

IN THE MATTER OF
JENKINS BROTHERS SEPTIC TANK SERVICE
7670 Smiths Private Road
Sykesville, Md. 21784

RE: INDUSTRIAL WASTE
ORDINANCE VIOLATION

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. CBA-18-013

* * * * *

OPINION

This is an appeal from a Citation for Industrial Waste Ordinance Violation issued by the Engineering and Regulation Division of the Baltimore County Bureau of Utilities to Jenkins Brothers Septic Tank Service (“Respondent”). The Citation, denoted as WWC2017-032, was issued on September 1, 2017. The Citation indicated that the actual date of the violation had been August 1, 2017, and had occurred at the Gwynnbrook Dump Site in Owings Mills, Maryland. The allegation was that the Respondent had discharged septic waste without a valid wastewater permit in violation of the Baltimore County Code (BCC), § 20-5-114. The Citation also indicated that Respondent was liable for a civil monetary penalty of \$1,000 pursuant to BCC, § 20-5-127.

Respondent filed a timely appeal, and a *de novo* hearing was held before the Board on February 21, 2018.

The circumstances of this matter are easy to recite because they are uncontested. After a pumping service empties a customer’s septic tank, the waste material is dumped out at a Baltimore County discharge location. Any service that utilizes a County dump site is required to be licensed by Baltimore County.

Respondent is a family run septic tank pumping service which has operated for almost 50 years. On August 1, 2017, Respondent dumped a load at the Gwynnbrook Dump Site. The charge to Respondent was \$415.00 which Respondent paid on August 15, 2017. Charles Jenkins, the

representative for the Respondent, readily acknowledged that its permit had lapsed on July 31, 2017, the day before the dump, and accordingly, also readily acknowledged that it had been unlawful for him to dump that load. All that remained in this saga was for Respondent to renew its Baltimore County license. This it had not done as of the time of this hearing because, it turned out, Respondent had had a number of dumps for which it had not paid Baltimore County. Among the duties that Mr. Jenkins had also overlooked was payment of those bills. The County indicated that it would renew Respondent's license upon payment of the arrearage.

ORDER

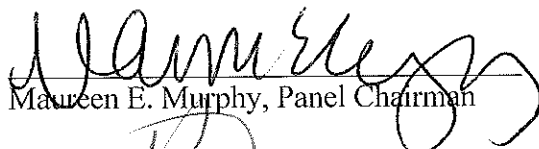
THEREFORE, IT IS THIS 20th day of April, 2018 by the Board of Appeals of Baltimore County

ORDERED that Citation WWC2017-032 issued to Jenkins Brothers Septic Tank Service for unlawfully dumping wastewater at the Gwynnbrook Dump Site in Owings Mills, Maryland, on August 1, 2017, is **AFFIRMED**; and it is further

ORDERED that no monetary penalty shall be imposed.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Panel Chairman


Kendra Randall Jolivet


Joseph L. Evans



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
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April 20, 2018

Charles Jenkins
Jenkins Brothers Septic Tank Services
7670 Smiths Private Road
Sykesville, Maryland 21784

Daniel A. Bianca
Baltimore County Bureau of Utilities
4421 Buchs Schoolhouse Road
Baltimore, Maryland 21237

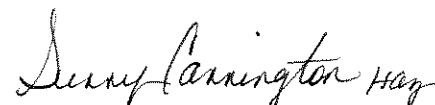
RE: *In the Matter of: Jenkins Brothers Septic Tank Service*
Case No.: CBA-18-013

Dear Messrs. Jenkins and Bianca:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review** filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,


Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: Steven A. Walsh, Director/Department of Public Works
Thomas Kiefer, P.E., Chief/Bureau of Utilities
Joseph Treadwell/Department of Public Works
J. David Ash/Office of Budget and Finance
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law