

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REPEALING IN ITS ENTIRETY THE EXISTING SEWER USE ORDINANCE CODIFIED IN DIVISION 5 OF CHAPTER 22 OF THE CITY CODE, AND REPLACING IT WITH UPDATED PROVISIONS REGULATING SEWER USE WHICH COMPLY WITH NEW FDEP AND EPA REGULATIONS, PERMITTING IMPOSITION OF FINES AND PENALTIES FOR VIOLATIONS AND SPECIFYING THE TYPE AND AMOUNT OF SUCH PENALTIES, PERMITTING THE CITY TO ENTER INTO AND ENFORCE CONSENT ORDERS WITH VIOLATORS, ESTABLISHING RATES AND FEE SCHEDULES, STRENGTHENING REQUIREMENTS FOR SILVER MANAGEMENT AND FOR OIL AND GREASE MANAGEMENT, AUTHORIZING IMPOSITION OF LIENS FOR UNPAID WASTEWATER CHARGES AND FEES, PROVIDING FOR ADMINISTRATIVE PROCEDURES AND APPEALS, REPEALING CONFLICTING ORDINANCES, PROVIDING A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

SECTION I. Division 5 of Chapter 22 of the City of Leesburg Code of Ordinances is hereby repealed in its entirety, to be replaced in total by the following:

22 - 106. GENERAL PROVISIONS

1. Purpose and Policy

This Chapter sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the City and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code §1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403 and Chapter 62-625, F.A.C.). The objectives of this Chapter include:

- (a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- (b) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment

Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

- (c) To protect both the general public and Publicly Owned Treatment Works personnel who may be affected by wastewater and biosolids in the course of their employment and;
- (d) To promote reuse and recycling of wastewater and biosolids from the Publicly Owned Treatment Works;
- (e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- (f) To enable the City to comply with conditions in its National Pollutant Discharge Elimination System and State Domestic Wastewater Facility permits; biosolids use and disposal requirements; and any other Federal or State laws to which the Publicly Owned Treatment Works are subject.

This Chapter shall apply to all users of the Publicly Owned Treatment Works. The Chapter authorizes the issuance of Industrial Wastewater Discharge Permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the programs established herein.

2. Administration

- (a) Except as otherwise provided herein, the Director of Community Development and the Director of Public Works shall administer, implement, and enforce the provisions of this Chapter. Any powers granted to, or duties imposed upon them, may be delegated by them to other City personnel as their authorized designee(s).
- (b) No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to special payment therefore, by the industrial concern; provided, however, that at no time will the City be asked to accept such discharges that, in the City's sole judgment, would violate any Federal, State, or local pretreatment standard.
- (c) Any provision or section of this Chapter to the contrary notwithstanding, the City reserves the absolute right to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable

pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES or FDEP permit(s).

3. Abbreviations

(a) The following abbreviations, when used in this Chapter, shall have the following designated meanings:

- (1) BMP - Best Management Program
- (2) BMR - Baseline Monitoring Report
- (3) BOD₅ - Biochemical Oxygen Demand
- (4) CBOD₅ - Carbonaceous Biochemical Oxygen Demand
- (5) °C - Degrees Celsius
- (6) CFR - Code of Federal Regulations
- (7) COD - Chemical Oxygen Demand
- (8) COL - City of Leesburg
- (9) DO - Dissolved Oxygen
- (10) EPA - U.S. Environmental Protection Agency
- (11) ERC - Equivalent Residential Connection
- (12) °F - Degrees Fahrenheit
- (13) F.A.C. - Florida Administrative Code
- (14) FDEP - Florida Department of Environmental Protection
- (15) F.S. - Florida Statutes
- (16) gpd - gallons per day
- (17) LEL - Lower Explosive Limit
- (18) mg/l - milligrams per liter
- (19) MGD - million gallons per day
- (20) MSDS - Material Safety Data Sheet
- (21) NOV - Notice of Violation
- (22) NPDES - National Pollutant Discharge Elimination System
- (23) OGMP - Oil and Grease Management Program
- (24) POTW - Publicly Owned Treatment Works
- (25) RCRA - Resource Conservation and Recovery Act

- (26) SIC - Standard Industrial Classification
- (27) SIU - Significant Industrial User
- (28) SNC - Significant Noncompliance
- (29) SWDA - Solid Waste Disposal Act
- (22) TRPH - Total Recoverable Petroleum Hydrocarbons
- (31) TSS - Total Suspended Solids
- (32) TTO - Total Toxic Organics
- (33) USC - United States Code
- (34) WRF - Water Reclamation Facility

(b) Abbreviations not otherwise defined in Subsection (a) above shall be adopted by reference or described in the latest edition of the Code of Federal Regulations, the Florida Administrative Code, Standard Methods, EPA/FDEP Guidance Manuals or by the Water Environment Federation, American Society of Civil Engineers (ASCE), and the American Society of Testing Materials (ASTM).

4. Definitions

- (a) Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings as designated below:
- (1) Abnormally High Strength Compatible Waste. Wastes containing a concentration of CBOD₅ or total suspended solids greater than three hundred (300) mg/l.
 - (2) Abnormally Low Strength Compatible Waste. Wastes containing a concentration of CBOD₅ and total suspended solids less than fifty (50) mg/l.
 - (3) Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC §1251 *et seq.*, or as amended in the future. The Act provides statutory authority for both NPDES and Pretreatment Programs.
 - (4) Additive. A substance introduced into the waste stream to aid treatment or to effect a specific result. Additives shall include, but are not limited to, emulsifiers, enzymes, bacteria or other agents and mixtures so designed to absorb, purge, consume, disperse, dissolve, treat or otherwise eliminate oils, fats or grease.

- (5) Administrative Action. An enforcement action authorized and initiated by the Control Authority's legal authority, which is taken without the involvement of a court.
- (6) Administrative Fine. A punitive monetary charge unrelated to actual treatment costs, which is assessed by the Control Authority rather than a court.
- (7) Administrative Order. A document, which orders the user (violator) to perform a specific act or refrain from an act. The order may require users to attend a show cause meeting, cease and desist discharging, or undertake activities pursuant to a compliance schedule.
- (8) Aliquot. Portion of a sample.
- (9) Applicant. An owner or agent of the owner, of any land requesting Municipal Sewer Service.
- (10) Approval Authority. The Florida Department of Environmental Protection (FDEP).
- (11) Approved. Document accepted by the Director of Public Works as meeting or complying with applicable requirements, standards, or specifications as set forth in this Chapter, or suitable for the proposed use or application.
- (12) Assessment. A municipal improvement lien against property for benefits received from construction of such improvements.
- (13) Authorized City Personnel. Individuals or designees that have been authorized or approved by the City to perform specific tasks or to execute certain job descriptions or scope of services.
- (14) Authorized or Responsible Representative of the User.
 - (a) If the user is a corporation:
 - (i) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (ii) The manager of one or more manufacturing, production, or operation facilities, provided that the manager is authorized to make management decisions that govern the operation of the regulated facility, including the explicit or implicit duty of making major capital investment recommendations; that initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; that ensure the necessary systems are

established or actions taken to gather complete and accurate information for compliance with individual wastewater discharge permit requirements; and that has been assigned or delegated the authority to sign documents in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship, the authorized representative shall be a general partner or proprietor, respectively.

