

# **FREDERICK COUNTY, MARYLAND**

## **WATER AND SEWER**

## **RULES AND REGULATIONS**



**Division of Water and Sewer Utilities**  
4520 Metropolitan Court  
Frederick, Maryland 21704  
(301) 600-1825

Changes to these Water and Sewer Rules and Regulations were last approved effective as of April 6, 2015. On September 1, 2022, a duly advertised Public Hearing was held in accordance with §2-13-30 of the Code of Public Local Laws for Frederick County to hear comments on the proposed changes to these Rules and Regulations. Therefore, these Rules and Regulations are hereby approved and effective as of the 1st day of October, 2022, subject to changes and final approval by the Maryland Department of the Environment as authorized by COMAR 26.04.01.32 only for those provisions related to cross-connection control.

  
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Jan H. Gardner, County Executive

  
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Date

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## **SECTION 1. GENERAL REQUIREMENTS**

- A. These Regulations are authorized and adopted under Chapter 2-13 of the Frederick County Code for the purpose of carrying out the intent and purpose of that chapter. The cross-connection regulations in Section 8A are specifically authorized under the Federal Safe Drinking Water Act of 1974, as amended, the MDE Cross Connection Regulations under Code of Maryland Regulations Section 26.04.01.32., and Chapter 1-14, Article III of the Frederick County Code, (the Frederick County Plumbing Code).
- B. Frederick County, Maryland ("the County") shall have the right to: determine what community facilities are interim or permanent; determine when the community facilities shall be installed, modified, enlarged, or abandoned; enter into contracts concerning how and by whom the proposed facilities shall be financed; and determine who shall connect to the community facilities.
- C. The County, at the request of a municipality, may provide water or sewer service to part or all of the municipality.
- D. The County shall determine the feasibility of a project, the manner in which service may be obtained, and the estimated cost of such service.
- E. Funds for the design, installation, etc. of water and sewer facilities will be sufficient to cover all costs as determined by the County.
- F. If a project is to receive private funding, a Public Works Agreement must be signed with the County before the project can become part of the County Capital Improvements Program.
- G. All necessary funds, other than grants and water and sewer bonds, shall be guaranteed to the County prior to the initiation of each phase of a project.
- H. All community water and sewer facilities, excluding facilities owned and operated by the incorporated municipalities, shall be designed and constructed to the specifications of the County.

- I. Except when using a Public Improvements Agreement, all water and sewer facilities, public or private (excluding facilities owned by incorporated municipalities), shall be inspected by the County.
- J. Privately owned water or sewer systems serving more than one (1) residential, commercial, industrial or institutional property are not permitted.
- K. Developments that provide community water service are required to provide water storage for fire flow purposes according to the Design Manual for Water and Sewer Facilities.

## **SECTION 2. DEFINITIONS**

For the purposes of these Rules and Regulations, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

**Approved** – When the context indicates, this means accepted by the Division (defined below) as meeting an applicable specification stated or cited in these Rules and Regulations and applicable law, or as suitable for the proposed purpose.

**Auxiliary Water Supply** – Any water supply, on or available, to the premises other than the County's approved public potable water supply.

**Backflow** - The flow of water or other liquids, mixtures or substances, under positive or reduced pressure into the distribution pipes of a potable water supply from any source other than the intended source of the potable water.

**Backflow Preventer or Backflow Prevention Device** - A device or means designed to prevent backflow or back-siphonage (defined below). Most commonly categorized as air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bibb vacuum breaker, residential dual check with intermediate atmospheric vent, and barometric loop, each of which are further described below.

**Air Gap** – A physical separation sufficient to prevent backflow between the free-flowing discharge end of the potable water system and any other system. Physically defined as a distance equal to twice the diameter of the supply side pipe diameter but never less than one (1) inch.

**Atmospheric Vacuum Breaker** – A device which prevents back-siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.

**Barometric Loop** - A fabricated piping arrangement rising at least thirty-five (35) feet at

its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against back-siphonage.

**Double Check Valve Assembly** - An assembly of two (2) independently operating spring loaded check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of each valve.

**Double Check Valve with Intermediate Atmospheric Vent** - A device having two (2) spring loaded check valves separated by an atmospheric vent chamber.

**Hose Bibb Vacuum Breaker** - A device, which is permanently attached to a hose bibb and which acts as an atmospheric vacuum breaker.

**Pressure Vacuum Breaker** - A device containing one or two independently operated spring loaded check valves and an independently operated spring loaded air inlet valve located on the discharge side of the check or checks. Device includes tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valve(s).

**Reduced Pressure Principle Backflow Preventer** - An assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve.

**Residential Dual Check** - An assembly of two (2) spring loaded, independently operating check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.

**Backpressure** - - A condition in which the Property Owners' system pressure is greater than the potable water supplier's system pressure.

**Back-siphonage** - The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than the intended source of the potable water, caused by the sudden reduction of pressure in the potable water supply system.

**Benefit Assessment (BA)** - The portion of the cost to extend water and/or sewer facilities to customer properties that is passed on to the customers who will benefit from these facilities.

**Building Sewer** - - That part of the drainage system which extends from the end of the building drain and conveys its discharge to County-owned, privately-owned, or local municipally-owned sewer system.

**Building Water Service** - The pipe from the County-owned, privately-owned, or local municipally-owned water main or other water distribution system of the building served.

**Capacity Fee(s)** - Fee(s) paid to secure capacity from a water or wastewater system. Also referred to as "connection fee(s)" or "tap fee(s)".

**Capital Expenditures** - The costs for providing a new community system, improvements to an existing community system, or acquisition of an existing system.

**Classification** - All land within a service area is classified into one of four types, namely: agricultural, small acreage, industrial or business (commercial), and residential. These main classifications may be further subdivided.

**Containment** - A method of backflow prevention, which requires a backflow preventer at the water service entrance.

**Contaminant** - A substance that will impair the quality of the water to such a degree that it creates a serious health hazard to the public, potentially leading to poisoning or the spread of disease.

**Cost** - Cost as applied to water and/or sewerage systems may include any or all of the following: The cost of constructing any such system, the cost of improvements, the cost of all lands, properties, rights, easements, franchises and permits acquired, the cost of all machinery and equipment, financing charges, bond issue, expenses, interest on bonds prior to and during initial construction or during construction of improvements; and for not more than one year after completion of construction, the cost of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenue, other expense necessary or incident to the determining of the feasibility or productivity of any such improvements or construction, actual administrative expenses attributable to the particular system indicated in the application and as may be necessary or incident to the financing authorized, to the improvement or construction of the system, and the placing of the same in operation. Any obligation or expense incurred by the County prior to the issuance of any bonds for engineering studies, estimates of cost and revenue, and for other technical or professional services, may be regarded as part of the cost of any such system.

**County** – Frederick County, Maryland, a body corporate and politic, including, as applicable, its County Executive, County Council, employees, agencies, boards, and commissions.

**Cross-connection** - Any actual or potential connection between the public potable water supply and a source of contamination, including but not limited to, contaminants, pollutants and a non-public water supply (or auxiliary water supply).

**Development Area** - The area owned or controlled by the Property Owner in which the wastewater and/or water system is to be installed, and which is the subject of an application for service.

**Division** - The Frederick County Division of Water and Sewer Utilities, including its agents and assignees.

**Division Director or Director** - The Director in charge of the Division of Water and Sewer Utilities, or the Director's delegated representative, who is vested with the authority and responsibility for the

implementation of a cross-connection control program and for the enforcement of the provisions of these Regulations.

**Drainage Area** - The area as designated in the latest revision of the County Water and Sewerage Plan in which a Property is located, which is the subject of an application for service.

**Drainage Fixture Unit** – See Fixture Unit.

**Dwelling Unit** - A building or portion thereof occupied or intended to be occupied exclusively for residential purposes by one family or housekeeping unit.

**Equivalent Dwelling Unit (EDU)** - A commercial or other unit which consumes or discharges the equivalent of one dwelling unit.

**Fixture Isolation** - A method of backflow prevention in which a backflow preventer is located to connect a cross-connection at an in-plant location rather than at the water service entrance.

**Fixture Unit** - Value assigned to measure potential use/discharge of various types and sizes of plumbing fixtures; ten (10) fixture units equal one (1) Equivalent Dwelling Unit. See Appendix B.

**Full-Time Water and/or Sewer Inspection** - This type of inspection will include the following: Excavation of the pipe trench from the system connection itself to the dwelling, the trench foundation, the proper line and grade, the proper materials and workmanship, the backfilling and compaction of the trench to its full height.

**High Hazard** - A cross-connection or potential cross-connection involving and substance that could, if introduced into the potable water supply, cause death or illness, spread disease, or have a high probability of causing such effects. An example of substance would be any one of the National Primary Drinking Water Standards.

**In-Plant** - Carried on, occurring within, or restricted to the confines of a manufacturing establishment, factory or other high hazard building.

**Inspection Agreement** - Agreement between the County and a Property Owner to provide on-site water and/or sewer construction inspection. This type of inspection typically includes proper materials and workmanship, the backfilling and compaction of the trench to a point two feet above the pipe. Formerly known as a “modified public works agreement”.

**Line** – Refers to water or wastewater collector or transmission conduit.

**Lot** – See Property.

**Low Hazard** - A cross-connection or potential cross-connection involving any contaminant that if introduced into the potable water system as a result of a backflow situation may cause cosmetic effects (such as skin or tooth discoloration) or aesthetic effects (such as taste, odor, or color) in

drinking water.

**MDE** - Maryland Department of the Environment, Maryland Water Supply Program.

**Non-residential** - Typically for property uses that are commercial, industrial, institutional, apartments, multi-unit condominiums, or as listed in Appendix B (Capacity Adjustment Factors), as amended, where the property has a single water or sewer connection. See Residential.

**Person** - Any individual, partnership, company, public or private corporation, political subdivision or agency of the State, agency or instrumentality or the United States, or any other legal entity.

**Planning Commission** – The Frederick County Planning Commission.

**Pollutant** - A foreign substance, including but not limited to untreated/non-public water, that, if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard, or impair the usefulness of the water to a degree which may or may not create an actual hazard to the public health but which does adversely and unreasonably affect such water for domestic use.

**Private Water System** - Any water supply (including but not limited to, wells, cisterns and tanks) located on, or available to, the Property other than the County's approved public potable water supply.

**Property** - Lot, parcel, or tract or similar land area; usually to which water and/or wastewater service is or will be provided.

**Property Owner** - A person, persons, partnership, firm, corporation or cooperative enterprise that owns the Lot or Property to which community water and/or sewerage system service is or will be provided. Property Owner also includes duly authorized agents, heirs, successors and assigns of the Property Owner. For purposes of Section 8A of these Regulations, a Property Owner includes any person who has legal title to, or the right to operate or inhabit, a Lot or Property upon which a cross-connection inspection is to be made or upon which a cross-connection is present.

**Public Improvements Agreement (PIA)** - An agreement between the County and a Property Owner, where the Property Owner agrees to enter into, and manage, a contract for construction of community water and/or wastewater facilities. Under the PIA process, the Property Owner may designate a third party firm (approved by the Division) to contract with the County for inspection of construction of the facilities, at the Property Owner's expense.

**Public Works Agreement (PWA)** - An agreement between the County and a Property Owner, where the Property Owner agrees to provide payment to the County for construction of the community water and/or wastewater facilities. Under the PWA process, the County enters into, and manages, the construction contract and also provides all inspection of construction of the facilities.

**Pumping Station** - Pumping units with appurtenances and structures to convey water or sewage under pressure to transmission or interceptor facilities.

**Residential** - Typically for property uses that are single family, townhomes, duplexes, individual condominium buildings (that are not mixed use, e.g., live/work that appear to be a single family), townhome or duplex, or as determined by the Director. See Non-residential.

