statement.

6.3. A joint venture or partnership will be considered for a capacity rating not to exceed the combined capacity rating of its participants.

6.4. A contractor whose financial statement has a positive net working capital yielding a capacity rating of less than the value established necessary for prequalification (\$50,000.00) will not be approved for prequalification.

6.5. The financial statement shall be used by OBC to determine the Contractor's net working capital in accordance with generally accepted accounting principles and shall further set forth other financial data as requested by the OBC or the Committee.

6.6. The net working capital, determined under Rule 6.1 may be modified by the Committee on the basis of all available financial data. OBC shall then establish an assigned net working capital value for each contractor which shall be ten (10) times the assigned net working capital value based upon established criteria and policies. Contractors must be able to achieve a capacity rating that is greater than or equal to the minimum value for which prequalification is required.

6.7. A capacity rating higher than that established by Rule 6.1 may be assigned a contractor based on a blanket guarantee by a Guarantor which covers the period of the contractor's certification.

6.8 A prime contractor may purchase documents for bidding purposes and may be permitted to bid for any single contract having a total value not exceeding the contractor's assigned capacity rating. A prime contractor shall not be permitted to bid for a contract having a value in excess of said capacity rating, except as provided by Rule 7.0. The contracting Agency may elect to distribute bidding documents at no charge, in which case the bidder is required to be prequalified at the time of bid opening. In unique situations, the contracting agency may choose to waive the capacity rating as a requirement on a particular project provided the firm is able to obtain the appropriate performance bond. A justification for the waiver of the capacity rating requirement must be submitted to OBC prior to the bid date and after being reviewed and approved by OBC and Law.

6.9 A prime contractor shall not be awarded a contract if the total contract value (including all work classifications), when added to the contractor's uncompleted backlog of work (both work-in progress and work yet to begin) at the time of award, including amounts sublet or to be sublet and considering that which is contracted or subcontracted for with the City and elsewhere, including the full amount of any joint venture, exceeds the contractor's assigned capacity rating, except as provided by Rule 7.0. A subcontractor shall not be permitted to commence work if the subcontract value (including all work classifications), when added to the subcontractor's uncompleted backlog at time of commencement, including amounts sublet or to be sublet and considering that which is contracted or subcontracted for with the City and elsewhere, including the full amount of any joint venture, exceeds the subcontractor's assigned capacity rating, except as provided by Rule 7.0. If the prime contractor or subcontractor has engagements in joint ventures, the uncompleted backlog of work for the entire project must be factored in to its capacity statement.

#### **7.0. Financial Performance Guarantee**

7.1 In cases where the assigned capacity rating is insufficient under Rules 6.1 and 6.2, a prime contractor may be permitted to bid or may be awarded a contract and a subcontractor may be permitted to commence work if a specific guarantee of the contractor's obligations in connection with the particular contract is furnished by the contractor's guarantor. The maximum amount of a guarantee furnished on behalf of a contractor or subcontractor pursuant to this Rule shall not exceed five (5) times the contractor's or subcontractor's current work capacity rating; unless OBC, for good cause and in its sole discretion, approves a guarantee which exceeds five (5) times the contractor's or subcontractor's current work capacity. The financial responsibility of a guarantor shall be evaluated by OBC in the same manner as a financial statement under these Rules. Each guarantee shall be approved by OBC and the Law Department of Baltimore City for the particular contract and furnished to the contracting agency upon request. The guarantor shall submit such additional information documentation as may be necessary for the analysis of the specific guarantee.

7.2. A blanket guarantee is used primarily by parent companies or by the owners and officers of companies to give a contractor rather broad financial guarantee support for a given time period. The specific guarantee is primarily used by prime contractors and others to give financial guarantee support for a smaller contractor on a particular contract.

7.3. A guarantee may only be submitted by a person or entity having sufficient resources and proper authority to guarantee. Letters of reference and other supporting data submitted by bonding companies, banks and various agencies or organizations are not acceptable as a form of guarantee.

7.4. A guarantor must submit financial data to support any guarantee in the same manner as if applying for qualification unless sufficient current financial data is already on file with the Committee. The financial responsibility of a guarantor shall be evaluated by the Committee in the same manner as a financial statement under the Rules for Qualification of Contractors.

7.5. A contractor must be otherwise currently qualified or eligible for qualification in all respects, including having a satisfactory performance rating, in order to receive an increased work capacity rating through a guarantee. Any request for guarantee approval for a contractor who is not qualified or eligible to be qualified must be rejected and referred back to the requesting guarantor through the appropriate City agency.

7.6 A blanket guarantee only increases a contractor's work capacity rating and does not permit the contractor to perform any work classifications not previously assigned.

7.7. A specific guarantee only permits a contractor to work in excess of the assigned work capacity rating and does not permit the contractor to perform any work classifications not previously assigned.

7.8. Each guarantee shall be submitted in such form and with such accompanying acknowledgements, endorsements, approvals, and signatures as may be required by the Board of Estimates. The guarantee shall also include any terms and provisions concerning technical, managerial, financial or other assistance to be provided to the contractor by the guarantor,

7.9. A contractor whose work capacity rating is increased by a blanket guarantee will be submitted to the Board for prequalification in the increased rating amount. A contractor proposed to work under a specific guarantee will be submitted to the Board for its information.

7.10. The work capacity rating of a qualified contractor who also acts as a blanket guarantor for one or more other contractors will be reduced by the amount of all outstanding blanket guarantees made by the qualified contractor.

7.11. The work capacity rating of a qualified contractor who acts as a specific guarantor for one or more subcontractors working for and under that contractor will be reduced by the amount(s) of the specific guarantee(s).

7.12. Guarantees are only valid for the duration of the contractor's initial period of prequalification and must be renewed upon prequalification renewal.

7.13. The assigned capacity rating shall be reduced in the event of a reduction in the Contractor's net working capital, failure to pay bills in due course, unjustified demand for extra payment, or whenever any factor upon which the rating was based shall have materially changed for the worse.

**8.0. Processing Applications & Review by the Board of Estimates**

8.1. A prime contractor must file its application for prequalification not less than thirty (30) days prior to the bid opening date specified in the contract proposal. A subcontractor shall file not less than 30 days prior to commencing work. OBC may waive the 30 day period at its discretion. However, submitting applications within the established timeline does not guarantee prequalification certification prior to bid opening or work commencing.

8.2. All prequalified contractors may continue prequalification by submitting a renewal application not less than 30 days prior to the date of certificate expiration. OBC may waive the 30 day period at its discretion.

**9.0 Period of Consideration.**

9.1. During the period of consideration of the application (i.e., from time of application to the Committee's recommendation to the Board), an applicant may be required to appear personally before OBC to furnish additional information and/or to open its facilities, equipment or books for OBC inspection. OBC shall then recommend to the Board that an established capacity rating determined in accordance with Rule 6.1 and certain work classifications be approved.

9.2. OBC shall review any Bid Compliance Reports submitted to it pursuant to section 2.0 of these Rules pertaining to the applicant and shall review all reports received from the applicant pursuant to 4.1 of the Rules in determining whether an applicant should be recommended for prequalification or renewal of an existing certificate of prequalification. Should OBC find that two (2) or more Bid Compliance Reports were issued in a one (1) year period or less for the applicant, OBC may use that information as a basis for refusal to recommend prequalification, renew qualification, recommend suspension of qualification, or impose a monetary fine against the bidder in an amount not to exceed One Thousand Dollars (\$1,000.00). OBC may make such recommendations, subject to review by the Committee, even in the event that the contractor satisfies the other requirements for prequalification.