(c) If the user is a Federal, State, or local governmental facility, the authorized representative shall be a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) The individuals described in paragraphs (a) through (c) above may designate another duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Director of Public Works.

(15) Baseline Monitoring Report (BMR). A report submitted by categorical industrial users within one hundred eighty (180) days after the effective date of a categorical standard which indicates the compliance status of the user with the applicable categorical standards as set forth in 40 CFR §403.12(b) and adopted by reference in Chapter 62-625, F.A.C.

(16) Best Management Plan. A plan prepared by a commercial or industrial user describing the operating procedures and treatment methodology to minimize the amount of wastes from production and to handle the resultant wastes in an environmentally sound and efficient manner. The objectives of the plan include source control and pollution prevention in an effort to reduce the contributions of wastes in the user's discharges to the POTW.

(17) Best Management Practices. Schedules of activities, prohibitions of practices, maintenance procedures, treatment options and other management practices to implement the prohibitions set forth 40 CFR §403.5(a)(1) and (b) and this Chapter, and to achieve source control or to prevent pollution by eliminating or reducing the level of pollutants present in the discharges from the user. Best Management Practices include treatment requirements, operating procedures, and practices to control plant site runoff, spills or leaks, biosolids or waste disposal, or drainage from raw material(s) storage.

Best Management Practices may also include alternative means, such as management plans, to comply with, or in place of certain established categorical pretreatment standards, local pollutant limits or other effluent discharge limits.

- (18) Best Professional Judgment. The highest quality technical opinion of a permit writer, after consideration of all reasonably available and pertinent data or information, forming the basis for the terms and conditions of a permit.
- (19) Biochemical Oxygen Demand (BOD). The quantity of oxygen necessary for the biochemical oxidation of organic matter within a specified time and under standard laboratory conditions, generally for five (5) days at 20°C, and usually expressed as a concentration, such as mg/l.
- (20) Biohazardous Waste. Wastes from a biological source that may be hazardous to living organisms. Wastes can be physical, biological or chemical in nature.
- (21) Biosolids. Primarily organic solids that are produced by wastewater treatment processes and can be beneficially recycled. Refer to residuals or sludge.
- (22) Blowdown. The discharge from boilers or cooling towers that contains high concentrations of accumulated dissolved solids.
- (23) Building Drain. That part of the lowest horizontal piping of the internal plumbing system which receives the wastewater discharge from other plumbing inside the walls of the building and conveys it to a point five (5) feet outside the outer face of the building wall to the building sewer.
- (24) Building Department. The Building Department of the City, including all of its divisions.
- (25) Bypass. The intentional diversion of wastewater streams from any portion of a user's pretreatment facility.
- (26) Capacity Costs. Those costs which are related to the overall scale of the sewer system.
- (27) Carbonaceous Biochemical Oxygen Demand (CBOD). A quantitative measure of the amount of dissolved oxygen utilized in the biochemical oxidation of carbon containing compounds under standard laboratory conditions, generally for five (5) days at 20°C, and usually expressed as a concentration, such as mg/l.
- (28) Categorical Industrial User. Any person or user subject to categorical pretreatment standards as set forth in 40 CFR, Chapter I, Subchapter N, Parts 405 through 471, or as amended, to implement Sections 307(b) and (c) of the Act. Categorical Industrial User may be defined by the SIC code, processes or constituents contributed to the POTW.

- (29) Categorical Pretreatment Standard or Categorical Standard. Pretreatment standards specifying pollutant discharge limits or quantities of pollutants which are discharged to the POTWs. The standards apply to a specific category of users, as established by EPA in accordance with Sections 307(b) and (c) of the Act (33 USC §1317) and which appear in the appropriate subparts of 40 CFR Chapter I, Subchapter N, Parts 405-471, latest edition, and adopted by reference in Chapter 62-625, F.A.C.
- (30) Cease and Desist Order. An administrative order directing a user to immediately halt illegal or unauthorized discharges.
- (31) Chain of Custody. Written record of sample possession for all persons who handle (collect, transport, analyze, and dispose of) a sample, including the names, dates, times, and procedures followed.
- (32) Chemical Oxygen Demand (COD). The laboratory determination of the oxygen equivalent expressed in milligrams per liter (mg/l) of that portion of the organic matter that is susceptible to oxidation by the standard dichromate reflux method. The COD shall be determined in accordance with procedures set forth in the latest edition of *Standard Methods*.
- (33) Chronic Violations. Violations in which sixty-six percent (66%) or more of all wastewater measurements that were made for the same pollutant or parameter during a six (6) consecutive month period exceeded by any magnitude the numeric pretreatment standard or requirement, including, but not limited to, instantaneous, local pollutant, daily maximum or monthly average limit, for the same pollutant parameter (40 CFR §403.8(f)(2)(viii)(A)).
- (34) City. The City of Leesburg, Florida, a municipal corporation, or where appropriate, the term may also be used as a designation for any duly authorized official or employee of the City.
- (35) City Commission (Commission). The City Commission of the City of Leesburg, Florida.
- (36) City of Leesburg Utilities Department. A public service established by the City Commission and State law to provide utilities and to set rates for such services.
- (37) Code of the City of Leesburg (City Code). Set of ordinances as passed by the City Commission.
- (38) Color. The color of water from which turbidity has been removed and which results from substances in solution.
- (39) Combined Waste stream Formula. A procedure for calculation of alternative discharge limits for industrial facilities where regulated waste stream(s) from a categorical industrial user is combined with other waste

stream(s) prior to treatment as set forth in 40 CFR §403.6(e) and Chapter 62-625.410(6).

(40) Commodity Costs. Those costs which tend to vary with the actual use of system of given capacity.

(41) Common Oil & Grease Interceptor. An interceptor which receives oil and grease wastes from more than one facility with different operators (owners) or type of activities.

(42) Compatible Constituent or Pollutant. Carbonaceous biochemical oxygen demand, chemical oxygen demand, oil and grease, suspended solids, pH, ammonia, nitrite/nitrate total Kjeldahl nitrogen, total phosphorous and fecal coliform bacteria, plus any additional pollutants identified in the City's NPDES or FDEP permit(s), where the POTW is capable of treating such pollutants, does treat such pollutants, and in fact, does treat such pollutants to the degree required by the aforementioned permits.

(43) Compliance Order. An administrative order directing a noncompliant user to achieve or to restore compliance by a date specified in the order.

(44) Compliance Schedule. A schedule of required remedial activities (also called milestones) necessary for an industrial user to achieve compliance with all pretreatment program requirements. A Compliance Schedule may be set forth in the Industrial Wastewater Discharge Permit, consent order or other enforcement documents.

