

~~1. (1) (I) 1. THE USER'S WASTEWATER FACILITY'S AVERAGE ANNUAL EFFLUENT NITROGEN AND PHOSPHORUS CONCENTRATIONS, AS REPORTED IN THE FACILITY'S STATE DISCHARGE MONITORING REPORTS FOR THE PREVIOUS CALENDAR YEAR, HAVE NOT EXCEEDED 3 MILLIGRAMS PER LITER TOTAL NITROGEN AND 0.3 MILLIGRAMS PER LITER TOTAL PHOSPHORUS, AND DEMONSTRATE THAT THE FACILITY IS ACHIEVING ENHANCED NUTRIENT REMOVAL, AS DEFINED UNDER § 9-1601(L) OF THIS SUBTITLE; OR~~

~~2. THE DEPARTMENT HAS DETERMINED THAT THE WASTEWATER FACILITY DOES NOT DISCHARGE NITROGEN OR PHOSPHORUS AND IS NOT REQUIRED TO MONITOR FOR NITROGEN OR PHOSPHORUS IN ITS DISCHARGE PERMIT; AND~~

~~2. (II) THE OWNER OF THE THE USER'S WASTEWATER FACILITY HAS NOT RECEIVED A STATE OR FEDERAL GRANT FOR BIOLOGICAL NUTRIENT REMOVAL OR ENHANCED NUTRIENT REMOVAL FOR THAT FACILITY;~~

~~(2) (I) THE USER'S WASTEWATER FACILITY DISCHARGES TO GROUNDWATER AND THE ANNUAL AVERAGE NUTRIENT CONCENTRATIONS IN THE WASTEWATER PRIOR TO DISCHARGE TO GROUNDWATER HAVE NOT EXCEEDED 3 MILLIGRAMS PER LITER TOTAL NITROGEN AND 0.3 MILLIGRAMS PER LITER TOTAL PHOSPHORUS, AS DEMONSTRATED BY ANALYSIS OF THE GROUNDWATER FROM MONITORING WELLS LOCATED ON THE PROPERTY AND AS REPORTED IN DISCHARGE MONITORING REPORTS FOR THE PREVIOUS CALENDAR YEAR; AND~~

~~(II) THE USER'S WASTEWATER FACILITY HAS NOT RECEIVED A FEDERAL OR STATE GRANT FOR THAT FACILITY; OR~~

~~(3) THE DEPARTMENT DETERMINES THAT:~~

~~(I) THE USER'S WASTEWATER FACILITY DISCHARGES NONCONTACT COOLING WATER, WATER FROM DEWATERING OPERATIONS, OR RECLAIMED WASTEWATER FROM A FACILITY WHOSE USERS PAY IN TO THE FUND; AND~~

~~(II) THE DISCHARGE DOES NOT RESULT IN A NET INCREASE IN LOADING OF NUTRIENTS COMPARED TO THE INTAKE WATER.~~

~~(V) (D) (1) SUBJECT TO THE APPROVAL OF THE ADMINISTRATION, A LOCAL GOVERNMENT OR A BILLING AUTHORITY FOR A WATER OR WASTEWATER FACILITY MAY ESTABLISH A PROGRAM TO EXEMPT FROM THE REQUIREMENTS OF THIS SECTION A RESIDENTIAL DWELLING ABLE TO DEMONSTRATE SUBSTANTIAL FINANCIAL HARDSHIP AS A RESULT OF THE SURCHARGE RESTORATION FEE.~~

~~(VI) 1. THE SURCHARGE MAY BE ADJUSTED FOR FISCAL YEAR 2008 AND SUBSEQUENT YEARS IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER SUBSECTION (C) OF THIS TITLE.~~

~~2. ANY ADJUSTMENT TO THE AMOUNT OF THE SURCHARGE SHALL BE MADE SUBJECT TO AND IN COMPLIANCE WITH THE REQUIREMENTS OF ANY APPLICABLE BOND RESOLUTION.~~