**Service Charge** - Those costs for a system directly attributable to and directly related to the volume of water used by or the volume of sewage discharged by the user. Certain sewer-only customers receive a flat rate based on an EDU where the volume of water is not metered. Also known as the "user charge" or "usage charge".

**Tap Fee(s)** – See Capacity Fee(s).

**Wastewater (or waste water)** - Liquid and water-carried domestic, non-domestic and industrial wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated. Also referred to as "sewage".

**Wastewater System** - Any collection of devices and systems used in the collection, storage, treatment, recycling and reclamation, etc., of municipal sewage and industrial wastes as defined in the federal Clean Water Act (33 USC §1251 et seq.). These systems may include, but are not limited to, the sewers, pipes, equipment, the treatment plant (or facility) and the sludge handling equipment. This term also shall include the agency or person authorized to operate such facilities in accordance with the Maryland Department of the Environment and refers to wastewater treatment facilities owned and operated by the County. Collectively this system may also be known as "publicly owned treatment works" (POTW).

**Water** - Drinking water or potable water, which meets or exceeds Safe Drinking Water Act standards, and includes typical uses associated with non-potable purposes such as toilet flushing, washing and landscape irrigation.

**Water Service Entrance** - The point in the Property Owner's water system that is beyond the sanitary control of the County; generally considered to be the outlet end of the water meter and always before any unprotected branch.

**Water System** - Any collection of devices and systems used in the distribution, storage, treatment, etc., of water defined in the federal Safe Drinking Water Act (33 USC §300f et seq.). These systems may include, but are not limited to, the transmission mains, pipes, equipment, pumping facilities, storage (tanks), and the treatment plant (or facility). This term also shall include the agency or person authorized to operate such facilities in accordance with the Maryland Department of the Environment and refers to water treatment facilities owned and operated by the County.

### **SECTION 3. THE ESTABLISHMENT OR EXTENSION OF WATER OR SEWER SYSTEMS – GENERAL**

- A. Before the County will consider the establishment or the extension of a water or wastewater system to a Property, the Property must have the proper classification in the Frederick County Water and Sewerage Plan.
- B. The County will not consider an application for water or wastewater service if the application requires service greater than allowed by the zoning then applied to the Property.
- C. The Property Owner shall enter into a Public Works Agreement (PWA) or a Public Improvements Agreement (PIA) with the County to cover all particulars relevant to construction of the proposed community water and wastewater facilities. Certain existing water or wastewater facilities, e.g., pumping stations, treatment plants, etc., requiring expansion that increases the capacity of the facility may not use a PIA without the approval of the Director.
- D. The Property Owner shall guarantee payment of all costs that are to be levied against the Property Owner for provision of service not covered by Section 4 of these Rules in a manner approved by the County. Said costs shall:
  1. Include a contingency of fifteen percent (15%) of the construction cost as determined by the contract award, to permit minor modifications and assure completion of the proposed project. Any unused funds held by the County in accordance with a Public Works Agreement shall be returned to the Property Owner at the completion of the construction for the particular project.
  2. Be reduced by the amount of any federal and state grant monies received by the County for the specific project.
  3. Include advance payment of the estimated cost of future abandonment of any temporary facilities, provided, however, that any funds deposited with the County for such purpose in excess of the actual cost of said abandonment shall be refunded to the Property Owner. When using a

PWA, payment will be made only upon verification and application to the County by the party entitled thereto.

E. Construction of proposed water and/or wastewater facilities:

1. Will be sized to serve the drainage area or system area in accordance with Division requirements or the Water and Sewerage Plan if indicated in the Plan; and
2. Will be funded by the Property Owner to the extent of the requirements for the proposed development of the Property. The cost of oversizing of systems may be borne by the County or other users.

F. The Property Owner shall design or have designed the community water and/or wastewater facilities and shall obtain all required approvals, permits, and off-site rights-of-way, and easements.

G. The County recognizes the right of the Property Owner to design and construct off-site facilities. Where it is necessary to procure property or easements which are off-site rather than on a site controlled by the Property Owner, the County will aid in said procurement as permitted by law, where the same is deemed to be for a public, rather than private, purpose.

H. The Property Owner shall provide to the County all required on-site properties and easements prior to the County's execution of a PWA or PIA.

I. If using a Public Works Agreement, the County will administer all contracts and inspect all construction at the expense of the Property Owner.

J. Whether a Public Works Agreement or a Public Improvements Agreement is used, all design and construction shall be in accordance with the latest approved "Frederick County Plans and Specifications", "Special Provisions", and "Standard Details" for water and wastewater construction as used by the Division, in addition to the "Design Manual for Water and Sewer Facilities."

K. The Director may approve design and construction contracts with "Special Provisions" which address unique, unusual, or special conditions found within the area where work is to be performed.

**SECTION 4. THE ESTABLISHMENT OR EXTENSION OF WATER OR SEWER SYSTEMS – DESIGN AND CONSTRUCTION**

A. When using a Public Works Agreement (PWA):

1. The County will approve the design and supervise construction of new facilities or extensions or additions to existing facilities that are permitted to be designed and constructed by the Property Owner.
2. After approval by the County of the final plans, and prior to the award of a contract for the construction of the facilities, the Property Owner and the County will enter into a PWA, guaranteeing that all applicable costs will be borne by the Property Owner.

The PWA will include a guarantee covering the actual construction of the improvements.

3. The County will establish a system budget and set service charges prior to the occupancy of the first structures in the development.
4. The Property Owner must construct all water and sewerage facilities in accordance with the approved final plans, specifications, and the Frederick County Code. The Division may, at the request of the Property Owner, advertise and award contracts for construction of the proposed facilities in accordance with approved final plans, specifications, and the Frederick County Code.

The inspection of all construction shall be performed by a representative of the County.

B. When using a Public Improvements Agreement (PIA):

1. The County will approve the design and supervise construction of new facilities or extensions or additions to existing facilities.

2. The Property Owner and the County shall enter into a PIA, which shall specify that the Property Owner is responsible for management of the construction of the improvements, and that the Property Owner shall ensure that all water and sewerage facilities are constructed in accordance with the approved final plans, specifications, and the Frederick County Code.
3. The PIA shall also require that the Property Owners shall designate a third party inspection firm to contract with the County, at the Property Owner's sole expense, to inspect, witness and verify that the improvements are constructed in accordance with all local, state and federal requirements, including permit requirements, all County specifications, and those specifications set forth in the Plans.
4. The Property Owner shall provide the County with a detailed unit price estimate of the anticipated costs (including inspection costs), which, upon approval by the County, will be used to determine the value of required security (which may be in the form of surety or performance bond(s), letter(s) of credit approved by the County Attorney, and/or escrow funds) which the Property Owner shall post for the project.
5. The County shall have the right to inspect any material or equipment at any stage of development or fabrication, and shall be allowed access to the project site at all times for inspection or observation. The Property Owner shall notify the County in writing, 24 hours prior to the event, so that the County may observe and witness certain tests as described in the PIA.
6. The Developer shall warrant all improvements for materials, equipment and workmanship, where applicable, for a period of one (1) year, as detailed in the PIA.

C. The following apply to both PWAs and PIAs:

1. Facilities shall be designed by a Maryland Registered Professional Engineer of the Property Owner's choosing and approved by the County.

2. The Property Owner shall submit preliminary documents, including but not limited to plans, specifications, and design calculations to the County for review and approval.
3. The County will review the preliminary documents and notify the Property Owner in writing of its evaluation of the proposed project within forty-five (45) days of receipt. If the County fails to notify the Property Owner within forty-five (45) days, then the preliminary documents are not approved.
4. The Property Owner shall submit to the County completed final plans and specifications that conform to the County's regulations for County approval.

D. On-site construction cost recovery policy for funds advanced by the Property Owner: Funds advanced or paid by the Property Owner for construction of lines and/or facilities required to serve the Property will not be eligible for recovery.

E. Off-site construction cost recovery policy for funds advanced by the Property Owner:

1. Funds advanced or paid by the Property Owner for construction of lines or facilities required to serve the Property will not be eligible for recovery.
2. If a Property Owner pays the costs of the design and construction of a system, improvement, facility, or line extension which:
  - a) was contained in the current approved County Capital Improvement Plan (CIP); and
  - b) was designated for Division funding, not developer funding, in the approved Division CIP; and
  - c) was previously included in the computation of Capacity Fees adopted by the County Executive and collected by the Division; and
  - d) the Division completes a fiscal analysis which demonstrates a financial benefit from the facilities to the County Water and Sewer Enterprise fund, taking into account:

(1) the cost to the Division to operate and maintain the infrastructure sooner than planned; and

(2) the consumption of capacity by the Property Owner's proposed use and the fiscal impact that may result due to the need to accelerate other CIP project(s) to provide additional capacity;

then upon verification by the County Finance Division of the fiscal benefit to the Water and Sewer Enterprise Fund, the Division Director may recommend to the County Executive what, if any, appropriate credit against the water or wastewater Capacity Fees to be paid by the Property Owner may be included in a proposed Public Works Agreement (or similar agreement) between the Property Owner and the County. The total of the credits allowed cannot be greater than the amounts approved in the Agreement or exceed the amount of funds advanced by the Property Owner. The Property Owner is not guaranteed full reimbursement of costs.

**SECTION 5. BENEFIT ASSESSMENTS FOR PUBLIC WATER AND SEWER FOR SUBDIVISION LOTS WITHOUT GUARANTEES – See Section 13, subsection E.**

**SECTION 6. FAILING WATER OR SEPTIC SYSTEM**

A. In the instance where there is a Property with a failing water or septic system as verified by the Frederick County Health Department, a line may be extended to service the Property under the following conditions:

1. The construction cost of the first 100 feet or 50% of the construction cost of the public portion of the line, whichever is least, will be borne by the Capacity Fee fund of the system.
2. The above method of allocating construction costs for extending a line does not apply to the construction of pumping stations or to facilities other than lines.

B. Existing structures that experience well and/or septic system failure, or existing structures served by private water, sewer, well or septic systems that are required to connect to County-owned water and wastewater infrastructure, may be eligible for an extended payment plan that will allow the Property Owner to pay the water and/or wastewater Capacity Fees over a ten (10) year period of time at the interest rate set by the County Executive. The provision of the ten (10) year payment plan option is limited to existing structures only, will require the approval by the County Executive, and be payable in full upon the transfer of the Property.

## **SECTION 7. CONSTRUCTION INSPECTION AND OVERHEAD FEES**

A. When using a Public Works Agreement (PWA), a Property Owner pursuing construction of water or wastewater lines or facilities must pay actual construction inspection fees and charges. The initial construction inspection and overhead fee deposit must be provided by the Property Owner in advance of the award of the construction contract and will be estimated based on a per diem amount times the project duration in days. The final construction inspection and overhead fee and charges will be determined based on actual expenses charged to the project and reconciled at the conclusion of the construction. If the final construction inspection and overhead expenditures exceed the initial inspection and overhead fee deposit, the Property Owner must provide the County with the additional funds required prior to approval and acceptance of the facility(ies). If the final construction inspection and overhead expenditures are less than the initial construction inspection and overhead fee deposit, the County will refund the excess amount to the Property Owner. The construction inspection and overhead fee is to cover expenses for inspection of construction, administrative, legal, and consultant services directly related to accomplishing the construction of the lines or facilities. It is the intent of this Section that the fees described herein are to be applied to all construction contracts whether the

contracts are entered into by the Property Owner or by the County on behalf of the Property Owner requesting service.