(45) Composite Sample. A mixture of discrete grab samples or aliquots taken at the same location, but at different times; and which will reflect average water quality at that monitoring location for the given sample interval. Composite samples can be collected on a flow proportional or time proportional basis.

(46) Concentration Limit. A limit based on the mass of pollutant per unit volume, usually expressed in milligrams per liter (mg/l).

(47) Consent Agreement. An administrative order embodying a legally enforceable agreement between the Control Authority and the noncompliant industrial user designed to restore the user to compliance status.

(48) Consistent Removal. The average of the lowest fifty percent (50%) of the removal efficiencies that are determined for a user or pretreatment facility in accordance with Chapter 62-625.420(2), F.A.C.

(49) Contaminant. The introduction of any physical, chemical, or radiological substance, microorganisms, wastes, or wastewater into a flow stream of water in such a concentration that renders the water unsuitable for its intended use. Refer to Pollutant.

(50) Continuous Discharge. A discharge which occurs without interruption throughout the operating hours of the industrial facility, except for infrequent shutdowns for maintenance, process changes or other similar activities.

(51) Control Authority. The City of Leesburg and its designees, which are responsible for the administration, implementation and enforcement of the pretreatment program, as approved by the Approval Authority, pursuant to the provisions set forth in 40 CFR §403.3(f) and Chapter 62-625.510, F.A.C.

(52) Control Manhole. A manhole installed by the user at their expense to facilitate observation, sampling and testing of the process wastewater.

(53) Customer. Any person, entity, corporation, or government that is the actual user of the City sewer/wastewater system.

(54) Daily Maximum Limit. The maximum allowable discharge of a pollutant during a 24-hour period, expressed either in units of mass or as the arithmetic average measurement of concentration for all measurements within the 24-hour period.

(55) Department of Public Works. The Leesburg Department of Public Works, including all of its Divisions.

(56) Developed Property. Any parcel of land that has been, or is about to be, improved to the extent that municipal water and sewer service are necessary prior to its utilization.

(57) Developer. An owner or agent of an owner, in the process of the commercial utilization of any land, including subdivisions, who shall have the legal right to negotiate for municipal water and sewer service.

(58) Development. A parcel of land, including subdivisions, being commercially improved to the extent that municipal water and sewer service are necessary prior to its utilization.

(59) Dilute Waste stream. For purposes of the combined waste stream formula, the average daily flow (at least a 30-day average) from: (a) boiler blowdown streams, non-contact cooling streams, storm water streams, and demineralized backwash streams; provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with an industrial user's regulated process waste stream(s) will result in a substantial reduction of that pollutant, the Control Authority, upon application of the industrial user, may exercise its discretion to determine whether such stream(s) should be classified as diluted or unregulated; or (b) sanitary waste streams where such streams are not regulated by a categorical pretreatment standard; or (c) from any process waste streams which were, or could have been, entirely exempted from categorical pretreatment standards

pursuant to paragraph 8 of the NRDC v. Costle Consent Decree (12 ERC 1833) for one or more of the following reasons (see Appendix D of 40 §CFR Part 403):

- (i) the pollutants of concern are not detectable in the effluent from the industrial user;
 - (ii) the pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects;
 - (iii) the pollutants of concern are present in amounts too small to be effectively deduced by technologies known to the EPA Administrator or Approval Authority; or
 - (iv) the waste stream contains only pollutants which are compatible with the POTW.
- (60) Direct Discharge. The introduction of pollutants directly into the POTW or the waters of the State from any nondomestic source. Refer to Indirect Discharge below.
- (61) Director of Community Development. The City official in charge of the Community Development Department, including all of its Divisions, or his designee, authorized deputy, agent, or representative.
- (62) Director of Public Works. The City official in charge of the Department of Public Works, including all of its Divisions, or his designee, authorized deputy, agent, or representative.
- (63) Discharge. The introduction of pollutants into the POTW by any non-domestic source that is subject to the regulations of Chapter 403, F.S.
- (64) Discharge Monitoring Report. The mechanism, including the format and forms, for an industrial user with an Industrial Wastewater Discharge Permit to report the results of self-monitoring activities, including information on sample collection and the results of sample analysis.
- (65) Dissolved Solids. The total amount of dissolved material, organic and inorganic, contained in water or wastes.
- (66) Domestic Wastewater. The wastes produced from non-commercial or non-industrial activities, and which result from normal human living processes, which are of substantially similar origin and strength to those typically produced in households.
- (67) Duplicate Samples. Two samples or aliquots collected at the same time from the same location.
- (68) Dwelling, Multiple. A building designed for, or occupied exclusively by two (2) or more families.

(69) Dwelling (unit), Single Family. A building designed for or occupied exclusively by one family. Also designated as "unit".

(70) Effluent. A discharge of pollutants into the environment, partially or completely treated or in its natural state.

(71) Enforcement Response Plan (ERP). A plan developed by the Control Authority in accordance with 40 CFR §403.8(f)(5) and approved by the Florida Department of Environmental Protection that defines the range of progressive enforcement actions based upon the nature and severity of the violation; identifies the responsible personnel and documents for various enforcement actions; establishes a tracking system; promotes a consistent and timely schedule for enforcement action; and provides a fair and equitable means for enforcement of the federal, state and local regulations and requirements for the wastewater programs. The ERP allows full and effective implementation of the various wastewater programs.

(72) Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency or, where appropriate, the EPA Region IV Water Management Division Director, or other duly authorized official of said agency.

(73) Equalization. A pretreatment process consisting of the detention of wastewater flow using a large tank, sump, or headbox to minimize or smooth out surge flows.

(74) Equivalent Residential Connection (ERC). A unit of flow equivalent to seven thousand (7,000) gallons per month and representing the approximate monthly water usage of a single-family living unit based on the monthly average for the previous twelve (12) consecutive months. The minimum capacity charge for any user shall be one (1) ERC.

(75) Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which shall be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

(76) Florida Administrative Code (F.A.C.). Codification of administrative rules to implement legislation approved by the legislature and the resultant Florida Statutes.

(77) Florida Building Code. Administrative code based on national model building codes and national consensus standards which are amended where necessary for Florida's specific needs.

(78) Florida Department of Environmental Protection (FDEP). The Florida State agency that administers the regulations pertaining to the

environment in the State. The Approval Authority for pretreatment programs in the State.

(79) Flow Proportional Composite Sample. A sampling method, which combines discrete sample aliquots collected over time that are based upon the instantaneous flow rate of the waste stream being sampled. There are two methods used to collect this type of sample. One method collects a constant sample volume at time intervals that vary based on the flow. That is, for example, a 200 milliliters (ml) sample is collected for every 5,000 gallons of flow (discharge). The other method collects aliquots of varying volume that is based on the flow with a constant time interval.

(80) Flow Weighted Average Formula. A procedure to calculate alternative limits where waste streams that are regulated by a categorical pretreatment standard and nonregulated waste streams are combined after treatment but prior to the monitoring location .