## **10.0 Notification of Proposed OBC Action.**

10.1. Written notification of any action proposed to be taken by OBC shall be provided to the applicant in accordance with the Procedures and Guidelines for Hearings before the Office of Boards and Commissions Review Committee, Section III herein. As further provided in Section III herein, upon written request, a hearing, before the Committee or a hearing officer appointed by the Committee, shall be afforded any contractor who is aggrieved by any proposed or recommended action by OBC.

## **11.0. Miscellaneous Provisions**

11.1. Upon final action by the Board in prequalifying a contractor, OBC shall issue to the contractor a Certificate of Prequalification. The assigned capacity rating, the approved work classification(s) and the certificate expiration date shall be stated on said Certificate.

11.2. Any contractor who has been refused requalification may file a new application six (6) months following final action of OBC on the previous application.

11.3. Any contractor who has been prequalified for a lower rating or classifications other than requested or who has been disqualified may submit additional information to the Committee at the Committee's discretion. After appropriate review the Committee may direct OBC to recommend to the Board that the contractor be issued a new or amended Certificate.

11.4. A current list of prequalified contractors, with their capacity rating, work classifications and Certificate expiration date is available for inspection through the Minutes of the Board of Estimates, Room 204 City Hall, online, or through the OBC. The disclosure of any other information is subject to provisions of the Maryland Public Information Act (Md. Ann. Code, Article 76A, Section 1-5).

## **12.0. Disqualification of Contractors**

12.1. A Certificate once issued shall be valid until its expiration date unless it is suspended or revoked by OBC for cause, in accordance with the Rule 12.2. In such cases, the contractor shall be notified in writing of the proposed action to be taken and given an opportunity for a hearing on such action by the Committee.

12.2. The following acts, in combination or standing alone, shall be considered grounds for revocation of a Certificate or suspension thereof for a period of time at OBC's discretion, not to exceed two (2) years, or to impose a monetary fine against the bidder in an amount not to exceed One Thousand Dollars (\$1,000.00), subject to review by the Committee and approval by the Board:

- 12.2.1. Submission of falsified or inaccurate financial or experience statements or other data upon which qualification is based.
- 12.2.2. Failure to submit a new financial statement or other pertinent data affecting a Contractor's continued qualification or eligibility.
- 12.2.3. Undertaking additional work in excess of the capacity rating after a contractor has been awarded a City contract.
- 12.2.4. Failure to maintain satisfactory performance.
- 12.2.5. Conviction of bribery, extortion, fraud or similar malfeasance.
- 12.2.6. Failure to secure bonding.
- 12.2.7. Failure to comply with applicable federal, state, and local laws, executive orders and rules.
- 12.2.8. Failure to pay subcontractors and/or suppliers.
- 12.2.9. Failure to remedy any City fines or fees accrued.
- 12.2.10. Falsifying information in the prequalification application.
- 12.2.11. Any behavior or conduct that OBC, in its sole discretion, concludes reflects negatively on the contractor's integrity or which is determined by OBC to be so serious as to affect the integrity of the procurement process.
- 12.2.12. Debarment or other sanctions levied against the contractor by any federal, state, or local government.
- 12.2.13. Having two (2) or more bids in the course of one (1) year rejected by the Board of Estimates for failure to comply with the bidding requirements of the Green Book, the Mayor's Office of Minority and Women's Business Opportunity Office or any state, federal or City of Baltimore requirement applicable to City procurements.

12.3 Grounds for revocation or suspension shall be also grounds for refusal of an original or renewal application.

12.4 Written notification of any action proposed to be taken by OBC shall be provided to the contractor in accordance with the Procedures and Guidelines for Hearings before the Office of Boards and Commissions Review Committee, Section III herein. As provided in Section III herein, upon written requests, a hearing before the Committee or a hearing officer appointed by

the Committee shall be afforded any contractor who is aggrieved by any proposed or recommended action by OBC.

12.5. Any contractor not holding a valid Certificate shall be prohibited from bidding on or performing any City of Baltimore construction contracts of any size or dollar value during the period of disqualification.

## **II. GUIDELINES AND PROCEDURAL RULES FOR THE PERFORMANCE EVALUATION OF CONSULTANTS AND CONSTRUCTION CONTRACTORS**

### **1.0. Office of Boards and Commissions**

1.1. The Office of Boards and Commissions Review (“Committee”), acting by and through personnel from the Office of Boards and Commissions (“OBC”), shall be the administrative arm of the Board of Estimates (“Board”) in all matters relating to the performance evaluation of design consultants and construction contractors. Any recommendation by OBC, made in compliance with these rules regarding performance evaluations, shall be subject to final review by the Committee as provided herein.

### **2.0. Procedure for Consultant Performance Evaluation**

#### **2.1 Written Evaluations**

2.2. Each consultant doing business with the City of Baltimore, whether as the prime consultant or a sub-consultant will be evaluated by the City Department or Agency that contracted with the consultant. Evaluations will be prepared for each phase of a project on which the consultant performs any work. The personnel performing the evaluation shall be selected by the Department or Agency Head and may include one or more individuals with a limit of three (3), each of whom must have familiarity with the project for which a rating is being issued and have knowledge of the work being performed by the consultant being rated.

2.3. In the event that a joint venture is selected as either a prime or sub-consultant, the joint venture will be evaluated as a single entity. In the event that the evaluation process results in action being taken to disqualify or otherwise sanction a joint venture in accordance with these performance evaluation rules, the disqualification or other sanction shall apply to the joint venture and to each of the co-venturers comprising the joint venture.

### **3.0. Procedure for Construction Contractor Evaluation**

#### **3.1. Written Evaluations**

3.2. Each construction contractor doing business with the City of Baltimore, whether as a prime contractor or a subcontractor, will be evaluated by the City Department or Agency that contracted with the contractor. Evaluations will be prepared for each project on which the

contractor performs any work. The personnel performing the evaluation shall be selected by the Department or Agency Head and may include one or more individuals with a limit of three (3) each of whom must have familiarity with the project for which a rating is being issued and have knowledge of the work being performed by the contractor being rated.

3.3. In the event that a joint venture is selected as either a prime or sub-contractor, the joint venture will be evaluated as a single entity. In the event that the evaluation process results in action being taken to disqualify or otherwise sanction a joint venture in accordance with these performance evaluation rules, the disqualification or other sanction shall apply to the joint venture and to each of the co-venturers comprising the joint venture.

#### **4.0. Ratings Criteria**

4.1. The personnel who perform the evaluations for consultants and contractors (collectively, the "Evaluators") shall provide an accurate evaluation of consultant and/or contractor performance for each project.

4.2. The Evaluators shall rate the consultant or contractor on criteria relevant to the area of their responsibility on the contract. Other criteria boxes shall be left blank.

4.3. Firms shall be rated only on criteria relevant to service areas that are required by contract to be performed. Scores will be calculated only upon those criteria rated by the panel. Criteria that are not rated will not lower an overall score.