B. When using a Public Improvements Agreement (PIA), the Property Owner shall pay to the County, in advance, a design review fee for review of the design plans for the improvements in accordance with the appropriate fee schedule. The Property Owner shall also pay to the County a fixed fee to cover the County's costs for review and oversight of the construction of the improvements as provided in the PIA, including but not limited to, review of contractor's and inspector's reports, and observation of the tests further described in the PIA. In addition, the Property Owner shall pay to the County the cost of the approved scope of services under the contract between the inspection firm and the County, plus 15% for contingencies. Notwithstanding the above, the Property Owner shall be responsible for all costs involved with inspection of the improvements.

## **SECTION 8. INSPECTION OF CONNECTIONS TO THE SYSTEM**

A. If the Property is to be connected to a County-owned water and/or wastewater system, the Property Owner must execute a Service Agreement with the Division and pay the appropriate Capacity Fee calculated by the County. If the Property is to be connected to a County-owned water and/or wastewater system that is within the municipal boundary of Frederick City, then the Property Owner must also pay the Division for inspection of the connection.

B. The County Plumbing Code provisions shall apply to water and wastewater line construction from the property line to the structure.

C. Type of Inspection: If, at the discretion of the County, it is determined that full-time on-site water and/or wastewater construction inspection is needed for privately owned water infrastructure or if the Property that is to be connected lies within a municipality where the County has agreed to perform inspections, an Inspection Agreement shall be prepared and executed. The Inspection Agreement

shall be accompanied by a contractor's proposal/time schedule and the construction inspection and overhead fee deposit (estimated based on a per diem amount times the duration of construction, pursuant to Section 7). The final adjustment of the construction inspection and overhead fee shall be determined based on actual expenses charged to the project and reconciled as specified in Section 7.

## **SECTION 8A.      CROSS-CONNECTION CONTROL**

### **A. PURPOSE**

1. To protect the potable public water supply produced and distributed by the Division from the possibility of contamination, fouling, or pollution by isolating, within the Property Owner's internal water distribution system, contaminants or pollutants which could backflow or back-siphon into the public water system.
2. To prevent, eliminate, eradicate and/or control existing cross-connections, actual or potential, between the Property Owner's in-plant potable water system, and any in-plant non-public or non-potable systems.
3. To provide for the maintenance of a continuing program of cross-connection control which will effectively prevent the contamination, fouling, or pollution of all potable water systems by cross-connections.

### **B. BASIC PRINCIPLES**

1. This Section pertains to containment devices or assemblies notwithstanding the installation of fixture isolation devices. Containment devices must provide protection against the highest potential hazard on the Property.
2. No connection to County water shall be allowed unless the connection includes approved methods to prevent backflow or back-siphonage.

3. The Property Owner is responsible for all costs associated with the installation, testing, retesting, maintenance and replacement of backflow prevention devices or assemblies, as well as any permitting and disconnection/reconnection fees.
4. Backflow prevention assembly testers and plumbers must meet all applicable State and local requirements for cross-connection backflow prevention certification.<sup>1</sup>

**C. RESPONSIBILITY**

The Division Director shall have the authority to take actions to protect the County's potable public water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the Division Director, an approved backflow device is required at the County's water service connection to any Property, the Division Director shall give notice in writing to the Property Owner to install an approved backflow prevention device at each service connection to the Property. The Property Owner must install the approved device, or devices, at the Property Owner's own expense. Failure or refusal, or inability on the part of the Property Owner to install the device or devices within a reasonable time, shall constitute grounds for termination of water service to the Property until the device or devices have been properly installed.

**D. ADMINISTRATION**

1. The Division will operate a cross-connection control program in cooperation with the Frederick County Division of Planning and Permitting, to include the keeping of necessary records, to satisfy the requirements of the MDE Cross-Connection Regulations, as amended.

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<sup>1</sup> See COMAR Chapter 09.20.04.

2. The Property Owner must allow the property to be inspected by County employees for possible cross-connections and must follow the provisions of these Rules and Regulations if a cross-connection is permitted.
3. If the Division requires that the public water supply be (or was previously) protected by containment, the Property Owner shall be responsible for water quality beyond the outlet end of the containment device and should utilize fixture outlet protection for that purpose.

**E. REQUIREMENTS**

1. Division
  - a) On new installations, the Division may provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required, and may also perform inspections. A dual check valve will be required in any new construction. Additional backflow prevention devices may be required by the Division.
  - b) For an improved Property with existing public water supply prior to October 1, 2022, the Division will perform evaluations and inspections of plans and/or the Property and inform the Property Owner by letter of any required corrective action, the recommended method of achieving the correction, and the time allowed for the correction to be made. Ordinarily, ninety (90) days will be allowed; however, this time period may be shortened depending upon the degree of hazard involved and the history of the device(s) in question.
  - c) No cross-connection may remain unless it is protected by an approved backflow preventer for which a plumbing permit has been issued and which will be regularly tested to ensure satisfactory operation.
  - d) The Division shall inform the Property Owner by letter of any known failure to comply after the first re-inspection of an existing or replacement device. The Division will allow fifteen (15)

days after the notice date for the correction. In the event the Property Owner fails to comply with the required correction by the time of the second re-inspection, the Division will inform the Property Owner by letter that the water service to the Property Owner's Property will be terminated within a period not to exceed five (5) days from the date of the letter. If the Property Owner informs the Division of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Director but in no case will the total extensions granted by the Division Director exceed thirty (30) days.

- e) If the Division determines at any time that a serious threat to the public health exists, the water service to the Property will be terminated immediately.
- f) The Division will begin initial inspections of existing devices on the Property and surveys to determine the nature of existing or potential hazards after October 1, 2022. Initial focus will be on high hazard industries and commercial property.

2. Residential Dual Check Valves

- a) All new residential buildings (i.e., single family, duplex, townhouses) are required to have a residential dual check device installed immediately downstream of the water meter. Additional backflow protection will be necessary if the residential building includes an accessory high hazard use.
- b) The Property Owner must be aware of, and must notify all subsequent owners of the Property, that installation of a residential dual check valve results in a potentially closed plumbing system within the residence. If a dual check valve has been installed, provisions will have to be made by the Property Owner to provide for thermal expansion within this closed loop system. The installation of pressure relief valves or other thermal expansion devices will also be required.

3. Strainers (applies only to non-residential properties): All new retrofit installations of reduced pressure principle devices and double check valve backflow preventers shall include the installation of strainers located immediately upstream of the backflow prevention device. The installation of strainers will preclude the fouling of the backflow prevention devices due to both foreseen and unforeseen circumstances related to the public water supply system such as water main repairs, water main breaks, fires, periodic cleaning and flushing of mains, and similar events. These events may "stir up" debris within the water main that will cause fouling of backflow devices if they were installed without the benefit of strainers.

4. Property Owner

- a) The Property Owner is responsible for the elimination or protection of all cross-connections on the Property.
- b) When directed by the Division or other responsible County agency, the Property Owner must, at the Property Owner's expense, install, maintain, and test, or have tested, any and all backflow preventers on the Property that are connected to the public water system.
- c) The Property Owner must correct any malfunction of a backflow preventer on the Property, which is revealed by periodic testing, within 30 days of notice from the County.
- d) The Property Owner shall inform the Division of any proposed or modified cross-connections and of any existing cross-connections of which the Property Owner is aware but have not been found and inspected by the Division.
- e) The Property Owner shall not install a by-pass around any backflow preventer. Property Owners who cannot shut down operations for testing of backflow preventers must supply additional devices as necessary to allow testing to take place.

- f) The Property Owner shall install backflow preventers in the manner required by the Frederick County Plumbing Code, as amended, and by the Division of Planning and Permitting, and by the Division.
- g) The Property Owner shall install only backflow preventers of a type or types allowed in accordance with Table 608.1 of the International Plumbing Code, as amended, or as approved by the Division.
- h) The Property Owner shall be required to install a backflow preventer at a service entrance if a private water source (or auxiliary water source) is maintained, even if it is not cross-connected to the Division's public water system.
- i) In the event the Property Owner installs plumbing fixtures on the water service entrance of any backflow preventer, the plumbing fixtures must also have a backflow preventer installed.
- j) The Property Owner shall be responsible for the payment of all fees for permits, annual or semi-annual backflow preventer testing, and any re-testing required by these Regulations.
- k) The Property Owner shall be liable for damages, including but not limited to, sickness, death, or property damage, caused by the failure of any backflow preventer (whether un-protected, improperly protected, or out-of-date for service).

#### F. DEGREE OF HAZARD

The Division recognizes the potential threat to the public water system arising from cross-connections. All threats will be classified by degree of hazard and will require the installation of approved reduced pressure principle backflow prevention devices or double check valves.

##### 1. High Hazard

- a) If the high hazard poses an immediate threat to life or health, the Division has the right to immediately terminate the subject water supply until the hazard is removed, isolated, or contained via a reduced pressure principle backflow prevention assembly.
- b) If the Division Director determines that a Property Owner's private water system constitutes a high hazard, the Property Owner must install a backflow prevention assembly specified by the Division within the time period specified by the Division.
- c) If the Property Owner fails to take corrective measures in a timely manner or refuses to install the specified backflow prevention assembly, water service to the subject Property may be terminated.
- d) If the Division is unable to give notice to a Property Owner or the Property Owner's representative within five (5) business days after the determination that a high hazard exists, despite efforts to provide such notice, the Division will terminate water service to the private water system until the specified corrective measures are taken. All disconnection and reconnection fees will be the responsibility of the Property Owner.

## 2. High Hazard Facilities

- a) High hazard facilities must install an approved reduced pressure principle assembly as a minimum containment assembly. High hazard facilities include, but are not limited to:
  - a.1. Any building with five (5) or more stories above ground level;
  - a.2. Any private water system that contains water which has been or is being recirculated;
  - a.3. Any private water system with a booster pump;
  - a.4. Battery manufacturers;
  - a.5. Boiler and heat exchangers;
  - a.6. Booster pump facilities with chemical additive;
  - a.7. Canneries;
  - a.8. Carwashes;
  - a.9. Chemical plants or facilities that store a significant amount of chemicals;
  - a.10. Commercial laundries;

- a.11. Dairies;
- a.12. Dry Cleaners;
- a.13. Dye works;
- a.14. Exterminators;
- a.15. Fertilizer plants;
- a.16. Film laboratories;
- a.17. Fire sprinklers or standpipe systems with chemical additives;
- a.18. Food-processing and beverage-bottling facilities;
- a.19. Hospitals; medical centers; medical, dental, and veterinary clinics; and plasma centers;
- a.20. Hydropneumatic tanks;
- a.21. Laboratories;
- a.22. Landscape irrigation systems (including residential installations);
- a.23. Lawn care companies;
- a.24. Metal processing plants;
- a.25. Metal-plating facilities;
- a.26. Mortuary or funeral homes;
- a.27. Nursing homes;
- a.28. Pharmaceutical plants;
- a.29. Piers and docks, graving docks, boat marinas, dry docks, and pump stations;
- a.30. Pools;
- a.31. Power plants;
- a.32. Premises where access is restricted;
- a.33. Premises with an auxiliary water supply, including reclaimed water;
- a.34. Premises with fire sprinkler systems and private fire hydrants;
- a.35. Radioactive material processing plants or nuclear reactors;
- a.36. Recycling facilities;
- a.37. Sewage treatment plants, sewage pump stations, or waste dump stations;
- a.38. Tire manufacturers;
- a.39. Veterinary hospitals or clinics;
- a.40. Warehouses or storage facilities.

b) If the Division does not have sufficient access to every portion of a private water system to permit the complete evaluation of the degree of hazard associated with the private water system, an approved reduced pressure principle assembly must be installed.

3. Low Hazard Facilities – Low hazard facilities include but are not limited to:

- a) Fire sprinkler systems without chemicals.
- b) Commercial facilities not identified as high hazard facilities.

- c) Residential (single family, duplex, townhouse), without an accessory high hazard use.