(81) Food Court. A designated area in shopping centers or amusement parks where food preparation establishments with different operators (owners) share seating space or plumbing facilities.

(82) Food Service Facility. Any establishment which prepares, cuts, mixes, cooks, bakes, or serves food, and which disposes of food related wastewater.

(83) Force Main. A pressurized pipeline, which is connected to the pump discharge at a wastewater lift station for the conveyance of wastewater from one location to another.

(84) Garbage. Animal and vegetable wastes resulting from the domestic and commercial preparation, cooking, dispensing, and consumption of food, and from the handling, storage and sale of produce.

(85) Garbage Grinder or Disposal. An electric device which shreds solid or semi- solid waste materials, generally food related, into smaller portions for discharge into the City's wastewater system.

(86) Generator. A user, by site or facility, who produces wastes from the said user's process operation. The generator is responsible for disposal of the produced wastes in accordance with applicable Federal, State, and local regulations.

(87) Good Faith Effort or Progress. Prompt, vigorous and diligent pollution control measures undertaken by the user, which shows that extraordinary effort (not a "business-as-usual" approach) have been made to achieve compliance as judged solely by the City.

(88) Grab Sample. A sample which is collected from a waste stream at a particular time and location. That is, a sample is taken on a one-time basis

without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

(89) Grease Management Device. Equipment, component, or device that has been designed in accordance with the requirements set forth in the Unified Florida Building Code, latest edition, to effectively remove oil and grease from the user's discharge.

(90) Grease Management System. Equipment, devices, or processes that collectively comprise a treatment system for the removal of oil and grease from the flow stream in order to significantly reduce the contributions of this compatible pollutant from the discharge.

(91) Hauled Liquid Wastes. Any wastes that are collected from a generator and transported by truck or rail car to a designated location for discharge to the POTW.

(92) Hauler. Refer to transporter.

(93) Hazardous Waste. Any solid, semi-solid, or liquid waste, or combination of solid and liquid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

(a) Be toxic, corrosive, irritant, strong sensitizer, flammable or combustible, explosive; or

(b) Cause substantial personal injury or illness, significantly contribute to an increase in mortality, cause an increase in a serious but irreversible illness, or an increase in an incapacitating reversible illness; or

(c) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed; or

(d) meets one of the following four conditions:

(i) It exhibits a characteristic of a hazardous waste as defined in 40 CFR, Section 261.2 through Section 261.4; or

(ii) It is listed as a hazardous substance in 40 §CFR 261; or

(iii) It is a mixture containing a listed hazardous waste and a nonhazardous solid waste, unless the mixture is specifically excluded or no longer exhibits any of the characteristics of hazardous waste; or

(iv) It is not excluded from regulation as a hazardous waste.

(94) Holding Tank Waste. Any waste from holding or storage tanks, such as, but not limited to, vessels, aircraft, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks. These wastes are from domestic sources. Refer to Septic Tank Waste below.

(95) Incompatible Pollutant. All pollutants other than "compatible pollutants" as defined previously in this section. More specifically, it shall mean any pollutant other than CBOD, suspended solids, pH, and fecal coliform bacteria or additional pollutants identified in the City NPDES or FDEP permit(s) as permissible to be discharged, which the wastewater treatment facilities were not designed to treat, or which are not removed to an acceptable degree, or which may degrade the reclaimed water supply.

(96) Indirect Discharge. The introduction of pollutants into the POTW or waters of the State from any nondomestic source as regulated pursuant to Section 307 (b), (c), or (d) of the Act, including wastes from holding or storage tanks that may be discharged into the wastewater system.

(97) Industrial User. Any non-domestic user that has been assigned a Standard Industrial Classification (SIC) Code as described in the *Standard Industrial Classification Manual*, current edition, from the United States Office of Management and Budget, and that is a non-domestic source of indirect discharge to the POTW, which is regulated pursuant to Section 307(b), (c), or (d) and Section 402 of the Act.

(98) Industrial Wastewater Discharge Permit. A formal written document issued to an industrial user by the Control Authority that authorizes the discharge of industrial wastewater to the public wastewater system. This permit may set certain conditions and/or restrictions to this discharge.

(99) Industrial Wastes. The liquid and solid wastes discharged into the municipal wastewater system from industrial processes, trade or business activities as being distinct from domestic wastewater.

(100) Infiltration. The water unintentionally entering the public sewer system, including water from sanitary building drains and laterals, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, Inflow.

(101) Infiltration/Inflow. The total quantity of water from both infiltration and inflow, without distinguishing the source.

(102) Inflow. The water discharged into a sanitary sewer system, including building drains and sewer laterals, from such sources as, but not limited to, roof leader, cellar, yard, and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers or combined sewers, catch basins, storm

waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, *Infiltration*.

(103) Influent. Water, wastewater, or other liquid flowing into a tank, basin, treatment process, or treatment facility.

(104) Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, as determined from the analysis of any discrete or composite sample, independent of the industrial flow rate and the duration of the sampling event.

(105) Integrated Sample. A mixture of discrete grab samples taken from different locations at the same time or within a specified time interval. Typically, integrated samples are used to evaluate the average composition or total loading for combined waste streams or to represent various points in a waste stream cross-section which are mixed proportional to their relative flow rates or volumes.

(106) Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its biosolids processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES or FDEP permit(s) or of the prevention of wastewater biosolids use or disposal in compliance with any of the statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations.

(107) Lateral. The service line extending from the public sewer, or other place of disposal, to a point five (5) feet outside the building wall.

(108) Local Pollutant. A pollutant, as identified in Section 22.03(3) of this Chapter, which may be subject to regulation and restrictions for discharge to the public wastewater system.

(109) Local Pollutant Limit. Discharge standard for users of the POTW in order to achieve the purposes of this Chapter.

(110) Lower Explosive Limit (LEL). The lowest percent by volume of a mixture that will propagate a flame at twenty-five (25) degrees centigrade and atmospheric pressure.

(111) Manifest. A written document required by the Control Authority that records information on the generation, removal, transportation and disposal of hauled liquid wastes, such as oil and grease.

(112) Mass Emission Rate. The weight of material discharged to the POTW during a given time interval, in pounds per day, for the constituent or combination of constituents in question.

(113) Maximum Allowable Concentration. The maximum permitted amount of a specified pollutant or constituent in a volume of water or wastewater, expressed in units of mass per unit of volume, such as milligrams per liter (mg/l).

(114) Maximum Allowable Loading. The maximum total mass of a pollutant or constituent users and other controlled sources may discharge without causing pass through or interference at the WRF.

(115) Measurement. The ability of an analytical method or protocol to quantify and identify the presence of a substance, flow, or volume, expressed in units of mass per unit of volume, such as milligrams per liter (mg/l).

(116) Medical Wastes. Any solid wastes or liquids which may present a threat of infection to humans. This includes, but is not limited to, human tissue, isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(117) Method Detection Limit. An estimate of the minimum amount of an analyte (pollutant or constituent) that an analytical process or instrument can detect or measure reliably, accurately and precisely. The method detection limit is dependent upon the analyte, sample matrix and laboratory.