4.4. Ratings range from "0" to the maximum assignable value.

#### **5.0. Ratings Forms**

5.1. The project rating system requires the utilization of one of two forms:

5.1.1. The "Consultant Ratings Form" (Appendix 1) is to be utilized to evaluate design and post award services;

5.1.2. The "Contractor Ratings Form" (Appendix 2) is to be utilized to evaluate construction services.

5.2. When executed, the Consultant Rating Form and the Contractor Rating Form shall be treated as confidential documents except as may otherwise be required by applicable law. Executed forms shall only be available upon request to the subject of the evaluation, the City Department or Agency issuing the evaluation, another agency head/director, OBC, the Committee and the Board of Estimates.

#### **6.0. Scoring/Grading**

6.1. The following scoring and grading system will be utilized to evaluate the performance of design consultants and construction contractors:

Percentage Points<sup>1</sup>

90 - 100 - Excellent

77 -- 89 - Good

70 -76 - Marginal

69 or less -- Unsatisfactory

**7.0. EVALUATION PERIOD FOR CONSULTANTS**

7.1. Except as set forth in section 7.2 or 7.3, each Consultant will be rated quarterly, *i.e.*, every three months, including at project completion, via interim evaluations (the “Interim Evaluation”). At project completion, an overall Final Project Rating will be calculated by averaging all numeric ratings previously issued for that project. Final Project Ratings will be completed within sixty (60) days of project completion.

7.2. For projects involving preparation of plans, drawings and specifications that are followed by construction of the project and intended to be completed in less than one (1) year, the Consultant will be rated within 30 days of submission of completed plans and again within thirty days of the acceptance by the City of the completed project.

7.3. Projects involving plans or studies only or inspection services only will be rated one time as deemed appropriate by the Department or Agency utilizing the consultants’ services.

**8.0. EVALUATION PERIOD FOR CONTRACTORS**

8.1. Except as set forth in section 8.2 or 8.3, each Contractor will be rated quarterly, *i.e.*, every three months, including at project completion, via interim evaluations (the “Interim Evaluation”). At project completion, an overall Final Project Rating will be calculated by averaging all numeric ratings previously issued for that contract. Final Project Ratings will be completed within sixty (60) days of project completion.

8.2. For projects intended to be complete within six (6) months to one (1) year, the Contractor will be rated at the project’s mid-completion point via Interim Evaluation and upon project completion. The mid completion point shall be determined by the project manager based on the

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<sup>1</sup> Ranking is based on scale of 100 percentage points, which is determined by dividing number of points awarded by number of possible points in categories in which a score was provided.

work performed and the projected schedule of remaining work. At project completion, a Final Project Rating will be calculated by averaging all numeric ratings previously issued for that contract. Final Project Ratings will be completed within sixty (60) days of project completion.

8.3. Projects requiring less than six (6) months to complete will be rated only at project completion, which rating shall constitute the Final Project Rating.

#### **9.0. APPEAL PROCESS--CONSULTANTS AND CONTRACTORS**

9.1. Each Interim and Final Project Rating will be made available to the subject consultant/contractor.

9.2. Consultants and/or contractors who object to any Interim or Final Project Rating may appeal to the Bureau Head/Division Chief/Office Chief, or such person's designee ("Appeal Evaluator") in writing within ten (10) days of receipt of the rating whether an Interim or Final Project rating. If no written appeal is received within the time required by these rules, the contractor/consultant will be deemed to have waived its right to review of the rating. The Appeal Evaluator shall consider the written submission of the contractor/consultant and the information contained in the ratings being appealed. No hearing shall be held. The Appeal Evaluator may request additional information from the contractor/consultant and such information shall be provided within five (5) days of the request.

9.3. The Appeal Evaluator shall render a written decision within thirty (30) days from the receipt of an appeal. The decision regarding an appeal of a rating is final.

9.4. The Appeal Evaluator's decision will be entered into a database maintained by OBC.

9.5. City agency personnel will have access to the rating database.

#### **10.0 APPLICATION OF PERFORMANCE RATINGS FOR CONSULTANTS**

10.1. All ratings for projects on which a Consultant has performed work shall be made available to City agency personnel serving on shortlisting and interview panels for their consideration in reviewing project specific proposals.

10.2. Consultant ratings shall be reviewed by OBC upon receipt of re-qualification application and submittals.

10.3. Consideration of a consultant's overall rating shall be made prior to any action being recommended by OBC to the Committee.

#### **11.0 APPLICATION OF PERFORMANCE RATINGS FOR CONTRACTORS**

11.1. All ratings of contractors shall be available to City agency personnel.

11.2. Contractor ratings shall be reviewed by OBC upon receipt of requalification applications.

11.3. Consideration of a contractor's overall rating shall be made prior to any action being recommended by OBC to the Committee.

## **12.0. RATINGS**

### **12.1 EXCELLENT RATINGS**

12.1.1. If, a Contractor achieves two consecutive "Excellent" Interim evaluations on a single project, the Contractor may request the City Department or Agency that the contractor is under contract with to reduce the retainage for the contract from 5% to 1.5% at the 50% completion milestone (as expressed in terms of monies earned excluding stored material.) This request must be accompanied by a document that indicates the approval of the project's Surety for the reduction in retainage. The Department or Agency shall determine whether to grant the requested reduction. Any Contractor aggrieved by the decision regarding reduction of retainage may request a hearing pursuant to Article VIII of these Rules.

12.1.2. The Contractor will remain eligible for this consideration by maintaining an "Excellent" rating.

### **12.2. GOOD RATINGS**

12.2.1. If, a Contractor achieves two consecutive "Good" interim evaluations on a single project, the contractor may request the City Department or Agency that the contractor is under contract with to reduce the retainage for the contract from 5% to 3% at the 50% completion milestone as expressed in terms of monies earned excluding stored material. This request must be accompanied by a document that indicates the approval of the project's Surety for the reduction in retainage. The Department or Agency shall determine whether to grant the requested reduction. Any Contractor aggrieved by the decision regarding reduction of retainage may request a hearing pursuant to Article VIII of these Rules.

12.2.2. The Contractor will remain eligible for this consideration by maintaining a "Good" rating.

### **12.3 MARGINAL RATINGS**

12.3.1. Contractors and/or consultants receiving a "Marginal" Interim rating will be notified in writing by the Appeal Evaluator that improvement in the firm's performance is required. After receipt of a Marginal Interim rating, should the contractor/consultant fail to improve its performance and receive a subsequent Marginal rating of any kind, the

contractor/consultant will be sent written notification by OBC that the firm's continued prequalification status is being evaluated. If upon review, OBC determines that further action is appropriate regarding the contractor/consultant's prequalification status, it shall notify the contractor/consultant in writing and advise the contractor/consultant of its right to a hearing in accordance with Section III, herein. If a hearing is requested by the contractor/consultant, the hearing shall be conducted in strict accordance with Section III. At the hearing, the contractor/consultant must demonstrate to the satisfaction of the Committee or Hearing Officer that its prequalification status should not be revoked, its work capacity rating not be reduced or it should not be subject to any other action taken by the Committee.