#### **G. EXISTING (CURRENTLY IN USE) BACKFLOW PREVENTION DEVICES**

Any existing backflow preventer that is currently in use shall be allowed by the Division to continue in service unless the degree of hazard supersedes the effectiveness of the existing backflow preventer or could result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure principle device, or a reduced pressure principle device must be installed if no backflow preventer is present.

#### **H. PERIODIC TESTING**

1. Reduced pressure principle backflow, or other testable backflow devices and other backflow preventers must be tested and inspected annually and rebuilt or replaced every five (5) years.
2. Periodic testing of backflow preventers shall be performed by a State-certified tester. This testing will be done at the Property Owner's expense.
3. Any backflow preventer which fails during a periodic test must be repaired or replaced. Upon completion of a repair, the device will be re-tested at the Property Owner's expense to ensure correct operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than thirty (30) days after the test date will be established. The Property Owner is responsible for spare parts, repair tools, or and any required replacement device. Parallel installation of two (2) devices is an effective means for the Property Owner to ensure uninterrupted water service during testing or repair of devices and is strongly recommended when the Property Owner desires this continuity.

4. Backflow prevention devices will be tested more frequently than specified in subsection H.1. above, in cases where there is a history of test failures and the Division Director determines that, due to the degree of hazard involved, additional testing is warranted. All costs of the additional tests will be borne by the Property Owner.

**I. RECORDS AND REPORTS**

1. Records - The Division will initiate and maintain the following:
  - a) Master files on customer cross-connection tests and/or inspections.
  - b) Master files on cross-connection permits.
  - c) Copies of permits and permit applications.
  - d) Copies of the lists and summaries supplied to MDE.

2. Reports – The Division will submit reports to MDE upon request.

**J. FEES AND CHARGES**

The County will publish a list on the County website of fees or charges for the following services or permits

1. Permit fees
2. Inspection fees
3. Fees for re-inspection

**SECTION 9. CONNECTION TO THE WATER OR SEWER SYSTEM**

- A. All Properties within the designated service area of a water or wastewater system shall connect to the system and pay such costs as required by Chapter 2-13 of the County Code and these Regulations, except parcels upon which a residential structure sits more than 200 feet from the system transmission or distribution line.

- B. The above exemption is to be applied only to residential structures issued a building permit before the Property was placed in an area classified as S-4, 3, 2 or 1; or W-4, 3, 2 or 1.
- C. When any water or wastewater system or part thereof is declared by the County to be complete and ready for the delivery of water or the reception of sewage, every abutting property owner, after due notice by Certified Mail, shall make a connection of all spigots, hydrants, toilets, and waste drains within 120 calendar days from the date said system is declared ready for service.
- D. When a lot is created within the service area after a system is declared ready for service, the Property Owner shall be responsible for paying all costs of connection to the system, including the cost of bringing the service to the Property line.
- E. When a Property has wastewater service, the Property Owner may not connect sump pumps, roof leaders, roof drains or area drains, or any other device that diverts storm or ground water into the sewage system. If such connections to the wastewater system are found, the Property Owner will be notified to remove the connections. If the connections are not removed in accordance with the notice, they will be disconnected.

## **SECTION 10. ALLOCATION OF CAPACITY**

- A. General Policies - The Division's general policy is to allocate the water and wastewater capacity on a "first-come, first served" basis. In addition, the Division Director shall reserve fifteen percent (15%) of the capacity of each water and wastewater system for public buildings and health hazard areas.
- B. Allocation of Capacity (in the event of scarcity) - It is necessary to have a procedure where sewer or water connections, because of their scarcity within a system, must be allocated in a manner that provides for an equitable distribution based upon the County's growth and fiscal management policies.

1. If a Property is subdivided for single family attached or detached residences within a water and/or wastewater service district, each lot created will be allocated water and/or wastewater capacity subject to requirements in this subsection B. If a Property is subdivided for multi-family, commercial, or industrial use, each lot created will be allocated water and/or wastewater capacity equal to two (2) EDUs and subject to the conditions stated in this subsection B. The Capacity Fees must be purchased, guaranteed by money in escrow, or guaranteed by a Letter of Credit, prior to the recording of the subdivision plat. If not purchased prior to recordation, then the lot owner must pay the Capacity Fees within thirty (30) days of the recording of the plat.
2. All allocations of capacity are to be assigned to the Property and remain with the Property unless they are placed back into the allocation pool.
  - a) Allocated capacity shall be used within two (2) years unless a Multi-Year Tap Agreement is in effect, in which case the terms of that Agreement apply. Capacity for Commercial/Industrial or Institutional uses that has not been used within the above stated two (2) year period may be rescinded by the County Executive. The Division will notify the County Executive of any unused capacity after the two (2) year time period and the Division's recommendation concerning the unused capacity.
  - b) The Property for which capacity has been allocated will be assessed the minimum water and/or wastewater charge beginning one (1) year after payment of the Capacity Fee if a physical connection to the water and/or sewage system has not been made.
  - c) Capacity rescinded or returned by the holder of record will be returned to the allocation pool.
3. Preference on allocations will be given to projects that have received allocations in previous years and can demonstrate that the connections are being used in a timely manner.

4. The County may enter into Multi-Year Tap Agreements to assure continuity of a project. All Multi-Year Tap Agreements must be approved by the County Executive. The County Executive may enter into a Multi-Year Tap Agreement with a Property Owner and request an irrevocable Letter of Credit for at least fifty percent (50%) of the cost of the capacity to be allocated. When the allocation of capacity is made as part of the expansion or establishment of a water or sewage treatment system, the County will require that the recipients of the allocation enter into a Public Works Agreement or a Public Improvements Agreement which may include a Multi-Year Tap Allocation Schedule. The Public Works Agreement must be secured by a Letter of Credit or cash deposited with the County to assure that the cost of the Property Owner's share of the capacity is guaranteed to the County. If using a Public Improvements Agreement, the allocation of capacity must be secured by a Letter of Credit or cash deposited with the County while a surety bond may be used to secure certain other costs associated with the PIA, with the exception of the inspection costs that are covered by the contract between the inspection firm and the County. The Public Works Agreement or Public Improvements Agreement and the financial guarantee(s) will be required after the design of the water and/or sewage facilities has been approved by the Department of Health and Mental Hygiene and prior to bidding the construction for the aforesaid facilities. No allocation of capacity is complete without the approved Public Works Agreement or Public Improvements Agreement and financial guarantee(s), and no Capacity Fees will be collected, or capacity permits issued without the aforesaid agreements being approved by the County Executive.
5. The Property Owner has thirty (30) days from the time of official written notification of the allocation of capacity for the Property to purchase the capacity allocated for the first calendar year. Failure to purchase this capacity within the allotted time may void the Agreement or the

County may choose to draw on any financial guarantees that have been established between the Property Owner and the County.

6. Allocations will only be made for Properties that have met all of the following requirements:
  - a) Zoning of the Property has been completed.
  - b) The Property has a sewer classification of S-4, S-3, S-2, or S-1, and/or a water classification of W-4, W-3, W-2, or W-1.
  - c) Where necessary, the Property Owner must have received a commitment for water or sewer service from the proper utility.
  - d) Residential property: The property has an approved preliminary plan; or, if only a single lot, has an approved site plan, or recorded plat, whichever will best establish the number of equivalent units for allocating capacity.
  - e) Industrial/Commercial property: A commercial or industrial property will be allocated capacity on the basis of the use identified for the property. Any capacity above this number will be based upon the actual user's plans for construction.

C. Leased Capacity

1. The Division shall reserve a finite amount of water and sewer treatment capacity from its New Design water system and the Ballenger-McKinney wastewater system to facilitate the leasing of water and sewer treatment capacity from these systems. This reservation shall not exceed 500,000 gallons per day (average daily demand) from each system.
2. Subject to the availability of water and sewer system capacity from the systems described subsection 1 above, and the provisions in subsection I of Section 11 below, certain commercial Manufacturing Facilities may be eligible to lease water and sewer system capacity in lieu of purchasing the capacity and having it permanently allocated to the property. The terms of such

capacity leases shall be defined by the Division based on the guidelines for water and sewer capacity leases detailed in Appendix A.<sup>2</sup>

3. A review of the water and sewer infrastructure may be required prior to purchasing leased capacity to ensure conveyance adequacy, i.e., distribution, collection, pumping stations. Any conveyance infrastructure improvements necessary for adequacy must be designed, constructed, and operational before a building permit is issued.

## **SECTION 11. CAPACITY FEES**

A. The rates for connection to the systems (Capacity Fees) are shown on Appendix A and are subject to an annual increase based on the US Department of Labor, Bureau of Statistics Consumer Price Index: CPI-All Urban Consumers, Series ID CUUR0000SA0 (or equivalent), as published by the Bureau of Labor Statistics Washington DC, and shall take effect on July 1st of each fiscal year. Appendix A will be updated as needed to reflect the current Capacity Fees without the need for a formal amendment to this document.

B. Except as provided herein, Capacity Fees are due and payable prior to issuance of (1) a building permit for new construction, or (2) a plumbing permit for modifications to an existing structure, or (3) substantial completion for the system serving an existing dwelling or structure.

C. Commercial and Other Connections:

Initial computation of Capacity Fees will be based upon plumbing plans and riser diagrams using the fixture unit chart and the capacity adjustment factors, as shown in Appendix B. Only Customer/Business Types (non-residential) listed in Appendix B (Capacity Adjustment Factors) as Leadership in Energy and Environmental Design (“LEED”) will be eligible for Reduced Capacity Fees in

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<sup>2</sup> Potential lease of water and sewer capacity is limited to those Customer/Business types that are Manufacturing Facilities in Appendix B and have defined production-based water and sewer capacity requirements beyond the capacity associated with the building's plumbing fixture units.

accordance with the requirements outlined in Subsection G of this Section. These charges must be paid prior to the issuance of the building or plumbing permits. A field inspection will verify actual installation and the Capacity Fees will be adjusted if changes from the plans occurred. The Property Owner shall be responsible for payment of additional Capacity Fees when a site visit reveals fixtures installed in addition to those previously approved and paid for.

- D. Capacity Fees apply where a new system is constructed, or the extension of an existing system has been declared ready for service and adjoining property owners are required to connect.
- E. Where non-County funds have been made available to pay for all or part of the capital cost of the system and in accordance with Section 4.E (2), the County Executive may reduce but not eliminate the Capacity Fees.
- F. On any single parcel of land classified as commercial and having multiple buildings or multiple uses within one building, the first residential living unit will be billed for wastewater charges at the prevailing residential rate and any additional living units will be billed at the prevailing commercial rate.
- G. LEED Eligibility for Reduced Capacity Fees
  - 1. The LEED program is established by the U.S. Green Building Council (USGBC). LEED (version 3, established in 2009) consists of nine (9) categories of rating systems. The New Construction and Major Renovations (NC) rating category is focused on prerequisites and credits within seven (7) topics. The only topic relevant to LEED eligibility for reduced Capacity Fees is Water Efficiency (WE); specifically, WE Prerequisite 1: Water Use Reduction and WE Credit 3: Additional Water Use Reduction, only.
  - 2. Only Property Owners, buildings, and/or Properties that meet all of the following criteria are considered eligible for the LEED-based reduced Capacity Fees under this subsection G:

- a) The Property for which the Property Owner is seeking reduced Capacity Fees due to LEED certification must be eligible for service from the County's water and wastewater systems. County wastewater-only properties, or those obtaining public water from a municipality or other source (e.g., City of Frederick), are not eligible.
- b) The building permit for the building must have been or be issued after May 1, 2011.
- c) The Commercial/Business type must be listed in Appendix B.
- d) The LEED certification must apply to the entire building and the entire building must be owned by a single person or entity. No partial renovations of a building shall be considered eligible for reduced Capacity Fees under this section. Only new construction or a complete renovation or redevelopment of an entire building shall be eligible under this section. Multiple buildings on one parcel or lot are not individually eligible, unless all buildings are collectively constructed or renovated in their entirety.
- e) Prior to issuance of a building permit, the Property Owner must: (1) sign a Notice of Intent to Obtain LEED Certification, indicating the Property Owner's intent to build a LEED certified building and seek reduced Capacity Fees; and (2) pay the Capacity Fees required in Appendix B in full.
- f) Within thirty-six (36) months following issuance of a use and occupancy permit for the building(s), the Property Owner must obtain, and provide evidence to the Division of, LEED certification for the building from the USGBC that includes points earned for WE Prerequisite 1: Water Use Reduction for a 20% capacity reduction, and WE Credit 3: Water Use Reduction for a capacity reduction of at least 30% ("LEED Certification for Water Efficiency").
- g) Within 30 days after obtaining LEED certification as described above, the Property Owner must execute a LEED Reduced Capacity Fee Agreement with the County.