(118) Motel and Hotel Unit. The individual room or suite normally rented on a transient basis as a separate living and sleeping unit, with or without baths and kitchenettes.

(119) National Categorical Pretreatment Standard. Refer to Categorical Pretreatment Standard.

(120) National Pollutant Discharge Elimination Systems (NPDES) Permit. A type of permit issued to a Publicly Owned Treatment Works (POTW), which discharges to surface waters pursuant to Sections 227, 307, 318, 402 and 405 of the Act (33 USC 1342).

(121) National Prohibited Discharge Standard or Prohibited Discharge Standard. Any regulation developed under the authority of Section 307 (b) of the Act, 40 CFR §403.5, and Chapter 62-625.400, F.A.C.

(122) Natural Outlet. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(123) New Source. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of the proposed pretreatment standards under Section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(d) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Subsection (b) or (c) above, but otherwise alters, replaces, or adds to the existing process or production equipment.

(e) Construction of a new source as defined under this paragraph has commenced if the owner or operator has begun, or caused to begin, as part of a continuous onsite construction program:

(i) Any placement, assembly, or installation of facilities or equipment; or

(ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(124) Ninety (90) Day Compliance Report. A report submitted by a categorical industrial user pursuant to the applicable categorical standards, or in the case of a new source, after commencement of the discharge to the POTW, that documents and certifies the compliance status of the user within ninety (90) days of the date for achieving compliance in accordance with 40 CFR §403.12 (d) and Chapter 62-625.600, F.A.C.

(125) Non-Contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(126) Non-Significant Categorical Industrial User. An industrial user that discharges one hundred gallons per day (100 gpd) or less of a wastestream that is subject to categorical standards, excluding sanitary domestic wastewater, non-contact cooling water and boiler blowdown, unless specifically subject to a pretreatment standard, as determined by the Control Authority in accordance with Chapter 62-625.200(25)(c), F.A.C. The Control Authority may, at any time on its own initiative or in response to a petition from the industrial user, designate a discharger as a non-significant categorical industrial user in accordance with Chapter 62-625.500(2)(e), F.A.C.

Furthermore, the categorical industrial user shall meet the following conditions:

(a) Comply consistently with all applicable categorical pretreatment standards and requirements;

(b) Submit an annual certification statement in accordance with the signatory requirements set forth in 40 §CFR 403.12(q) and Chapter 62-625.600(11), F.A.C. The certification statement shall contain the language as prescribed in Chapter 62-625.600(17), F.A.C. and this Chapter. Any additional information and documentation in support of the certification statement shall be included in the submittal; and

(c) Never discharge any untreated or concentrated categorical process wastestream.

(127) Notice of OGMP Violation. A written response from the Control Authority to specific noncompliance situations by a commercial user, waste hauler, or the owner of a private wastewater collection system or private lift station. The purpose of the document is to notify the recipient of the noncompliance situation and to demand implementation of definitive corrective measures within a specified time frame to achieve compliance with the provisions of this Chapter and other applicable sections of the City Code. The Notice of OGMP Violation may or may not include a fine or penalty for the violation(s). The Notice of OGMP Violation is issued to commercial users, waste haulers, and owners of private lift stations and private wastewater collection systems in the Oil and Grease Management Program.

(128) Notice of Violation (NOV). A written response from the Control Authority to specific noncompliance situations by a user of the POTW or the owner of a private wastewater collection system or private lift station. The purpose of the document is to notify the user of the noncompliance situation and to demand implementation of definitive corrective measures within a specified time frame to achieve compliance with the provisions of this Chapter and other applicable regulations. The NOV may or may not include a fine or penalty for the violation(s). The NOV may be issued to industrial users in the Pretreatment

program and any other users, including owners of private wastewater collection systems and lift stations, found to have violated the provisions of this Chapter.

(129) Oil and Grease. Materials, either liquid or solid, that are composed primarily of fatty matter from animal or vegetable sources or petroleum-based hydrocarbons.

(130) Oil and Grease Interceptor. A City approved device that is designed in accordance with the most recent edition of the Florida Plumbing Code. Constructed to separate, trap and hold oil and grease substances from animal or vegetable sources that are present in the discharge from user(s), installed outside of the building, and functions to significantly reduce contributions of these materials to the POTW.

(131) Oil and Water Separator. A City approved device designed and constructed in accordance with the most recent edition of the Florida Plumbing Code to separate, trap and retain oil and grease substances derived from petroleum-based hydrocarbons that are found in the discharge from users, and functions to significantly reduce contributions of these materials to the POTW.

(132) Oil & Grease Wastes. Waste streams containing fatty, oily, or greasy liquids or solids that are discharged into the municipal wastewater system from a commercial or industrial user, as being distinct from domestic wastewater.

(133) Outfall. The mouth of a sewer, drain, or conduit where an effluent is discharged into the receiving waters.

(134) Overload. The imposition of any constituent or hydraulic (flow) loading on the components of the POTW in excess of the design or authorized (approved) capacity.

(135) Oversized Sewer. A sewer extension in, through, or past a development which, because of anticipated future extensions or other reasons, is of larger diameter pipe than required to serve the immediate development.

(136) Owner. An individual or entity with legal possession of a parcel, property, facility or system.

(137) Parcel. A lot or premises serviced by one or more water meter(s) and served, or eligible to be served, with a connection to the public sewer.

(138) Pass Through. A discharge which exits the POTW into waters of the United States or the State of Florida in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES or FDEP permit(s), including an increase in the magnitude or duration of a violation, or a violation of any agreement, resolution, or standard for reuse.

(139) Periodic Compliance Report or Self-Monitoring Report. A report on compliance status submitted by categorical industrial users to the Control Authority at least semiannually pursuant to 40 CFR §403.12 (e) and Chapter 62-625.600(4) and (7), F.A.C., or as amended.

(140) Permit. A formal written document issued to the City's WRFs by Federal and State regulatory authorities which sets out provisions or requirements for the disposal or reuse of effluent or biosolids, or discharges from the facility.

(141) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes Federal, State, and local governmental entities.

(142) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

(143) Pollutant. Constituent(s) or foreign substance(s), including pathogens, that degrade the quality of the water so as to impair or adversely affect the usefulness or function of the water or pose a hazard to public health or the environment. Constituent(s) or foreign substance(s) that are present in water due to a discharge into said water or waters, including, but not limited to, as a result of a discharge of the following wastes: dredged spoil, solid waste, incinerator residue, filter backwash, wastewater, garbage, wastewater biosolids, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes. Examples of pollutants include, but are not limited to, pH, temperature, TSS, turbidity, color, CBOD, COD, toxicity, odors, metals and organics. Refer to Contaminant.

(144) Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(145) Pollution Control Facility. Refer to Water Reclamation Facility.

(146) Pollution Prevention. The use of materials, processes, or operation and maintenance practices to reduce or eliminate the generation or creation of pollutants at the source before the constituents can enter the waste stream. Pollution prevention includes, but is not limited to, equipment modifications, process or operating alterations, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, personnel training, or inventory control.