#### 12.4. UNSATISFACTORY PERFORMANCE

12.4.1. Contractors and/or consultants receiving an "Unsatisfactory" Interim rating will be notified in writing by the Appeal Evaluator that improvement in the firm's performance is required. Should the contractor/consultant fail to improve its performance and receive a subsequent Interim or Final Project Rating of Unsatisfactory or Marginal, the contractor/consultant will be sent written notification from OBC that the firm's prequalification status will be reviewed. If upon review, OBC determines that further action is appropriate regarding the contractor/consultant's prequalification status, it shall notify the contractor/consultant in writing and advise the contractor/consultant of its right to a hearing in accordance with Section III, herein. If a hearing is requested by the contractor/consultant, the hearing shall be conducted in strict accordance with Section III. At the hearing, the contractor/consultant must demonstrate to the satisfaction of the Committee or Hearing Officer that its prequalification status should not be revoked, its work capacity rating not be reduced or it should not be subject to any other action taken by the Committee

### **III. PROCEDURES AND GUIDELINES FOR HEARINGS BEFORE THE OFFICE OF BOARDS AND COMMISSIONS REVIEW COMMITTEE**

#### **1.0. Hearings Generally**

1.1. Where the Rules for Qualification of Contractors or the Guidelines for the Performance Evaluation of Design Consultants and Construction Contractors (collectively the "Rules") provide that a hearing may be conducted, these Procedures and Guidelines shall govern.

1.2. A hearing may be conducted by the full Committee or, at the Chair's discretion, by any individual member of the Committee designated to serve as the Hearing Officer by the Chair.

1.3. The objectives of a hearing are:

- To provide all interested parties an opportunity to be heard by the Committee or Hearing Officer
- To afford a contractor/consultant an opportunity for an impartial, objective review of proposed decisions and/or actions of the Committee
- To contribute to uniformity and consistency in the application and enforcement of the Rules
- To establish and consider facts and data related to:
  - a. a contractor/consultant's performance, nonperformance or other acts which are grounds for qualification, suspension or revocation of the contractor's Certificate of Prequalification; or
  - b. a contractor's financial and work capabilities.

## **2.0. Notice of Hearing**

2.1. Where the Rules provide that a hearing may be held, the contractor/consultant shall be notified, in writing by OBC, of the action proposed to be taken by the Committee. Notice shall be sent to the contractor/consultant via first class mail, certified mail return receipt requested and by email, with a read receipt requested, to the email address of record for the contractor/consultant. Within five (5) days of the date of the notification, or the date of receipt by the contractor/consultant, whichever occurs first, the contractor/consultant may submit a written request for a hearing. E-mailed notification is effective as of the date of its transmission by OBC. Failure of the contractor/consultant to open an emailed notification will not extend the time allowed for filing a request for hearing. The contractor/consultant's request for a hearing shall be mailed via first class mail, and sent via electronic mail, to the Office of Boards and Commissions, 4 South Frederick Street, 4th Floor, Baltimore, MD 21202 (410) 396-6883, email address, [obc.contractors@baltimorecity.gov](mailto:obc.contractors@baltimorecity.gov). If no written request for a hearing is filed within the time required by these rules, the contractor/consultant will be deemed to have waived its right to a hearing and the Committee may proceed to evaluate the contractor/consultant's performance, nonperformance or other acts as the Committee deems appropriate. The Committee may also initiate a hearing.

2.2. The hearing shall be scheduled within a reasonable time after a request for a hearing is received. When a hearing is scheduled, OBC shall send a Hearing Notice to the contractor/consultant by first class mail and electronic mail requesting receipt confirmation. The Hearing Notice shall set the date, time and location of the hearing, and describe the purpose and nature of the hearing. OBC shall also send the Hearing Notice to the agency involved by email and inter-City mail to the agency Director. The Hearing Notice shall include a copy of these Procedures and Guidelines as well as any pertinent documents in the Committee's or OBC's possession, including any performance evaluations that have been filed by any agency. The Hearing Notice shall designate either a Hearing Officer to preside or advise that the hearing will be held before the Committee. The Hearing Notice will set firm times for:

- a. how long the contractor/consultant has to present its case;
- b. how much time for the agency to reply;
- c. how much time for cross examination and setting any limits on what will be allowed on cross examination;
- d. how much time for closing argument.

The Committee or Hearing Officer may shorten or extend any times set forth herein for good cause shown or as the Committee or Hearing Officer may direct in the exercise of their discretion. Any additional rules or procedures that may be required by the Committee or Hearing Officer shall be set forth in the Hearing Notice and are subject to amendment by the Committee or Hearing Officer.

2.3. Not later than five (5) days after the date of the Hearing Notice, the contractor/consultant shall advise OBC in writing, sent via first class mail and electronic mail, requesting receipt confirmation, whether it will or will not be represented by counsel at the hearing and, if it will be represented, identify its counsel. If the contractor/consultant will not be represented by counsel, the contractor/consultant will designate one representative to present its position, introduce documentary materials, call witnesses to support its position and cross-examine. Unless directed otherwise by the Committee, an attorney from the City Law Department shall be present at all hearings and may participate in the hearing, regardless whether the contractor/consultant elects counsel or not. Failure of the contractor/consultant to file a timely election of counsel shall be a waiver of the right to counsel at the hearing.

### **3.0. Rules of Evidence**

3.1 Formal rules of evidence and formal trial procedures shall not apply.

3.2. The Committee or Hearing Officer may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs. They shall give effect to the rules of privilege recognized by law. They may also exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

3.3. The Committee or Hearing Officer may take judicial notice of facts and in addition may take notice of general, technical, or scientific facts.

3.4. All evidence including records and documents in the possession of OBC, the Committee, the involved City agency or the City of Baltimore which the Committee or Hearing Officer desires to utilize may be made a part of the record in the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

### **4.0. Hearing Proceedings**

4.1. The proceedings shall follow this order:

- a. The Committee or Hearing Officer shall begin the hearing with a statement concerning the purpose of the hearing and the procedures that will be followed.
- b. Each party may present its case by narrative or by witnesses.
- c. Cross-examination of any witness shall be permitted; however, the parties will not be permitted to argue or engage in debate. The Committee or Hearing Officer may limit or terminate cross examination at any time.
- d. The Committee or Hearing Officer may question any witness or party at any time.
- e. Each party may present its final arguments and summarize its position.
- f. Each party shall have the right to make any additional statements before the hearing is terminated.
- g. At the discretion of the Committee or Hearing Officer, the hearing may be adjourned to another date, continued or postponed.

4.2. Notwithstanding the procedures set forth above, the Committee or Hearing Officer may, in their discretion, decide the order and manner in which testimony and evidence is to be presented and have discretion to direct changes to the hearing procedure.

#### **5.0. Decisions and Orders**

5.1. Every attempt shall be made to render a final decision within thirty (30) days from the conclusion of the hearing. The decision shall be made based upon the facts and evidence introduced into the record. The final decision of the Committee need not be in writing. However, OBC shall prepare a memorandum of each hearing which contains the following information:

- a. date of hearing;
- b. type of hearing (Committee or Hearing Officer);
- c. name of person presiding;
- d. the contractor or consultant's name;
- e. the names, titles and affiliations of persons in attendance;
- f. the purpose and nature of the hearing;
- g. a brief description of documents, testimony and data presented;
- h. the final findings of the Committee or Hearing Officer; and
- i. proposed action by the Committee.

5.2. When hearings are conducted by a Hearing Officer, the Hearing Officer shall submit his/her decision in writing to the Committee for review and to the contractor/consultant. The Hearing Officer's decision must be approved by the Committee before the proposed action becomes final. The Committee may approve, reject or modify the decision of the Hearing Officer in its sole discretion. The Committee's decision is subject to review on the record by the Board of Estimates.