3. Within 30 days after receipt of confirmation that the building has obtained LEED certification for Water Efficiency and an executed LEED Reduced Capacity Fee Agreement, the County Executive will execute the LEED Reduced Capacity Fee Agreement and reimburse the Property Owner in an amount equal to the difference between the Capacity Fees paid by the Property Owner and the reduced Capacity Fees that apply to LEED certified buildings, using the LEED Certified Capacity Adjustment Factors shown in Appendix B, based on the initial certification (the "LEED Reimbursement").
4. The Property Owner shall maintain the LEED certification for Water Efficiency for the life of the building. The Property Owner shall provide proof of continuing LEED Water Efficiency certification by having LEED audits (focused on Water Efficiency) performed for the building every three (3) years.
5. If any LEED audit shows that the building is no longer LEED-certified for Water Efficiency at the same level as the initial certification, or if the Property Owner fails to provide any required LEED audit to the Division, then the Property Owner shall no longer be eligible for reduced Capacity Fees and shall be obligated to repay the LEED Reimbursement to the County. The Division will send to the Property Owner written notice of the obligation to repay to the County the LEED Reimbursement. If the Property Owner fails to repay the LEED Reimbursement in full to the County within 30 days of the date of the written notice, then the amounts due will be added to the water bill for the Property. Failure to pay the additional Capacity Fees thereafter could result in the termination of water service to the building and/or sale of the Property at a County tax sale.
6. The addition of fixtures within a building that has qualified for reduced Capacity Fees due to LEED certification shall be handled in accordance with Subsection B of this Section. An addendum to the LEED Reduced Capacity Fee Agreement shall be required.

H. Water and Sewer Capacity Fee Payment Plan Fund (PPF)

1. The Water and Sewer Capacity Fee Payment Plan Fund (PPF) may be used to provide loans to certain commercial water and/or wastewater customers (Property Owners) which meet certain criteria, to purchase water and/or wastewater Capacity Fees for new construction or expansion of existing facilities. The PPF Loan allows the Property Owner to spread out the payment of Capacity Fees over time under terms and conditions approved by the County Executive.
2. A PPF Loan must be secured by a lien on the Property to which the capacity is allocated in accordance with §2-13-24 of the Public Local Laws of Frederick County. The Property may be sold at the County's annual tax sale in order to collect the debt in the case of default or breach of the PPF Loan agreement. Non-payment of any installment may also result in the curtailment or termination of water and/or wastewater service to the Property and other applicable fees and/or fines, including but not limited to late fees in accordance with §2-13-24 of the Public Local Laws of Frederick County.
3. Only Frederick County Capacity Fees are eligible for a PPF Loan. The cost of any other charges related to development of the Property will not be eligible to be included in the PPF Loan. In addition, PPF Loans shall not include the cost of the first ten (10) Fixture Units, which must be paid in full prior to approval of a PPF Loan and prior to issuance of a building permit.
4. Except as provided in subsection 8 below, PPF Loans are available only for businesses that require capacity less than or equal to fifty (50) water and sewer EDUs. PPF Loans are available only for non-governmental privately-owned commercial properties that are used for goods-producing or service industries. Property that is used for housing, such as single family homes, townhouses, multi-family homes, apartments, residential condominiums, live-work units, or other mixed use residential/commercial buildings, are not eligible.

5. A Property Owner may only have one outstanding PPF Loan. Additional capacity may be purchased for a Property with an outstanding PPF Loan, as long as the total required capacity does not exceed fifty (50) EDUs. The term of a PPF Loan cannot be extended, nor can a PPF Loan be refinanced. PPF Loans are not transferable and the full amount of the PPF Loan, including interest, must be paid in full prior to the transfer of any portion of the Property securing the PPF Loan.
6. All PPF Loans will require payment of an administrative fee, the amount of which will be based on the term of the PPF Loan and included in the repayment schedule.
7. The PPF Loan program will continue to accept participants as long as there are funds available in the PPF. Once the maximum amount of the PPF has been loaned out, no additional loans will be available until the PPF has been replenished through the repayment of principal from the PPF Loans in place.
8. The Division Director, at the direction of the County Executive, may authorize PPF Loans for businesses that require more than 50 EDUs, but not more than 100 EDUs, if in the judgment of the County Executive, the authorization of the PPF Loan provides an economic development benefit within Frederick County.

I. Water and Sewer System Capacity Leases

1. Under certain circumstances a Property Owner or a tenant that owns or operates a Manufacturing Facility that has defined production-based water and sewer capacity requirements, may request permission to lease specific amounts of water and sewer capacity for the Manufacturing Facility's production operations, subject to the following conditions:
  - a) The Property or business must be served by a County water and/or sewer system for which system capacity is reserved for lease of production-based capacity, and production-based capacity must be available for lease.

- b) The Manufacturing Facility must be able to identify specific amounts of water and sewer capacity that are directly associated with the manufacturing and production of the business's finished products.
- c) The Property Owner or tenant must purchase or have purchased the required water and sewer capacity for plumbing fixture units within the building(s).
- d) The lease of production-based water and sewer capacity cannot be combined with other fee payment options such as the Payment Plan Fund (PPF), which may already be in place.
- e) The maximum term of the production-based capacity lease shall not exceed 20 years.

## **SECTION 12. SERVICE CHARGES**

A. Charges for water and wastewater service provided by the Division are based on the consolidated operating and capital improvement costs of the County's entire water and sewer infrastructure. This provides a level uniform cost for service to all users of the County's water and/or wastewater systems regardless of the Property's location, source of water supply, or wastewater disposal infrastructure. The consolidated water and wastewater service rates are based on the cost to provide services and are approved and adopted by the County Executive.

### **1. Ready to Serve Charges**

Water and wastewater service charges include a minimum or Ready to Serve Charge that is assessed on a quarterly basis. For improved lots, this charge is based on the meter size installed on the Property Owner's water service, or in the case of sewer only service, the customer's equivalent meter unit value. Also called an availability fee, the Ready to Serve charge is a base fee, set to recover a portion of the fixed costs associated with the operation of the water and/or sewerage system. The Ready to Serve Charge is categorized per equivalent meter unit as shown in Appendix C. Ready to Serve Charges are also levied on unimproved lots for the benefit derived

from the availability of water or sewer infrastructure. Each lot or parcel which has a water or sewer classification of W-4, W-3 or S-4, S-3 or lower shall be assessed a Ready to Serve Charge for each service that is available to the lot. Unimproved lot Ready to Serve Charges will begin billing on the date the system serving the lots is deemed operational by the Division.

2. Usage Charges

In addition to the Ready to Serve Charge, Property Owners also pay a usage charge for the quantity of water or sewage disposal service provided to them. The County's consolidated water and sewer usage charges are based on an inclined block structure, which is intended to promote water conservation. The inclined structure provides increasing cost per unit volume based on quarterly water use within defined rate blocks.

3. Water and Sewer Production-Based Capacity Lease Payments

In addition to Ready to Serve and Usage charges, properties that are a Manufacturing Facility, which have been approved to lease production-based water and sewer capacity, shall be billed the lease payments quarterly, with the lease payment itemized separately from the other charges.

Billing for capacity leases shall begin with the first quarterly billing following the execution of the lease.

4. Miscellaneous Fees for Special Services

The Division shall charge a separate fee for special services requested by Property Owners or others. These fees shall be assessed to offset any additional administrative or field staff costs to provide such services. Fees for these special services are as adopted by the County Executive.

B. Service Charge – Billing

1. The assessment of Ready to Serve Charges begins immediately on the day the water or sewer system available to a Property is accepted by the Division for operation and maintenance.

2. Usage charges

- a) For new construction, the billing of usage charges will begin on the date of the meter drop-in, or for sewer only service on the date of transfer to the Property Owner.
- b) Where a connection to an occupied or previously occupied structure is made, usage charges will begin on the meter drop-in date, or for sewer only service on the date of approved connection.
- c) Estimated water and sewer billings: When a broken water meter prevents the actual determination of consumption, the Division may base bills on the Property's historical average consumption. If no historical water consumption exists for a particular Property, then the Division may base the water consumption on the average consumption of the particular customer class. When circumstances beyond the control of the Division prevent the acquisition of a meter reading from a functioning meter, the Division shall estimate the bill based on historical water consumption data as detailed above but shall reconcile any error in the estimate with the next valid meter reading.

C. Billing Frequency, Service Charges, and Other Charges

1. Billing for water and sewer service is provided on a quarterly basis. Bills will include the sum of the Ready to Serve Charge(s), the water and sewer usage charges, and State mandated charges and fees. Charges such as late fees, special assessments, production-based capacity leases, and other fees determined appropriate by the County Executive may also be included in the recurring water and sewer service charge billing. Bills are due and payable upon issuance and shall accrue interest charges beginning on the 31st day after issuance. A Late Payment Penalty may be added to the bill if not paid within 60 days from the day of issuance.

2. For those properties that are or have been incorrectly billed, the Division reserves the right to issue corrective bills for up to three (3) fiscal years after the date of the first incorrect bill. This would include the current fiscal year, as well as the two previous fiscal years. This policy is in accordance with the State of Maryland's standard statute of limitations (MD Code, Courts and Judicial Proceedings Article, §5-101), which is three (3) years.

D. Meter Reading:

1. Automated electronic water meter reading shall be utilized by the County for residential and non-residential customers, when possible.

2. Implementation:

a) New residential developments: All residential developments utilizing public water shall install appropriately sized electronic automatic read meters for each dwelling unit as identified by the Division's specifications.

b) Existing Residential Developments: The Division will pursue the replacement of existing residential meters with the electronic automatic read meters at the Division's expense.

E. Discontinuation of Service

Service to the Property may be discontinued for reasons including, but not limited to (1) non-payment of charges; (2) failure to provide clear and unimpeded access to the meter for the purposes of reading, maintaining, repairing or replacing the meter; (3) failure to comply with water conservation orders/notices; (4) failure to pay production-based capacity lease payments or failure to curtail usage upon the expiration of a production-based capacity lease; and/or (5) any other violation of these Rules and Regulations or the Public Local Laws of Frederick County. If there is a discontinuation of service, additional penalties or fees may be added to the account.