(147) Pollution Prevention Plan. A plan prepared by the user to minimize the likelihood of introducing pollutants in the process wastewater or other types of discharges from their facility.

(148) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants, unless allowed by an applicable pretreatment standard (Chapter 62-625.410(6), F.A.C.). Appropriate pretreatment technology includes control equipment, such as equalization tanks of facilities, for protection against surges or slug loading that might interfere with, or otherwise be incompatible with, the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or flows from another regulated process, the discharge from the equalization facility must meet an adjusted pretreatment limit using the combined waste stream formula.

(149) Pretreatment Facilities. Equipment, structures, and processes that are configured together for the treatment of discharges from users to the POTW.

(150) Pretreatment Program. The program administered by the Control Authority that fulfills the criteria set forth in Chapter 62-625.500, F.A.C.

(151) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on a user.

(152) Pretreatment Standard or Standards. Any regulation containing pollutant discharge limits, as established pursuant to Chapter 403, F.S., which applies to users. Pretreatment standards include prohibited discharge standards, categorical pretreatment standards, and local limits.

(153) Private Lift Station. Any wastewater lift station installed, maintained, operated, and owned by persons other than the City, which is connected to and discharges wastes into the public collection (sewer) system.

(154) Private Wastewater Collection System. A wastewater collection system installed, maintained, operated, and owned by persons other than the City, and connected to the public sewer.

(155) Private Wastewater Disposal System. A wastewater treatment and disposal facility, other than a septic system, maintained and owned by persons other than the City, and not connected to the public sewer.

(156) Process Wastewater. Any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, byproduct, or waste product.

(157) Programmed Extension. Sewer extensions included in a master plan of the sewer system on file in the office of the Director of Public Works.

(158) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances which appear in Section 22.108(1) of this Chapter, to protect the POTW.

(159) Properly Shredded Garbage. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all solids will be carried freely under the flow conditions normally prevailing in public sewers, with no chapter greater than one-half inch (1.25 centimeters) in any dimension.

(160) Property Owner. The titleholder of record for the premises being served or proposed to be served with a municipal sewer connection.

(161) Proprietary Information. Information about a commercial chemical, product, process, or user which is considered to be confidential business information or a trade secret by a user because if divulged, the information could put the industrial user at an unfair competitive disadvantage with competitors in the same industry.

(162) Public Sewer. A sanitary sewer, other than a building drain, that is owned and/or controlled by the City.

(163) Publicly Owned Treatment Works (POTW). A "treatment works," as defined by Section 212 of the Act (33 USC §1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of wastewater or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

(164) Pump Station or Lift Station. A structure housing pumps and their appurtenances which conveys wastewater to either a privately owned or publicly owned sanitary sewer or treatment works.

(165) Quality Assurance. Refers to a management/administrative check on procedures and practices used during sampling and analysis that ensure the accuracy, precision, reproducibility, and representativeness of the reported data.

(166) Receiving Waters. A water course or surface water body that is the designated destination for a direct discharge.

(167) Reclaimed Water. Effluent from an advanced secondary treatment facility or WRF that complies with the standards defined by FDEP and is used for a beneficial purpose.

(168) Registered Service Vehicle. A registered and licensed mobile device in which or by which liquid or solid wastes may be transported over the public streets or thoroughfares to designated sites for collection, treatment or disposal.

(169) Regulated Waste Stream. An industrial process waste stream regulated by a national categorical pretreatment standard.

(170) Removal. A reduction in the amount of a pollutant in the WRF's effluent or alteration of the nature of a pollutant during treatment at the WRF. The reduction or alteration can be achieved by physical, chemical, or biological means and may be the result of specifically designed capabilities at the WRF or may be incidental to the operation of the treatment system. Dilution shall not be considered removal.

(171) Representative Sample. A sample from a waste stream that is as nearly identical in composition as possible to the larger volume of flow stream that is being discharged during a normal operating day.

(172) Residuals. The solid, semisolid, or liquid residues that are generated during the treatment of wastes or wastewater in a pretreatment or treatment facility. Typically does not include grit, screenings, or incinerator ash. Refer to biosolids or sludge.

(173) Responsible Corporate Officer. An individual who serves as president, vice-president, secretary, treasurer or designee of the corporation or company that is responsible for the principal business, policy or decision making functions. The manager of one or more manufacturing, production or operating units, provided that the individual is authorized to:

(a) Make management decisions, which govern the operation of the regulated facility, including the explicit or implicit duty of recommending major capital investment decisions;

(b) Initiate and direct other comprehensive measures to assure long term compliance with applicable environmental laws and regulations;

(c) Assure that the necessary systems are established and implemented to obtain complete and accurate information for compliance with the user permit requirements; and

(d) Execute and sign the requisite documents in accordance with corporate procedures.

(174) Sanitary Sewer. A pipe which carries wastewater and to which storm, surface, and ground waters are typically not intentionally admitted.

(175) Search Warrant. A document issued by a magistrate or judge who authorizes government entry into private premises to either observe compliance with applicable laws or collect evidence of noncompliance.

(176) Self-monitoring. Sampling and analyses performed by the user to ensure compliance with the permit or other regulatory requirements as set forth in 40 CFR §403.12 (b) and (g), and Chapter 62-625.600, F.A.C.

(177) Septage. The liquid and biosolids produced by individual on-site wastewater treatment systems, such as vessels, campers, trailers, septic tanks and cesspools.

(178) Septic System. A privately owned, on-site wastewater treatment and disposal system consisting of a septic tank(s) and drainfield(s) sized and constructed in accordance with the applicable state and local regulations and guidelines.

(179) Septic Tank Pumpings. Any material removed from holding tanks or individual on-site wastewater treatment systems, such as vessels, campers, trailers, septic tanks, and cesspools.

(180) Septic Tank Waste. Any domestic wastewater from holding tanks or individual on-site wastewater treatment systems, such as vessels, aircraft, boats, campers, trailers, septic tanks, and cesspools.

(181) Septicity. The condition resulting from biological degradation of organic materials in wastewater in the absence of free oxygen, either in solution or in the environment, usually resulting in production of hydrogen sulfide and odors.

(182) Settleable Solids. That matter in wastewater not staying in suspension during a pre-selected settling period, such as one hour, but either settles to the bottom or floats to the top.

(183) Severe Property Damage. Substantial physical damage to property or a user's pretreatment facilities which renders them inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Economic loss due to delays in production shall not be considered severe property damage.

(184) Sewage. Refer to Wastewater below.

(185) Sewage Treatment Plant. Refer to Wastewater Treatment Plant or Water Reclamation Facility.

(186) Sewer. A pipe or conduit for carrying wastewater.

(187) Sewerage Benefit Fees are a combination of:

- (a) Wastewater Collection System Charges, and
- (b) Water Pollution Control Charges.