5.3. When hearings are conducted by the Committee, the Committee's decision is subject to review on the record by the Board of Estimates.

5.4. A copy of the memorandum of the hearing referred to in this Section shall be sent to the contractor/consultant or to his attorney of record simultaneously with notice of the Committee's determination.

**6.0. Record of Proceeding**

6.1. In the Committee or Hearing Officer's discretion a record of the proceedings may be made; a tape recording of the proceeding is adequate.

6.2. The contractor/consultant may have access to the tape recording during City business hours and may have a transcript made at its expense. The cost of the preparation of the transcript shall be paid before the transcript is prepared.

**Subtitle 03 GUIDELINES**

CHAPTER 02 CONSULTANT SELECTION

Administrative History

Effective Date: February 12, 1997

# GUIDELINES for CONSULTANT SELECTION (Architects and Engineers)

## BOARDS and COMMISSIONS

- Advertise request for proposals
- Evaluate Proposals
- Prepare List of Approved Firms (Long List)



## OWNER AGENCY

- Evaluate Long List
- Establish Short List
- Interview Short Listed Firms
- Rank Firms

## ARCHITECTURAL & ENGINEERING AWARDS COMMISSION

- Schedule public meeting to consider Agency request / recommendations
- Review / Approve ranking of Firms

## OWNER AGENCY / CONSULTANT

- Negotiate scope of work and cost
- Prepare documents for Board of Estimates

## BOARD OF ESTIMATES

- Review and take appropriate action on Owner Agency Contract Submittal / Request

|                       |   |  |   |
|-----------------------|---|--|---|
| NAME & TITLE          | Robert B. MacLeod, Chief  | CITY OF<br>BALTIMORE<br><b>MEMO</b><br>26-38 |  |
| AGENCY NAME & ADDRESS | Boards and Commissions<br>Room 9, Abel Wolman Municipal Building    |  |   |
| SUBJECT               | CITY OF BALTIMORE GUIDELINES FOR<br>CONSULTANT SELECTION PROCEDURES |  |   |

DATE: February 12, 1997

TO

The Honorable President and Members  
of the Board of Estimates  
Room 204, City Hall

Dear Mr. President and Members:

ACTION REQUESTED OF THE BOARD OF ESTIMATES:

The Board is requested to approve the City of Baltimore's Guidelines For Consultant Selection Procedures; The Guidelines will provide standard procedures for procuring the services of Design Consultants (Architects, Engineers and Surveyors).

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

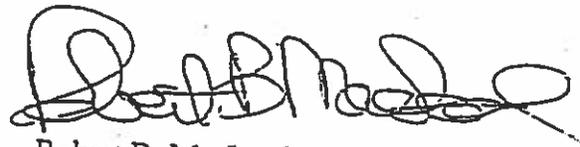
The Charter of Baltimore City provides that "all professional services contracted for by the City shall be engaged in the manner prescribed by Resolution of the Board of Estimates". The original Resolution Relating to Architectural and Engineering Services was adopted by the Board of Estimates May 15, 1974. This Resolution outlined the membership, duties and responsibilities of the Consultants Evaluation Board, Architectural & Engineering Awards Commission and the Using Agency in procuring Architectural and Engineering Services. On June 29, 1994 the Board voted to abolish the Consultants Evaluation Board and to assign the primarily administrative duties to the Office of Boards and Commissions of Department of Public Works. The Office of Boards and Commissions has worked to improve and update procurement procedures. These guidelines provide for a standardized and formalized process to be used by all City agencies. The guidelines combine quality based selection with competitive negotiations to produce a process that is utilized and respected industry-wide.

The guidelines define in detail the various steps involved in the Consultant Selection Process including advertising the project, approval and preparation of the Long List (initial list of consultants approved by the Office of Boards & Commissions); creation of the short list for interviewing purposes. conducting the interview, ranking of the firms, the Public Meeting at the

Honorable President and Members  
of the Board of Estimates  
February 12, 1997  
Page 2

Architectural and Engineering Awards Commission, competitive negotiations between the User Agency and the approved Consultant and consideration of the Contract Award by the Board of Estimates.

The Office of Boards and Commissions of the Department of Public Works has worked in cooperation with City, State and Federal Agencies to establish standard procedures for the procurement of Consultant Services for the City. These Guidelines have been developed with valuable assistance from the American Institute of Architects, the Consultant Engineering Council and a Task Force lead by Charles G. Graves, Director of the Department of Planning and a member of the Architectural and Engineering Awards Commission. All of the aforementioned groups support and recommend the approval of the guidelines.



Robert B. MacLeod  
Executive Secretary

APPROVED BY BOARD OF ESTIMATES:  
SUBJECT: to the revised copy being edited.

*Bernice N. Taylor* MAR 05 1997

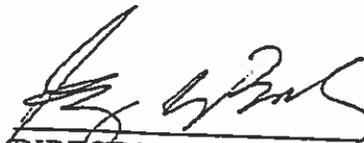
CLERK

DATE

RBM:gen

cc: Ms. Lynnette W. Young

APPROVED:



DIRECTOR OF PUBLIC WORKS

CITY OF BALTIMORE  
GUIDELINES FOR CONSULTANT SELECTION PROCEDURES

APPROVED BY THE BOARD OF ESTIMATES ON

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CITY OF BALTIMORE  
GUIDELINES FOR CONSULTANT SELECTION PROCEDURES

PREAMBLE

Pursuant to the provisions contained in the Resolution Relating to Architectural & Engineering Services as approved June 29, 1994, the following rules, standards and procedures for the selection of architectural and engineering (A&E) Firms for competitive negotiations procurement are hereby adopted by the Board of Estimates.

1. APPLICABILITY

- 1.1. The guidelines specified herein apply to the selection of Consultants involving architectural and engineering services with a value of \$25,000 or more.

2. REQUEST FOR PROCUREMENT OF CONSULTANT SERVICES

- 2.1. The User Agency shall submit the written request form to the Office of Boards & Commissions (OBC) to advertise for the procurement of consultant services. The written request must include, but not be limited to, the following information:

- Name of project
- Discipline required for prime consultant
- Capital Improvement Program number
- Location of project
- Range of professional service fee in accordance with Standard Federal Form 254
- Estimated duration of contract for architectural and engineering services
- Other professional disciplines required of prime or subconsultant (list as many as may apply). i.e.,

*Mechanical Engineering*

*Electrical Engineering*

*Traffic Engineering*

*Civil Engineering*

*Structural Engineering*

*Geo-technical Engineering*

*Environmental Engineering*

*Chemical Engineering*

- Scope of work
- Selection criteria (in descending order of importance)
- MBE/WBE or DBE Goals
- Name, title and telephone number of User Agency contact person
- Agency contact person
- Budget number for project
- Source of funds for professional services:

Federal                       Local  
 State                               Other (indicate)

- Presubmittal meeting information if necessary.

2.2. The OBC will provide a standard form for these requests.

### 3. ADVERTISEMENT FOR SERVICES

3.1. The OBC shall, with the cooperation of the User Agency, prepare an advertisement that includes, but is not limited to, the information provided under Section 2.1. The User Agency shall be given the opportunity to review and approve the advertisement before publication.