## **SECTION 13. BENEFIT ASSESSMENT**

- A. An annual or quarterly benefit assessment charge may be established by the County Executive for each water and wastewater service area.
- B. The benefit assessment charge will be applied to every lot of record within the service area on an equal basis, within its classification or sub-class, regardless of the lot frontage or land area.
- C. When it is determined that a water and/or wastewater system is declared ready for service, every lot of record in the service area, whether improved or unimproved, which can be served will pay a benefit charge commencing on the date the water and/or wastewater system are declared ready, with the exception of properties classified as Agricultural. Agricultural properties will not be assessed until the water and/or wastewater connection is made.
- D. All lots of record in the Residential, Industrial or Business (Commercial) classification will be assessed even though a line may not extend along the full length of any property boundary.
- E. Benefit Assessments for Subdivision Lots Without Guarantees - This subsection E. applies only to lots in recorded subdivisions that do not have a guarantee in place to provide for public water and sewer facilities, which lots cannot be fully developed without public water and sewer.
  1. With the approval of the Division Director, whenever the owner of one or more lots wishes to extend the public water and/or wastewater line to the owner's lot or lots, the owner shall pay all of the initial costs for the extension of the County-owned water and/or wastewater lines to service the lot or lots. However, the owner of each lot that can be directly serviced due to the extension of the main water and wastewater lines shall be assessed a proportionate amount to help pay for the needed extensions of those lines.
  2. Upon approval and under the direction of the Division, the procedure for these lots will be as follows:

- a) Main water and wastewater lines and house laterals will be installed and initially paid for by the owner of the lot or lots as part of the cost of construction.
- b) Upon conditional acceptance of the lines by the Division, the total cost of the project will be finalized. Eligible costs will include construction of water and wastewater lines and laterals, surveying, engineering design, Letter of Credit, and inspections. The owner of the lot or lots must provide adequate proof of expenses for inclusion in the calculation.
- c) A per lot assessment will then be calculated based on the number of lots eligible to be directly served due to the extensions to the owner's lot or lots.
- d) Notice will then be sent to the last known address of all affected lot owners, notifying them of a public hearing to attempt to legally establish the benefit assessment for each lot.
- e) After the benefit assessment is set, another notice will be sent to each affected lot owner giving them two options:
  - (1) To pay the entire assessment without interest within thirty (30) days of this notice; or
  - (2) To pay the assessment through annual or quarterly equal payments with interest. The entire remaining amount may be paid off any time sooner with interest only to date of final payoff. The assessment payment period and frequency may be determined at the sole discretion of the County Executive. Delinquent interest would be computed on all unpaid bills after thirty (30) days. These annual assessments shall be a first lien on the Property against which they are assessed subject only to prior State and County taxes.
- (3) Oversizing of water and/or wastewater lines, as determined by the Division, shall be considered as a public service and may be funded from the Water and Sewer Enterprise fund.

(4) The original owner of the lot or lots, who paid the initial costs for the extensions of the water and/or wastewater lines to the property as provided above, will be reimbursed proportionately as the Division collects these benefit assessments over the above-mentioned period. However, the County shall not be responsible to the original owner of the lot or lots for any of these reimbursements or interest thereon, other than relaying the payments that the County receives to the original owner as provided above.

#### **SECTION 14. APPEALS**

- A. Written appeals to the application or interpretation of these Regulations will be made to the Division Director within thirty (30) days of the date of notice.
- B. Written appeals from the decision of the Division Director will be made to the County's Chief Administrative Officer within thirty (30) days of the date of notice.

#### **SECTION 15. MISCELLANEOUS PROVISIONS**

- A. No person, organization or agency may withdraw water from a system without the written permission of the Division.
- B. Anyone desiring to use water from a County system must contact the Division for permission. A charge will be made for said withdrawal based upon the amount used.
- C. No person shall cut, break, pierce, tap or connect to any water or sewer line or appurtenance thereof without prior written permission from the Division.
- D. Any person who violates these Rules and Regulations shall be liable for damages, including but not limited to, sickness, death, or property damage, caused by such violation.
- E. Maintenance of Access to Water Metering Equipment

The Division shall have ready and unencumbered access to its water metering equipment and other County infrastructure located on the Property. The Property Owners or others using the Property

may not remove the lid, tamper with, cover, displace, relocate, enter, or otherwise obstruct the Division's metering facilities. The Division shall have the right to remove, trim, excavate, or take any other steps as may be needed to gain access to metering facilities and other County infrastructure within public rights of way and on the Property served by the Division. Costs associated with such steps may be billed to the Property Owner or the person(s) obstructing access.

F. The Division strives to continuously provide to its customers all water and wastewater services, which meet State and Federal standards while minimizing interruptions in water and wastewater services. However, the Division is not able to guarantee that all customers' water supply will be uninterrupted or continuously provide a flow at a defined per unit rate or at a specific pressure at all times. The Division is not able to guarantee proper functioning of water using appliances, devices, heating and cooling systems, private fire suppression systems, e.g., sprinkler systems, or other equipment and appurtenances, and shall not be responsible for damages arising from or relating to water supply issues, including but not limited to customer's failure to pay water/sewer bills.

## **SECTION 16. SERVICE TERMS AND CONDITIONS**

By connecting to and using the public water and/or wastewater system, the Property Owner acknowledges and agrees to comply with these Rules and Regulations, including but not limited to the following Terms and Conditions:

1. All water supply and wastewater services installed up to the cleanout and exterior meter vault locations shall remain the property of the County. Access to the cleanout/meter vault is granted to the County for the duration of the provision of water/wastewater service to the Property. Opening of or entering the meter vault is strictly prohibited by anyone other than personnel authorized by the Division. Violators may be subject to fines and/or criminal prosecution.

2. Water/wastewater services provided under the Water/Sewer Service Application ("Service Application") are restricted to the particular building that is indicated on the Service Application and may not be extended to any other building or property. The Division shall determine the location for the service connection to the Property.
3. Only sanitary sewage waste may be discharged into the County's wastewater system. Cellar or basement drains, sump pumps, roof leaders, foundation drains, or any other non-wastewater drainage facilities shall not be discharged into the wastewater system. Property Owner shall also be responsible, at the Property Owner's cost, to properly maintain their private sewage service lines to prevent infiltration of storm and groundwater into the County's sewage collection system.
4. After the initial installation the Property Owner shall be responsible, at the Property Owner's cost, to subsequently raise or lower the meter setting/housing or top of sewer cleanout, due to a change in the grade or the failure to properly establish the finished grade. For properties within the City of Frederick that are served by County sewer, twenty-four (24) hour notification is required to the Division so an inspection of the connection to the cleanout can be made prior to backfilling the excavation.
5. An approved building or plumbing permit must be obtained prior to the installation of any additional plumbing fixtures in compliance with Chapter 1-14 of the Frederick County Code. Any plumbing work performed on the Property without an approved building and/or plumbing permit may result in additional fees and/or fines. The Property Owner acknowledges that if the Customer/Business Type assigned to the Property (based on information provided by the owner) changes, or if the water consumption/wastewater discharge amount varies significantly from the Capacity Adjustment Factor associated with the Customer/Business Type assigned to the Property, additional service and/or Capacity Fees may be due to the County.

6. A completed Industrial Waste Survey is required for any commercial (non-residential) Property wishing to connect to the County's wastewater system. Related pre-treatment information may be required to be submitted in support of the Survey. A change in business activity or tenant or Property ownership will result in the need for an updated Survey to be completed and filed with the Division's Office of Regulatory Compliance.
7. Representatives of the Division shall have the right to enter a non-residential Property periodically during the life of the buildings(s) for the purpose of confirming the installed plumbing fixtures. Any fixtures that are found to be installed without having been properly paid for will be subject to Capacity Fee charges at the current rate.
8. The Property Owner's failure to comply with these Terms and Conditions or Rules and Regulations may result in fees and/or fines and/or termination of service to the Property.

## APPENDIX A

### Capacity Charges

ALL CHARGES SHOWN HEREIN ARE SUBJECT TO AN ANNUAL INCREASE (BASED ON THE U.S. DEPARTMENT OF LABOR, BUREAU OF STATISTICS CONSUMER PRICE INDEX: CPI-All Urban CONSUMERS, SERIES, SERIES ID CUUR0000SA0 (or equivalent), AS PUBLISHED BY THE BUREAU OF LABOR STATISTICS, WASHINGTON, DC.), AND SHALL TAKE EFFECT ON JULY 1<sup>ST</sup> OF EACH YEAR.

THE CPI SHALL BE CALCULATED ON THE BASIS OF THE DIFFERENCE BETWEEN THE LATEST REPORTED MONTHLY INDEX NUMBER PRIOR TO THE THEN ADOPTED PERIOD AND THE INDEX NUMBER FOR THE SAME MONTH IN THE PRIOR YEAR. THE ADJUSTMENT FACTOR EXPRESSED, AS A PERCENT CHANGE INCREASE, WILL BE USED TO RECALCULATE THE CAPACITY CHARGE ANNUALLY.

This Appendix A will be updated annually, or as necessary, without the need for a formal amendment to these Rules and Regulations.

#### SEWER CAPACITY FEES

##### Residential Connection

\$9,447.00 per dwelling unit

##### Commercial, Industrial, Institutional Connection, Governmental, Educational

\$944.70 per fixture unit based on the Fixture Unit Chart and the Capacity Adjustment Factor Chart

#### WATER CAPACITY FEES

##### Residential Connection

\$6,768.00 per dwelling unit plus the meter and drop-in costs

##### Commercial, Industrial, Institutional Connection, Governmental, Educational

\$676.80 per fixture unit based upon the Fixture Unit Chart and the Capacity Adjustment Factor Chart plus the meter and drop-in costs

**Effective July 1, 2025 through June 30, 2026**

#### PRODUCTION-BASED WATER AND SEWER CAPACITY LEASES FOR MANUFACTURING FACILITIES

Subject to the provisions in subsection I of Section 11, lease rates for production-based water and/or sewer system capacity shall be determined based on the type of lease and its duration. The Division shall have sole approval authority regarding the lease of capacity and shall have discretion as to the terms and conditions of the lease, which must be consistent with the following guidelines.

### 1. Capacity Lease/Purchase Option

The Division may offer production-based water and sewer capacity to a Manufacturing Facility under a capacity lease–purchase plan that allows the Manufacturing Facility (or Property Owner) to secure production-based capacity under a lease that includes the option to purchase the capacity during or at the end of the lease by paying all lease payments plus an amount equal to the interest that would have been charged for the capacity if it had been purchased under a Payment Plan.

### 2. Capacity Lease Only Option (No Purchase Option)

The Division may offer production-based water and sewer capacity to a Manufacturing Facility (or Property Owner) under an annual lease, the lease payments for which shall not be credited toward purchase of the capacity. This annual lease of production-based capacity shall be eligible for up to 20 annual renewals. At each annual renewal, the amount of leased production-based capacity could be increased or decreased to address changes in the needs of the Manufacturing Facility or the Property. At any time during or at the end of any lease term, the Manufacturing Facility or the Property Owner may purchase all or a portion of the capacity at prevailing rates, but none of the lease payments shall be credited to the capacity fee (purchase) payment date. Once the lease expires, the Manufacturing Facility or Property Owner shall no longer be allowed to use the production-based capacity and must reduce water and sewer usage to stay within the Manufacturing Facility's or Property Owner's allocated capacity.

All leases shall meet the following general guidelines:

- a. The initial term of lease with purchase option (No. 1 above) may be no more than 20 years. The term of a lease without a purchase option (No. 2 above) shall be one year, with options for renewal for up to a total of 20 years.
- b. The lease shall not allocate system capacity to a property permanently; only temporarily. Upon termination of the lease, unless the capacity has been purchased, the leased capacity shall be returned to the Division's leased capacity reservation or the pool of capacity that is for sale, whichever the Division determines to be appropriate and in the best interest of the County.
- c. The lease may be entered into by either the Property Owner or a tenant that owns or operates a Manufacturing Facility as shown in Appendix B.
- d. The lessee may transfer the leased production-based capacity from one property to another as long as: (1) the properties are tributary to the same water and sewerage systems, and (2) the local collection system or water distribution systems have adequate capacity to accommodate the transfer.
- e. Production-based capacity leases that allow payments to be credited towards the ultimate purchase of capacity shall require the purchase of complementary water and sewer capacity.
- f. Leases shall include any special legal or technical terms deemed necessary by the Division to ensure compliance with local, state, or federal regulations.