(188) Sewerage System. Any devices and systems used in the collection, transmission, storage, treatment, recycling, and reclamation of domestic wastewater or commercial or industrial wastes of a liquid nature including interceptor sewers, outfall sewers, wastewater collection systems, pumping, power, and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including land, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; and including combined stormwater and sanitary sewer system. Refer to POTW.

(189) Shall is mandatory. May is permissive or discretionary.

(190) Significant Commercial User. Any nonresidential user of the City wastewater system which has:

- (a) A discharge flow of ten thousand (10,000) gallons or more per day during any day of any calendar year; or
- (b) A discharge containing one (1) or more abnormally high strength compatible pollutants; or
- (c) A discharge which has been found by the Director of Public Works or FDEP to potentially have a significant impact, either singly or in combination with other contributing users, on the City's wastewater system.

(191) Significant Industrial User (SIU). Any nonresidential user of the City wastewater system which meets one or more the following criteria:

- (a) A user subject to categorical pretreatment standards pursuant to 40 CFR Chapter I, Subchapter N, Parts 405-471, latest edition, and as adopted by reference in Chapter 62-625, F.A.C.; or
- (b) A user that:
 - (i) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW, excluding sanitary wastewater, noncontact cooling water, and boiler blowdown; or
 - (ii) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the wastewater treatment plant; or

(iii) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with Chapter 62-625.500(2)(e), F.A.C.

(c) Upon a finding that a user meeting the criteria in Subsection (b) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR §403.8(f)(6) and Chapter 62-625.410, F.A.C., determine that such user should not be considered a significant industrial user, but shall be designated as a non-significant categorical industrial user.

(192) Significant Noncompliance (SNC). A nonresidential user is in significant noncompliance if the violation meets one or more of the following criteria as defined in 40 CFR §403.8(f)(2)(viii) and Chapter 62-625.500(2)(b):

(a) Chronic violations of the wastewater discharge limits (refer to Chronic Violations above);

(b) Technical Review Criteria (TRC) violations (refer to Technical Review Criteria below);

(c) Any other violation of a pretreatment effluent limit that the Director of Public Works believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director of Public Works exercising emergency authority to halt or prevent such a discharge;

(e) Any violation of the provisions or requirements set forth in the plan of Best Management Practices (BMPs) for a constituent or pollutant in accordance with sub-subparagraph 62-625.500(2)(b)8.h., F.A.C.;

(f) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an Industrial Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(g) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(h) Failure to accurately report noncompliance; or

(i) Any other violation(s) or group of violations, which the Director of Public Works determines will adversely affect the operation or implementation of the local pretreatment program.

(193) Significant Violation. A violation of this Ordinance which, in the opinion of the City, remains uncorrected thirty (30) days after notification of noncompliance; or, which is part of a pattern of noncompliance; or, which involves failure to accurately report noncompliance; or, which resulted or results in the City exercising its emergency authority under this or any related Chapter of the City Code.

(194) Silver-Rich Solution. A solution containing sufficient silver that cost-effective recovery of the constituent could be done. Silver-rich solutions include fixers, bleach-fixers, low-flow washes, and other functionally similar solutions.

(195) Silver Test Paper. A test paper coated with an analytical reagent which reacts by changing color in relationship to the amount of silver in the solution. A reference color code allows determination of the approximate concentration of silver in the solution.

(196) Sludge. The accumulated solids or residuals separated from liquids or wastes during chemical treatment, coagulation, flocculation, sedimentation, flotation, or biological oxidation of wastes or wastewater at a pretreatment or treatment facility. Refer to biosolids or residuals.

(197) Slug Discharge or Slug. Any discharge of a non-routine or episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge. That is, a discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards or local pollutant limits or interferes with the operation of the treatment works.

(198) Slug (Accidental) Discharge Control Plan. Detailed plans, on file at the Public Works Department, showing facilities and operating procedures to provide control of slug discharges. Significant Industrial Users shall complete construction of facilities and provide operating procedures to the City within the time frame specified by the Director of Public Works, however, absolutely within one (1) year of notification. Review and approval of the Plan shall not relieve the Significant Industrial User from the responsibility to modify its facility, as necessary, to meet each and every requirement of this Chapter.

(199) Slug Load. Any discharge of a non-routine or episodic nature that results in a mass loading, which can cause a violation of the prohibited discharge standards, local pollutant limits, maximum concentration limits, or interferes with the operation of the City wastewater system. Any constituent concentration in the discharge that is more than five (5) times an applicable

local, state, or federal standard shall also be considered a slug load. For the purposes of enforcement pursuant to this Chapter, a slug load shall be deemed a slug discharge or slug.

(200) Source Control or Reduction. Control of the introduction of pollutants into a user's discharge at the point of production or their origins. Refer to pollution prevention.

(201) Spill Containment Plan (SCP). A detailed plan, prepared by the user, showing facilities and operating procedures to prevent and to provide protection from spills.

(202) Spill Prevention (Accidental Discharge) and Control Plan. A plan prepared by a user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.

(203) Split Sample. A portion of a collected sample given to the industry or to another agency for the purpose of verifying or comparing laboratory results.

(204) Standard Industrial Classification (SIC) Code. A classification system to identify various types of industries that is based upon the type of manufacturing or commercial activity at a facility pursuant to the *Standard Industrial Classification Manual*, current edition, United States Office of Management and Budget.

(205) Standard Methods for the Examination of Water and Wastewater (Standard Methods), current edition. Reference of analytical protocols and sample collection procedures as published jointly by the American Public Health Association, Water Environment Federation, and American Water Works Association.

(206) Standard Plumbing Code, current edition. Reference of building codes for plumbing systems, including building drains and grease management devices, contained in the most current edition of the Florida Building, Plumbing, Mechanical, Gas Code as published by the State of Florida and adopted by the City's Building Department.

(207) State. State of Florida.

(208) Stormwater. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(209) Stormwater System (Storm Drain or Storm Sewer). A collection system which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling water.

(210) Surcharge. A charge to a user for the discharge of abnormally high strength compatible pollutants to the POTW, that is, above the standards or

criteria set forth in this Chapter. The charge is based on the loading of a particular pollutant in pounds from a significant commercial user; and is levied in addition to the regular sewer service charges or fees.

(211) Surface Waters. Any watercourse, stream, river, lake, lagoon, or other geological feature that contains water on the surface of the earth whether contained in bounds created naturally, artificially, or diffused.

(212) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering in accordance with EPA protocols or *Standard Methods*, latest edition.

(213) Technical Review Criteria (TRC). Violations in which thirty-three percent (33%) or more of all wastewater measurements taken for each pollutant parameter during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, or local pollutant limit, including instantaneous limits, multiplied by the applicable criteria, which shall be 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants, except pH(40 CFR §403.8(f)(2)(viii)(B)).

(214) Time Proportional Composite Sample. A mixture of discrete, equal volume, grab samples taken at different times at the same monitoring location. The time interval is proportional to the flow volume or rate.