3.2. OBC advertises for services in two newspapers with a daily circulation.

3.3. Application will be due within 30 days or less from the date of advertisement.

### 4. OBC REVIEW OF SUBMITTALS

4.1. The OBC receives the submittals for the advertised project.

4.2. The OBC reviews the submittals for prequalification with the City, proper MBE/WBE or DBE participation, inclusion of any required licenses or certifications, and for completeness.

4.3. The OBC produces a long list of approved and disapproved firms.

4.4. The OBC transmits the long list and copies of the approved firms' submittals to the contact person for the User Agency.

- 4.5. Within two weeks of closing date, OBC will send a letter to each firm that has provided a submittal for a project, advising whether the firm has been approved or deemed not qualified for further participation in the project.

## 5. USER AGENCY RESPONSIBILITIES

### 5.1. Creation of Short List:

- 5.1.1. The Director of the User Agency shall appoint a long list review panel consisting of a minimum of three persons and select a panel chairperson for each project.
- 5.1.2. The Project Manager for the User Agency shall meet with the chairperson to assure that the selection criteria for reviewing/reducing the list of firms was consistent with the criteria identified in the advertisement for the project.
- 5.1.3. The Project Manager, chairperson, or the Director of the User Agency, shall assign a maximum amount of points to each of the selection criteria.
- 5.1.4. The members of the long list review panel shall review the submittals for each approved firm on the long list. This panel shall consist of at least three persons. Only one person from this panel shall be permitted to serve on the interview panel. Notwithstanding this limitation, a Project Manager on the long list review panel may participate as a nonvoting member of the interview panel.
- 5.1.5. The members of the long list review panel shall rate each firm on the approved long list and assign a numerical rating to each based on the selection criteria.
- 5.1.6. The chairperson shall then rank the firms on the long list according to score.
- 5.1.7. The long list review panel shall determine the number of firms to be included on the short list for interviewing purposes. The panel shall consider the following factors in making his or her decision:

- (1) Only firms deemed having a reasonable chance of being selected should be interviewed.
- (2) In an instance in which services of one firm are sought, a short list consisting of the five (5) top ranked firms is appropriate. In an instance in which services of two firms are sought, a short list consisting of the top six or seven firms is appropriate.
- (3) It is preferred that all interviews be accomplished in a single day.
- (4) In an instance where fewer than five firms applied and/or were approved by OBC for the long list, it is within the User Agency's discretion to proceed with the consultant selection process or request that the project be readvertised.

#### 5.2. Selection of Interview Panel Members:

- (1) A chairperson and four other panel members shall be selected by the Director of the User Agency.
- (2) No more than two persons from any City Agency may be utilized on a single interview panel.
- (3) Only one representative of the User Agency who has served on the long list review panel can serve on the interview panel. However, if the Project Manager served on the long list review panel and is not chosen for the interview panel, he shall be allowed to participate as an extra non-voting member of the interview panel.
- (4) A majority of panel members shall have professional qualifications for participating on specific projects.
- (5) OBC may elect to establish and maintain a pool of qualified interview panelists.

#### 5.3. Preparation for Interviews:

- (1) The chairperson shall brief each panel member as to the nature of the project and the professional services sought.

- (2) If possible, the chairperson should provide each panelist with the submittals, scoring sheets and other necessary information in advance of the interview.
- (3) User agency shall schedule interviews and notify all applicants of their status within 30 days of receipt of the long list. If there is a delay in the project, user agencies shall notify each applicant of such delay.
- (4) The chairperson shall notify each firm on the short list of the User Agency's intent to interview the firm. Such notice shall include the following information:

A blank copy of the scoring sheet to be utilized during the interviewing process including a clarification as to the number of points assigned to each selection criteria. The total of the points in raw score should equal 100.

A list of actual or proposed dates for the interviews.

The time limit for that particular interview.

The chairperson shall also notify, in writing, each firm that does not make the short list.

#### 5.4. The Interview:

- (1) The duration and format of interviews are largely a matter of the chairperson's discretion. It is customary, though not essential, that the chairperson introduce the panel to each firm, allow the firm to present, and then allow panel members to ask questions.
- (2) At the close of each interview, each panel member shall provide to the chairperson a sheet, clearly signed, that provides the selection criteria scores for each firm.
- (3) In the presence of the entire panel, the chairperson shall fill in the composite scoring sheet, and convert raw scores into rankings. Then the chairperson shall tally by ranking.

- (4) All panel members shall sign at the bottom of the composite sheet. The chairperson shall then make a copy for each panel member.
- (5) The chairperson shall forward the results of the interviews to the Director of the User Agency for approval.

#### 5.5. Agency Recommendations:

The Director of the User Agency may accept or recommend not to accept the results as presented. If the Director of the User Agency recommends not to accept the results as presented, such recommendation shall be made to the Architectural & Engineering Awards Commission for consideration in public session.

If the Director of the User Agency accepts the results as presented, the Director will submit a request for award of the project to the Architectural & Engineering Awards Commission (AEAC). The following information/forms should be included in the package to the Executive Secretary of AEAC:

- Cover memorandum requesting that the award be scheduled for the next public meeting of the AEAC
- A/E Request for Award Form
- Copies of the composite and individual scoring sheets for the project
- Short description of the project
- List of firms appearing on the Request for Award form including name of firm, address, contact person and telephone number for contact person
- OBC's long list of firms transmitted to User Agency
- OBC's advertisement for the project

#### 6. ARCHITECTURAL & ENGINEERING AWARDS COMMISSION

- 6.1. The Executive Secretary of the AEAC or his designee receives and date stamps the request for award package.
- 6.2. The Executive Secretary reviews the package for completeness.
- 6.3. A public meeting of the AEAC is scheduled to hear the award of project(s).

- 6.4. AEAC places a notice in the appropriate newspapers including the time, date and place of the meeting and the agenda for the meeting with projects (numbers and description) listed in order scheduled for presentation.
- 6.5. AEAC notifies the User Agency(s) and all firms appearing on the Request for Award form(s) for scheduled projects of the Meeting.
- 6.6. AEAC meeting is held.
  - (1) User Agency designee makes a presentation detailing the selection process for the project.
  - (2) AEAC members ask any appropriate questions and make comments as necessary.
  - (3) Public questions and comments are permitted.
  - (4) AEAC advises User Agency in writing of its decision as to its approval or disapproval of the list as submitted and any revisions thereto.
  - (5) Providing the list is acceptable, AEAC advises the User Agency to begin competitive negotiations with the top ranked firm.
  - (6) AEAC advises top ranked firm, in writing, to contact the User Agency to begin competitive negotiations.

## 7. WAIVERS AND VARIANCES

- 7.1. Waivers from specific guidelines and/or variances may be granted by the Board of Estimates or when appropriate, the Architectural and Engineering Awards Commission, upon the receipt of a written request from the User Agency stating the reason(s) the waiver and/or variance is required.