## APPENDIX B

### Water Meter Fees \*\*

The fees in this Appendix B will be updated as necessary, without the need for a formal amendment to these Rules and Regulations.

#### Residential/Commercial

M25 - 3/4"	\$ 425.00
M55 - 1"	\$ 550.00
E-Series - 1"	\$ 500.00
M120 - 1½"	\$ 900.00
M170 2"	\$ 1,200.00
1½" Turbine	\$ 1,500.00
2" Turbine	\$ 1,400.00
3" Turbine*	\$ 1,500.00
4" Turbine*	\$ 2,100.00
2" Recordall Compound	\$ 3,300.00
3" Recordall Compound*	\$ 4,100.00
4" Recordall Compound*	\$ 5,900.00
6" Recordall Compound*	\$ 8,300.00

#### Fire Service Water Meters

3" Fire Assembly*	\$ 5,100.00
4" x 1" Fire Assembly*	\$ 10,200.00
4" x 2" Fire Assembly*	\$ 10,200.00
6" x 1" Fire Assembly*	\$ 14,100.00
6" x 1½" Fire Assembly*	\$ 14,100.00
6" x 2" Fire Assembly*	\$ 14,100.00
8" Fire Assembly*	\$ 17,500.00
10" Fire Assembly*	\$ 22,800.00

*\* Price does not include meter installation. The installation for these larger meters must be funded and performed by the building owner or developer via a utility contractor at the time the meter vault is installed.*

#### ALL WATER METERS SUPPLIED BY FREDERICK COUNTY

MANUAL/INTERIM METER READING FEE                    \$35.00

## APPENDIX B

**Fixture Unit Chart For  
Equivalent Units For  
Commercial, Industrial and Institutional Properties  
For  
Sewer Capacity Fees and Sewer Service Charges  
When Water Usage Not Metered By Frederick County  
Division of Water and Sewer Utilities**

<u>Fixture Type</u>	<u>Trap Size</u>	<u>Fixture Unit Value</u>
Apartment (per apartment) <sup>3</sup>		10
Bathtub with or without integral shower	1½ or 2	4
Combination sink and tray	1½	3
Combination sink and tray with food disposal unit	½ separate	4
Dental unit or cuspidor	1½	1
Dental lavatory	1½	1
Drinking fountain - single	1½	1
Drinking fountain – high/low or double	1½	2
Dishwasher (commercial)	1½	6
Dishwasher (domestic type)	1½	4
Eyewash	1½	1
Floor drain <sup>4</sup>	2 -3"	4
Floor drain	4	6
Floor drain	6	8
Floor drain (demonstration fume hood)	2	3
Floor sink	2	5
Floor sink	3	6
Floor sink	4	7
Fume hood with drain	2	2
Trench drains (every 3' min. 9') (per each trench drain)		1
Ice Cream Dipper Well	--	3
Kitchen sink (domestic type)	1½	4
Kitchen sink (domestic type with food disposal unit)	1½	5

<sup>3</sup> Does not include apartments within Assisted Living/Nursing Home/Rehabilitation/Retirement Centers.

<sup>4</sup> Floor drains used to collect water from a series of fixtures will be charged by the fixture units of the fixtures or by the drain size, whichever is greater.

<u>Fixture Type</u>	<u>Trap Size</u>	<u>Fixture Unit Value</u>
Lavatory	1½	2
Lavatory tray (1 or 2 compartments)	1½	3
Print washer	--	3
Processing sink	--	3
Shower, 2 heads	--	8
Shower, 3 heads	--	12
Shower, 4 heads	--	16
Shower stall (domestic type)	2	4
Showers (group) per head w/2 or more		4
Sinks:		
Bar with disposer	1½	3
Bed pan	--	6
Classroom	--	3
Mop, single bowl	2	3
Mop, double bowl	2	6
Pedicure		2
Pot, scullery, etc.	1½	4
Print	--	3
Service, single bowl	3	3
Surgeon's	1½	3
Three-compartment	--	6
Trailer Park (per pad site)		10
Urinal: Pedestal	3	10
Wall or stall	2	5
Trough (for 18 inch length)		2
Waterless		2
Ventilator	2	3
Wash sink (circular or multiples		
each set of faucets - or 12")	1½	2
Washing machine-domestic	1½	4
Washing machine – commercial	to be determined based upon machine's capacity	
Water closet	3	10
Water cooler, electric with drain	1½	1

NOTE: Fixtures and other connections which are not included in this list will need to be rated by the Division upon request for installation by a Property Owner. Ten (10) Fixture Unit values equate to one residential house or dwelling.

## APPENDIX B

**Capacity Adjustment Factors for Commercial, Industrial and Institutional Customers**  
**ADJUSTMENT FACTOR IS APPLIED, PER ACCOUNT, TO FIXTURE UNITS IN EXCESS OF TEN (10)**

<b>Customer/Business Type</b>	<b>Capacity Adjustment Factor (CAF)</b>	<b>LEED Certified** CAF</b>
Animal Care and Services	0.23	0.14
Apartment (including Multi-Story Senior Apartments)	0.32	
Assisted Living / Nursing / Rehabilitation / Retirement Facility	0.17	
Auto Sales Repair	0.20	0.12
Beauty Shop / Nail Salon	0.16	0.10
Bowling Alley	0.35	0.21
Car Wash	Note 1	
Church – WITH or WITHOUT Nursery School / Day School / Childcare	0.04	0.02
Community Center	0.15	
Community Pool House / Bath House	0.28	
Contracting / Construction Services	0.14	
Convenience Store / Gas Station	0.40	0.24
Correction Facility	0.25	
Daycare / Childcare Center / Nursery School	0.09	0.05
Distribution Center	0.13	
Financial Institution (Bank, Credit Union, Mortgage Co., Savings/Loan)	0.07	0.04
Fire Company WITH or WITHOUT Banquet / Kitchen Facilities	0.13	0.08
Funeral Home	0.10	0.06
Grocery Store	0.16	
Health Club / Athletic Club / Golf Clubhouse	0.10	
Hotel / Motel WITH Restaurant	0.16	0.10
Hotel / Motel WITHOUT Restaurant	0.15	0.09
Ice Skating Facility	0.28	
Irrigation / Outdoor Landscaping / Decorative Water Fountain	Note 2	
Library	0.05	0.03
Manufacturing Facility	Note 3	
Office (Park, Medical or Dental)	0.14	0.08
Pool	Note 4	
Post Office	0.09	0.05
Restaurant / Nightclub WITH Seating	0.41	0.25
Restaurant WITHOUT Seating	0.46	0.28
Retail	0.14	0.08
Retreat Center	0.10	
School – Public, Private, or College; Non-Boarding	0.07	0.04
Shell Building	1.00	
Shopping Center / Strip Mall	0.17	0.10
Storage Facility	0.16	
Trailer Park	0.35	
Warehouse	0.76	

## APPENDIX B

### Frederick County Division of Water and Sewer Utilities Capacity Adjustment Factors for Commercial, Industrial and Institutional Customers

ADJUSTMENT FACTOR IS APPLIED, PER ACCOUNT, TO FIXTURE UNITS IN EXCESS OF TEN (10)

Note 1 – Capacity Adjustment Factor shall be determined by the Division on a case by case basis and shall include an evaluation of the facility's ability to recycle or reuse water in the car washing process.

Note 2 – Dedicated irrigation and outdoor landscaping services shall be supplied through separate metered water service connections only. Capacity Adjustment Factors for these services shall be determined by the Division on a case by case basis.

Note 3 – The Capacity Adjustment Factor for customer(s) classified or predominantly engaged in manufacturing activities shall be determined by the Division on a case by case basis after completing an engineering analysis on their projected water use.

Note 4 – The Capacity Adjustment Factor for swimming pools shall be determined by the Division on a case by case basis, based on the size of the pool, type of filtration system and the means of filter system backwash water disposal.

Any establishment not covered by the above Customer/Business types will be classified by the Division based on the best available information and data from recognized sources.

\*\* Represents the **maximum** reduction. The LEED certified CAF is variable, starting at 30% reduction but cannot exceed a 40% reduction, and depends on the two eligible Water Efficiency (WE) Credits obtained: *WE Prerequisite* and/or, *WE Credit 3: Additional Water Use Reduction*. The table below illustrates the maximum example:

LEED New Construction and Major Renovations		Use Reduction	
Water Efficiency Credit	Select Credits	Water	Sewer
WE Prerequisite	20% Water Use Reduction	20%	20%
WE Credit 1: Water Efficient Landscaping	No Potable Water Irrigation	N/A	N/A
WE Credit 2: Innovative Wastewater Technologies	No Sewage Conveyance Reduction	N/A	N/A
WE Credit 3: Additional Water Use Reduction	40% Water Use Reduction	40%	40%
<b>Max Reduction</b>		40%	40%

WE Prerequisite: 20% Water Use Reduction		
No Water Use Reduction	0%	0%
20% Water Use Reduction	20%	20%
<b>WE Credit 1: Water Efficient Landscaping</b>		
No Water Efficient Landscaping	N/A	N/A
50% Potable Water Irrigation Reduction	N/A	N/A
No Potable Water Irrigation	N/A	N/A
<b>WE Credit 2: Innovative Wastewater Technologies</b>		
No Sewage Conveyance Reduction	N/A	N/A
50% Sewage Conveyance Reduction	N/A	N/A
<b>WE Credit 3: Additional Water Use Reduction</b>		
No Additional Water Use Reduction	0%	0%
30% Water Use Reduction	30%	30%
35% Water Use Reduction	35%	35%
40% Water Use Reduction	40%	40%

## APPENDIX C

### Equivalent Meter Chart

#### IMPROVED LOT OR PARCEL:

METER SIZE	EQUIVALENT METER UNIT
RESIDENTIAL: 5/8", 3/4", 1"	1.0
Townhouse, Single Family, Duplex and Condo ONLY	

#### COMMERCIAL, INDUSTRIAL, INSTITUTIONAL:

<u>Effective 7/1/08</u>	
5/8"	1.0
3/4"	1.1
1"	2.5
1 1/2"	5.0
2"	8.0
3"	16.0
4"	25.0
6"	50.0
8"	80.0
10"	138.0
UNIMPROVED LOT OR PARCEL	1.0
NON-CONNECTED LOT OR PARCEL	1.0

For all accounts with detector check assemblies on sprinkler system fire suppression systems, the size of the detector check assembly, not the detection meter, will be used to determine the equivalent meter units.

## **Revision and Amendment Administrative History**

### **Rules and Regulations Revised January 16, 2001 per Resolution No. 01-05**

#### **Rules and Regulations Amended as follows:**

##### **Amendment Pursuant to [Resolution No. 01-15](#) dated May 22, 2001:**

Add new Section VI.B.: Existing structures that experience well and or septic system failure, or existing structures served by private water, sewer, well or septic systems that are required to connect to County owned water and sewer infrastructure, may be eligible for an extended payment plan that will allow the property owner to pay the water and/or sewer capacity fees over a ten (10) year period of time at the interest rate set by the BoCC. The provision of the ten (10) year payment plan option is limited to existing structures only, and will require the approval by the BoCC, and be payable in full upon the transfer of the property.

##### **Amendment Pursuant to [Resolution No. 02-04](#), dated February 19, 2002:**

Changes to Appendix B – Capacity Adjustment Factors for Commercial, Industrial and Institutional Customers: Change Hotel / Motel with Restaurant from .44 to .26; change Hotel / Motel without Restaurant from .26 to .16; change Assisted Living / Nursing / Rehabilitation / Retirement Facilities from .64 to .22; affirm establishment of new category known as Beauty Shop/ Nail Salon at .35; affirm establishment of new category known as Multi-Story Senior / Elderly Apartments at .25; affirm establishment of new category known as Office Park at .34.