## 8. USER AGENCY/CONSULTANT COMPETITIVE NEGOTIATIONS

- 8.1. The User Agency shall initiate negotiations with the selected consultant or top ranked firm. The meeting, to include a representative from the Department of Audits, will be held to discuss the following:

- (1) Project requirements/considerations, goals, etc.
- (2) Identification of the project coordinator contact person for the City.
- (3) Administrative requirements
- (4) Detailed scope of work, project schedule, construction schedule/requirements.
- (5) Project completion/deadline
- (6) Completed or current studies
- (7) Cost factors to be utilized include overhead and fee
- (8) Project budget (including design, construction, inspection and related costs)
- (9) Establishment of a deadline for submission of preliminary proposal

8.2. Upon receiving the consultant's preliminary proposal, the User Agency and the representative of the Department of Audits:

- (1) Review scope of work and task breakdown
- (2) Review MBE/WBE or DBE requirements
- (3) Review consultant's team including rates of pay and escalation
- (4) Discuss professional services agreement format
- (5) Negotiate man-hours and fees
- (6) Review complete fee summary
- (7) Review financial support data

8.3. Upon receiving the consultant's preliminary draft agreement, the User Agency shall:

- (1) Review agreement format, project scope, task breakdown, schedule and 5700 form
- (2) Verify requirements of prime and subconsultants
- (3) Submit advance copy of draft agreement to the Department of Law and the Department of Audits

8.4. The consultant will then submit a final draft agreement. The User Agency shall:

- (1) Review the final draft agreement
- (2) Prepare Expenditure Authorization Request (EAR)
- (3) Have six original agreements executed by the consultant
- (4) Forward MBE/WBE or DBE package to the Equal Opportunity Compliance Office
- (5) Submit to the Department of Law for review and approval

8.5. The EAR and contract are submitted to the Board of Estimates for consideration.

## 9. BOARD OF ESTIMATES

9.1. The Board of Estimates reviews, approves, disapproves or defers the award of the contract.

## 10. TIME TABLE FOR SELECTION/APPROVAL PROCESS

10.1. The completion of the entire consultant selection and approval process should not exceed seven (7) months. In the event the process is not completed within the seven month period, the User Agency must provide a written statement to the Architectural and Engineering Awards Commission advising as to the reason the process could not be completed within the allotted time period.

10.2. If the Board of Estimates approves the award of the contract, the Notice to Proceed is then issued to the consultant.

**Subtitle 04 INDUSTRIAL SURCHARGE RATES AND MISCELLANEOUS FEES**

Administrative History

Effective Date: September 25, 2017

|      |                       |  |
|------|-----------------------|--|
| FROM | NAME & TITLE          | Rudolph S. Chow, P.E., Director                                  |
|      | AGENCY NAME & ADDRESS | Department of Public Works<br>600 Abel Wolman Municipal Building |
|      | SUBJECT               | DIRECTIVE 17-1 Industrial Surcharge Rates & Miscellaneous Fees   |

CITY OF  
BALTIMORE  
**MEMO**



DATE: September 25, 2017

Department Heads  
Bureau Heads  
Division Chiefs

An evaluation of high strength surcharge rates and fees pertinent to wastewater discharges to the sanitary sewerage conveyance system has resulted in changes to the industrial surcharge rates, the restaurant class surcharge rate, and other miscellaneous rates and fees.

Under Article 25 of the Baltimore City Code as amended, the Department of Public Works is required to surcharge all wastewater customers that discharge Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) in excess of 300 milligrams per liter (mg/l), Total Phosphorus in excess of 12 mg/l and nitrogen measured as Total Kjeldahl Nitrogen (TKN) in excess of 30 mg/l.

In 2012 the City of Baltimore contracted Raftelis Financial Consultants (RFC) to perform a comprehensive study to evaluate the cost of service for removing pollutant loadings from wastewater and appropriately recovering these costs from the identified industrial users. After 2017, which was the final year of phasing in three successive increases of 10.9 percent, rates will be based on the inflation rate for wastewater operations and maintenance costs. This strategy is a new approach for DPW that reduces the volatility of future rate increases.

The City of Baltimore needs to adequately recover these costs through the appropriate customer class to maintain compliance with federal regulations and generate adequate revenue to operate, maintain and upgrade the system.

**Industrial Surcharge Rates** impose a surcharge on all customers discharging Biochemical Oxygen Demand (BOD) in excess of 300 mg/l; Total Suspended Solids (TSS) in excess of 300 mg/l; Total Phosphorus in excess of 12mg/l; and Nitrogen in excess of 30 mg/l;

**Restaurant (Food Service) Class Surcharge Rate** is for food service establishments subject to the Sewer Surcharge Program. The class rate is applied for every 100 cubic feet (equal to 748 gallons) of water purchased from the city.

**Scavenger Vehicles/Waste Haulers** are charged by the gallon to discharge wastewater at the Back River Wastewater Treatment Plant;

**Wastewater Discharge Permit Fees** are assessed to recover administrative costs of the Pretreatment, FOG (Fats, Oils, and Grease), and Scavenger Vehicle programs.

Beginning January 1, 2018, rates and fees are based on the inflation rate for wastewater operations and maintenance costs of three percent (3%) annually and the following rates are impacted over the next three years:

**Rates & Fees Schedule**

The proposed schedule of rates and fees is presented here:

**Industrial Surcharge Rates**

|                   | BOD      | TSS      | Total Phosphorus | Total Kjeldahl Nitrogen | Unit    |
|-------------------|----------|----------|------------------|-------------------------|---------|
| Current Surcharge | \$0.2564 | \$0.3429 | \$2.7892         | \$0.5393                | \$\$/lb |
| 2018 Surcharge    | \$0.2640 | \$0.3531 | \$2.8728         | \$0.5554                | \$\$/lb |
| 2019 Surcharge    | \$0.2719 | \$0.3636 | \$2.9589         | \$0.5720                | \$\$/lb |
| 2020 Surcharge    | \$0.2800 | \$0.3745 | \$3.0476         | \$0.5891                | \$\$/lb |

| Food Service Class Surcharge Rate |          | Unit    | Scavenger Vehicle Waste Hauler Rate |         | Unit     |
|-----------------------------------|----------|---------|-------------------------------------|---------|----------|
| Current Charge                    | \$1.5145 | per Ccf | 2017                                | \$0.059 | \$\$/gal |
| 2018                              | \$1.5599 | per Ccf | 2018                                | \$0.061 | \$\$/gal |
| 2019                              | \$1.6066 | per Ccf | 2019                                | \$0.063 | \$\$/gal |
| 2020                              | \$1.6547 | per Ccf | 2020                                | \$0.065 | \$\$/gal |

**Wastewater Discharge Permit Fees**

| Type   | Category | Current  | 2018     | 2019     | 2020     |
|--|----------|----------|----------|----------|----------|
| Discharge Priority Pollutants                                  | 1        | \$688.00 | \$710.00 | \$730.00 | \$750.00 |
| Potential to Discharge Priority Pollutants                     | 2        | \$366.00 | \$380.00 | \$390.00 | \$400.00 |
| Discharge Prohibited Pollutions                                | 3        | \$244.00 | \$250.00 | \$260.00 | \$270.00 |
| Potential to Discharge Prohibited Pollutants                   | 4        | \$155.00 | \$160.00 | \$165.00 | \$170.00 |
| No Discharge/Dry Industry/Warehouse                            | 5        | -        | -        | -        | -        |
| Potential to Discharge Small Quantities of Priority Pollutants | 6        | \$155.00 | \$160.00 | \$165.00 | \$170.00 |
| Scavenger Vehicle Permit Tag - In State                        |          | \$26.00  | \$27.00  | \$28.00  | \$29.00  |
| Scavenger Vehicle Permit Tag - Out of State                    |          | \$30.00  | \$31.00  | \$32.00  | \$33.00  |

Surcharge Rates & Miscellaneous Fees

September 25, 2017

Page 3

If you have any questions in regard to the impact on your company or need further clarification on this matter, please contact Ms. Patricia Boyle, Pollution Control Program Administrator, at 410.396.9695 or via email at [pat.boyle@baltimorecity.gov](mailto:pat.boyle@baltimorecity.gov).



Rudolph S. Chow, P.E.  
Director

RSC:PB:pb

Cc: Mayor's Office  
Board of Estimates  
Comptroller's Office  
Department of Law  
Department of Finance

**Subtitle 05 SPIT SAMPLING – PRETREATMENT PROGRAM**

Administrative History

Effective Date: April 16, 1986

|                       |   |                                     |  |
|-----------------------|---|-------------------------------------|--|
| NAME & TITLE          | Paul H. Keenan, Jr., Administrator  | CITY of<br>BALTIMORE<br><b>MEMO</b> |  |
| AGENCY NAME & ADDRESS | Pollution Control Analyst<br>BUREAU OF WATER AND WASTEWATER<br>900 Municipal Building |                                     |  |
| SUBJECT               | Policy Decisions - Pretreatment Program   |                                     |  |

TO

DATE: 16 April 1986

Pollution Control Supervisory Staff  
Back River Wastewater Treatment Plant  
8201 Eastern Boulevard

In recent discussions that we have had at our staff meetings, it was realized that the establishment of policy guidelines, with regard to program implementation for the Pollution Control Section, should be developed. Therefore, the policies contained herein must be adhered to in order to assure continuity, equity and efficiency in the implementation of all industrial wastewater programs. These policies will be in effect until such time as you are notified otherwise.

SPLIT SAMPLING POLICIES

1. All companies which split samples with the City must do so in strict accordance with the split sampling agreement previously developed.
2. The split sampling agreement must be sent by certified mail to all affected companies prior to the agreement to conduct said split sampling.
3. The only companies with which the Pollution Control Section should now be splitting samples are those companies which are being monitored for the industrial surcharge program. All samples that are collected at these companies or any other company which are to be used for enforcement purposes under the Pretreatment Program are not to be split with the company unless approved by the Pollution Control Administrator, specifically.

PERMIT CATEGORIES

1. Discharger of priority and/or toxic pollutants.
2. Potential Discharger (by intent, negligence, and/or accident) that uses, produces, or stores priority and/or toxic pollutants.
3. Discharge of prohibited substances.
4. Potential Discharger (by intent, negligence, and/or accident) that uses, produces, or stores prohibited substances.
5. Non-discharger or discharger of domestic wastewater (only) that does not otherwise qualify under category 2, 4, 5s or 6.

- 5s. A non-discharger or discharger of domestic wastewater that does not otherwise qualify under category 2, 4 or 6 but should be reinspected yearly due to a significant potential for changes or growth in operations and/or processes.
6. Discharger or potential discharger that uses, produces or stores insignificant quantities of priority and/or toxic pollutants and/or prohibited substances.

#### FATS, OILS AND GREASE VIOLATIONS

1. All fats, oils and grease violations are to be addressed with a notice of violation as soon as possible.
2. All enforcement on fats, oils and grease violations will be based on grab samples and not from samples collected as composites.
3. The initiation of violation notices to fats, oils and grease violators should be initiated on those companies which have permits. Those companies without permits should, first, be permitted and only their subsequent fats, oils and grease violations will be handled as an enforcement action.
4. Enforcement action should be first initiated against those industries discharging petroleum or mineral based oils; followed by those industries discharging animal or vegetable fats, oils or greases that are creating clogging problems; and lastly enforce against those industries discharging animal or vegetable fats, oils and grease which are exceeding 100 mg/l. If the last category of violators contains industries which are unable to further reduce fats, oils or grease dischargers without significant impact to their company, then exemptions to this rule may be considered.

#### pH VIOLATIONS

1. pH violations are to be addressed with a notice of violation as soon as possible.
2. pH violations should only be considered on a waste stream after dilution in the immediate sewer. This should be accomplished with instantaneous readings at the next manhole downstream when possible or at some distance, after mixing, down the line from the monitoring point or manhole.
3. Starting immediately, three pH readings will be taken on all industrial wastewater samples. These readings will be an instantaneous reading of the raw waste stream from the industry,

a reading of the composited wastewater sample, the instantaneous pH reading following dilution alluded to above if necessary, and the instantaneous pH reading that is taken in the laboratory.

#### BASELINE MONITORING REPORTS

1. Baseline Monitoring Reports (BMR's) must be done for all categorical industries.
2. The initiation of collection of BMR's from the electroplating and/or metal finishing companies should commence immediately. The companies should be informed that they will not be allowed to use Pollution Control Section analytical results in these reports.

#### METAL FINISHERS

1. All metal finishing industries should be immediately informed of regulations governing their operations as we are the Control Authority and are required by federal law to do so.

#### COMPLIANCE REPORT

1. All Compliance Reports will be required for all categorical industries.
2. The same analytical data that was used for the BMR may be used for the Compliance Report, but should be submitted separately with respective information required of these reports identified separately.

#### ANALYTICAL RESULTS

1. All analytical results shall be mailed to the attention of the proper representative for each industry.
2. All analytical reports and results that are particularly important or need to be discussed in person shall be hand-delivered by the Pollution Control Area Coordinator upon completion

#### MONITORING

1. Starting immediately, no advanced notice will be given to any industry that the Pollution Control Section will be conducting sampling activities.

2. All monitoring staff must carry with them the appropriate credentials, which shall be presented to the industry upon entry.
3. Those industries which require entry after clearance through a guard house, and who detain monitoring personnel beyond reasonable time periods, will be required to install a monitoring site outside of the property line.

#### LIMITATIONS

1. The limitation sheets must accompany all future permits and be sent to those companies whose permits are either up for renewal or are being issued for the first time regardless of the category designation.

#### PERMITS

1. All permits shall be issued as soon as possible regardless of whether the company has been inspected or not, following a category determination by the Pollution Control Area Coordinator and review by the Permits Coordinator.

#### PHONE CONVERSATIONS

1. All phone conversations with industrial clients shall be documented using the appropriate forms.

#### ANALYTICAL RESULTS

1. All concentrations on analytical results reviewed from our laboratory shall be rounded off in order to determine compliance.
2. Industrial samples that are used for compliance purposes shall be accompanied by a chain-of-custody form.
3. Analytical results for four consecutive monitoring days (on a floating basis) will be used to assess compliance.

#### UNDER 10,000 GALLON PER DAY ELECTROPLATERS

1. These industries must meet federal categorical standards for cyanide, cadmium and lead until September 1, 1986 at which time they must meet the greater than 10,000 gallons per day categorical standards.

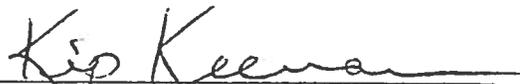
#### NON-COMPLIANCE

1. Those industries that continue in non-compliance for the same parameter must be addressed with the utilization of a Compliance

Schedule. Fines will be levied on those industries which use repeat excuses in order to justify their non-compliances.

LETTER SIGNATURE

1. All routine enforcement letters will be sent out under the Pollution Control Administrator's name but will be signed by an Assistant Pollution Control Administrator or by the Enforcement and Investigation Coordinator in their absence.

  
PAUL H. "KIP" KEENAN, JR.

PHK/tm

cc: Mr. Nelson A. Luthy  
Mr. Manubhai A. Patel