Change to Section III.D.1: Delete “ten percent (10%)” and replace with “fifteen percent (15%)”.

Change to Section VIII. A: Delete “must apply for a Connection Permit at the office of the Frederick County Water and Sewer Department” and replace with “must execute a Service Agreement with the Division of Utilities and Solid Waste Management”.

Change Section X.A.3: Delete entire section and replace with “The Director of the Division of Utilities and Solid Waste Management shall reserve fifteen percent (15%) of the capacity of each water and sewer system for public buildings and health hazard areas. “

Changes to Section XII.A.1: Delete “Appendix C” and replace with “Appendix F” and the inclusion of the previously approved Equivalent Meter Unit Chart into the Appendices as Appendix F. Delete “in advance” from the last sentence.

Add new Section XII.E. Discontinuation of Service: Service to the property may be discontinued for reasons including, but not limited to (1) non-payment of charges; (2) failure to provide clear and unimpeded access to the meter for the purposes of reading, maintaining, repairing or replacing the meter; (3) failure to comply with water conservation orders/ notices; (4) any other violation of the Rules and Regulations of the Division of Utilities and Solid Waste Management and the Public Local Laws.

Proposed to amend the Water and Sewer Miscellaneous Fees Schedule: clarify ‘Removal and Laboratory calibration bench test of water meter fee of \$50.00 per occurrence, if meter is accurate; no charge if meter is found to not conform with AWWA standards’; change the present Return check fee from \$25 per occurrence to \$25 per occurrence plus bank charges.

**Amendment Pursuant to [Resolution No. 06-29](#) dated July 20, 2006:**

Add to Section XV.E. Miscellaneous Provisions: The Division of Utilities and Solid Waste Management strives to continuously provide to its customers water and wastewater services which meet State and Federal standards while minimizing interruptions in water and wastewater services. However, the Division is not able to guarantee that all customers' water supply will be uninterrupted or continuously provide a flow at a defined per unit rate or at a specific pressure at all times. The Division is not able to guarantee proper functioning of water using appliances, devices, heating and cooling systems, private fire suppression systems, e.g., sprinkler systems, or other equipment and appurtenances, and shall not be responsible for damages arising from or relating to water supply issues, including customer's failure to pay water/sewer bills, etc.

Changes to Appendix F: Change residential meter size and equivalent meter unit from "5/8", 3/4", 1" (Town House Only) 1.0; 1" (Other than a Town House) 1.4" to "5/8", 3/4", 1" (Townhouse, Single Family, Duplex & Condo ONLY) 1.0."

**Amendment Pursuant to [Resolution No. 08-14](#) dated May 20, 2008:**

Changes to Appendix A effective May 21, 2008: The following language was incorporated into Appendix A: "ALL CHARGES SHOWN HEREIN ARE SUBJECT AN ANNUAL INCREASE (BASED ON THE U.S. DEPARTMENT OF LABOR, BUREAU OF STATISTICS CONSUMER PRICE INDEX: CPI-U ALL ITEMS, WASHINGTON-BALTIMORE DC-MD-VA-WV, SERIES ID: CUURA311SAO, AS PUBLISHED BY THE BUREAU OF LABOR STATISTICS, WASHINGTON, DC., BEGINNING JULY 1, 2009 AND EACH JULY 1 THEREAFTER.

THE CPI SHALL BE CALCULATED ON THE BASIS OF THE DIFFERENCE BETWEEN THE LATEST REPORTED MONTHLY INDEX NUMBER PRIOR TO THE THEN ADOPTED PERIOD AND THE INDEX NUMBER FOR THE SAME MONTH IN THE PRIOR YEAR. THE ADJUSTMENT FACTOR EXPRESSED, AS A PERCENT CHANGE INCREASE, WILL BE USED TO RECALCULATE THE CAPACITY CHARGE ANNUALLY. "

Also in Appendix A, sewer connection charges were changed as follows: Residential Connection charge of \$6,000 per dwelling unit changed to \$6,280 per dwelling unit; Commercial, Industrial, Institutional Connection, Governmental, Educational sewer connection charge changed from \$600 per fixture unit based on the Fixture Unit Chart and the Capacity Adjustment Factor Chart to \$628 per fixture unit based on the Fixture Unit Chart and the Capacity Adjustment Factor Chart. Water connection charges were changed as follows: Residential Connection charge of \$4,300 per Dwelling Unit plus the meter and drop-in costs changed to \$4,500 per dwelling unit plus the meter and drop-in costs; Commercial, Industrial, Institutional Connection, Governmental, Educational changed from \$430 per fixture unit based upon the Fixture Unit Chart and the Capacity Adjustment Factor Chart plus the meter and drop-in costs to \$450 per fixture unit based upon the Fixture Unit Chart and the Capacity Adjustment Factor Chart plus the meter and drop-in costs.

Changes to Appendix F-1 effective July 1, 2008: Change Commercial, Industrial, Institutional Equivalent Meter Units as follows: 1" from 1.4 to 2.5; 1 1/2" from 1.8 to 5.0; 2" from 2.9 to 8.0; 3" from 11.0 to 16.0; 4" from 14.0 to 25.0; 6" from 21.0 to 50.0; 8" from 29.0 to 80.0; and 10" from 38.0 to 138.0.

**Amendment Pursuant to [Resolution No. 10-12](#) dated May 18, 2010:**

Changes to text of Sections VII, VIII, X and XI, repeal of Appendices C, D and E, and relabeling of Appendix F as Appendix C.

**Amendment Pursuant to [Resolution No. 12-14](#) dated August 9, 2012:**

Revisions to the Water and Sewer Rules and Regulations to add new sections related to: (1) Water and Sewer Capacity Fee Payment Plans for small businesses; (2) Reduced Water and Sewer Capacity Fees for Leadership in Energy and Environmental Design (LEED) certification; and (3) Terms and Conditions of water and wastewater service. Appendix B was also updated to adjust Capacity Adjustment Factors. In addition, several definitions were added, deleted or revised, and the general text of the Rules and Regulations was updated for clarity, accuracy and consistency.

**Amendment Pursuant to [Resolution 13-05](#) dated March 14, 2013:**

Revisions to various sections incorporating an option for a Public Improvements Agreement enabling a Property Owner to manage a contract for construction of community water and/or wastewater facilities that includes a contract with a third party firm for inspection of construction of the facilities.

**Amendment Pursuant to [Resolution 13-06](#) dated March 14, 2013:**

Revisions to add new subsections and changes to Appendix A enabling the lease of production-based capacity in the Potomac River water system and the Ballenger-McKinney wastewater system.

**Amendment Pursuant to [Memorandum](#) dated September 6, 2013:**

Revisions to Appendix B to reflect changes in water meter prices based on a Memorandum recommending said changes dated September 6, 2013, and approved by the County Manager on September 11, 2013.

**Amendment dated April 6, 2015 (effective May 1, 2015):**

Revisions to various sections incorporating certain changes to the Public Improvement Agreement (PIA) Process, other Charter-related changes and “housekeeping” Items, and changes to Water and Sewer Capacity Fee Payment Plan Fund (PPF) Loan Program. Generally, the changes to the PIA will allow Developers to continue to contract for and provide construction of the infrastructure covered under a PIA; however the third party inspection service providers will contract directly with the County (DUSWM) to ensure a separation of duties and to make sure that all inspection requirements are met to the satisfaction of DUSWM. Developers will continue to select the third party inspection firms, subject to approval by DUSWM of the firm and their scope of services. Generally, “housekeeping” matters addressed references to the County Commissioners and were removed and replaced with references to the “County” (redefined) and to the “County Executive”, as appropriate, relating to the County’s change to Charter government on December 1, 2014. Each numerical section identifier was a Roman numeral and was changed to Arabic for ease of reference. In Appendix B, a fixture type was added for an Ice Cream Dipper Well. Generally, changes to the PPF Loan Program increased the maximum equivalent dwelling units (EDUs) from 15 to 50 with DUSWM approval, and with County Executive approval, to a maximum of 100 EDUs. This change

allows more commercial properties to participate in the PPF Loan Program, providing additional flexibility for developers of commercial properties.

**Amendment dated September 14, 2022 (effective October 1, 2022):**

Revisions to various sections to incorporate the new cross-connection control regulations are provided in Section 1 – General Requirements, paragraph A, Section 2 – Definitions, and a new Section 8A – Cross-connection Control. Appendix B was comprehensively updated to adjust Capacity Adjustment Factors that were last revised on August 9, 2012. Other “housekeeping” changes were made that corrected various grammar, terminology, minor inconsistencies and references; corrected various formatting, spacing, page breaks, or other aesthetic inconsistencies; corrected, eliminated or added various definitions in Section 2. Definitions; all references to the Division of Utilities and Solid Waste Management (DUSWM) have been changed to the Division of Water and Sewer Utilities (DWSU); added a new definition of Benefit Assessment (BA) in Section 2, which appears elsewhere in Sections 5 and 13, and updated the definition of Service Charge; deleted a portion of Section 4; merged Sections 5 and 13 (a reference remains in Section 5 redirecting the reader to Section 13); updated the BA language to better represent current practices and deleted the separate fire hydrant fee to be collected in conjunction with a developer-funded BA; revised Section 9 to clarify the issue of groundwater as stipulated in the Public Local Laws; revised Section 10 regarding leased capacity to reduce the amount from 1.0 MGD to 0.5 MGD; certain fees, including capacity fees, are not part of the Rules and Regulations and are more appropriately documented in a separate fee schedule that may be within the purview of the CE or Council, as applicable; revised Section 11, Paragraph A. that captures the automatic mechanism for increases pegged to the appropriate CPI index and further clarified the fees are “outside” of the Rules and Regulations; Section 11, Paragraph B. includes current practice associated with the Division’s administration of establishing operational acceptance of water and sewer infrastructure; Section 11, Paragraph G. LEED Eligibility for Reduced Capacity Fees by consolidating portions of subparagraph 4 and 5; Section 11, Paragraph H. Water and Sewer Capacity Fee Payment Plan Fund (PPF), subparagraph 4 added clarifying language that more clearly excludes residential development from the option, and subparagraph 6, added additional language stipulating inclusion of fees into the repayment schedule; Section 12, Paragraph A.1., provided consistent language to match previous consultant definitions about Ready to Service charges, and included additional language to match current practices and terminology; Section 12, Paragraph B.2.a., added clarifying language to match current practice; Section 12, Paragraph C.1., added clarifying language for current practices with the Bay Restoration Fund (BRF) and adds clarifying language about the current practice of a late payment penalty fee; Section 12, Paragraph C.2., added clarifying language matching current practices related to incorrect billing and references to MD statutes; Section 12, Paragraph D, added clarifying language matching current practice of certain non-residential meters that must be read manually; Section 12, Paragraph E, added clarifying language matching current practice of additional fees to restore service because of non-payment; Section 13, added option to enable quarterly billing that matches current practice with several existing BAs; Section 15, added clarifying language to stipulate other obvious violations, i.e., removing the lid and entering a meter vault; Section 16, Paragraph A.1, added clarifying language that meter vaults are exterior installation, as the Division works to eliminate all legacy interior installations wherever they may be; Section 16, Paragraph A.3., added clarifying language about private property owners’ responsibility to maintain their sewage service lines from inflow and infiltration and prevent groundwater from entering the County’s sewerage system; Appendix B Fixture Unit Chart For Equivalent Units For Commercial, Industrial and Institutional Properties added a fixture type (erroneously missing).