(215) Total Kjeldahl Nitrogen (TKN). The analytical quantity of organic nitrogen and ammonia that is determined together and is equal to the sum of the concentration of ammonia and organically bound nitrogen in the tri-negative oxidation state.

(216) Total Metals (TM). The sum of the concentrations of copper, nickel, total chromium, and zinc. If the concentration of a pollutant is below the detection limit, then one-half (1/2) of that value shall be used in this determination.

(217) Total Nitrogen (TN). The sum of the concentrations of the various forms of nitrogen which, in general, include TKN, nitrite, and nitrate.

(218) Total Phosphorus (TP). The sum of the concentrations of the various phosphate functions, which, in general, includes orthophosphate, condensed phosphates, and organic phosphorus.

(219) Total Recoverable Petroleum Hydrocarbons (TRPH). The quantities of those substances as determined by EPA Method 418.1; that is, organic compounds containing less than twenty (20) carbon atoms and are extractable into an organic liquid.

(220) Total Toxic Organics (TTO). The summation of all quantifiable values greater than 0.01 milligrams per liter (mg/l) of specific toxic organics, as set forth in 40 CFR §413.02 (i), present in the user's process discharge.

(221) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA Administrator under the provision of Section 227 (a)(1) or 405 (d) of the Act or other laws, or by FDEP pursuant to Florida Statutes. In general, a pollutant or combination of pollutants which, following discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause illness, disease, death, mutations, deformities, or other maladies into said organisms or their offspring.

(222) Toxicant. A substance that kills or injures an organism through its chemical or physical action or by alteration of its environment. Examples include cyanides, phenols, pesticides, and heavy metals.

(223) Transporter or Liquid Waste Hauler. Any person or user who is authorized to pick-up and convey wastes from the site of generation to an approved facility or location for treatment, disposal, or reuse (recycling) in accordance with all applicable Federal, State, and local regulations regarding the transportation of the generated wastes.

(224) Turbidity. A condition in water or wastewater caused by the presence of suspended matter, resulting in the scattering and absorption of light rays. Also, a measure of fine suspended matter in liquids; usually reported in Nephelometric Turbidity Units (NTU) as determined by measurements of light diffraction.

(225) Twenty-Four Hour, Time Proportional Composite Sample. A mixture of discrete sample aliquots that are collected during a twenty-four (24) hour period. Sample aliquot volumes are proportional to the flow, are taken at constant time intervals, and combined to form a representative sample.

(226) Under-the-Sink Oil and Grease Trap. A City approved device that is designed for a flow of less than fifty (50) gpm and installed inside the building beneath or in close proximity to the sink or other facilities likely to discharge oil and grease substances from animal or vegetable sources in an attempt to separate, trap, or store their fat-soluble substances and prevent their entry into the collection system.

(227) Unpolluted Water. Water to which no constituent or characteristic, such as heat, has been added, either intentionally or accidentally, which would render such water unacceptable to any person having jurisdiction thereof for disposal to a storm or natural outlet or directly to surface waters.

(228) Unregulated Waste Stream. A waste stream neither regulated by a national categorical pretreatment standard nor considered a dilute waste stream.

(229) Upset. An exceptional incident in which there is unintentional and temporary non-compliance with applicable categorical or pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include temporary noncompliance to the extent caused by, but not limited to, force majeure, operational error(s), lack of preventive maintenance, careless or improper operation, and improperly designed or inadequate treatment facilities as described in 40 CFR §403.16 (a) and Chapter 62-625.840, F.A.C.

(230) User. A non-domestic discharger to the POTW.

(231) Waste Minimization. Conservation of materials to reduce the source of pollutants or wastes.

(232) Wastewater. The spent or used water containing human excrement, gray water, and dissolved and suspended solids, such as, but not limited to, industrial and domestic wastes from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether *treated or untreated, which are contributed to the POTW.*

(233) Wastewater Collection System Charge. A charge for establishing, extending, oversizing or otherwise making available the City wastewater collection system, including, but not limited to, lateral, branch, and trunk sewers, to a point of reasonable availability to the property so assessed.

(234) Wastewater Constituents and Characteristics. The individual chemical, physical, bacteriological, and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify, or measure the contents, quality, quantity, and strength of wastewater.

(235) Wastewater Facility. A facility or system, which discharges to the surface or ground waters of the State or has the potential to be a reasonable source of pollution, and includes the collection and transmission system, treatment processes and work, reuse or disposal system and residuals management facility.

(236) Wastewater Treatment Plant. Refer to Water Reclamation Facility.

(237) Water Course. An artificially created or naturally occurring geological feature that contains surface water on either a continuous or intermittent basis.

(238) Water Management Division Director. The Director of the Water Management Division within the EPA, Region IV office in Atlanta, or that person's delegated representative.

(239) Water Pollution Control Charge. A charge on real property for new or expanded facilities and/or that portion of components to convey, excluding that portion of the wastewater collection system included under the definition of

wastewater collection system charge, to treat and to dispose of wastewater necessitated by new or increased development.

(240) Water Reclamation Facility (WRF). That portion of the POTW, which is designed to provide treatment of domestic, commercial, and industrial wastes, and produces a treated effluent suitable for reuse.

(241) Waters of the State. As defined in Section 403.031 (13), F.S. or Chapter 62-222, F.A.C. or elsewhere in Chapter 62, F.A.C., and includes both surface and ground waters.

(a) Terms not otherwise defined herein shall be adopted by reference as defined in the latest edition of Title 40 of the *Code of Federal Regulations*, Chapter 62 of the Florida Administrative Code, *Standards Methods*, as published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation; the Manual of Practices as researched and published by the Water Environment Federation, American Society of Civil Engineers (ASCE), and the American Society of Testing Materials (ASTM); applicable building and plumbing codes; and the Guidance Manuals and protocols that are prepared and published by the U.S. Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (FDEP).

22 – 107. GENERAL SEWER USE REQUIREMENTS

1. Use of Sewers Required

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any wastewater, other polluted waters, or pollutants, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic systems, cesspool, or other facility intended or used for the treatment or disposal of wastewater.

(d) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any easement, street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities with the public sewer in accordance with the provisions of this Chapter, the Florida Statutes, and the rules and regulations of the Florida Department of Health.

(e) The owner of a house, building or property who is directed to or elects to connect property that is served by a septic system to the public sewer or is required to connect to the public sewer because of a failure of or proposed expansion to the septic system may be eligible for a credit on the cost of connection. Eligibility for and the amount of the credit shall be determined under the guidelines set out in Section 22.127, Septic System Abandonment Credit.

(f) In isolated hardship instances, the Director of Public Works, pursuant to Florida Statutes, may exempt owners of property from the mandatory sewer connection provision of this Section upon a finding that the connection to the public sewer is not feasible. The determination of non-feasibility may be based upon financial considerations or physical obstructions, which restrict connection to the sewer system. All requests from owners of property for an exemption from the mandatory sewer connection shall be submitted in writing to the Director of Public Works and shall contain the name of the property owner, the address and legal description of the property, the present use of the property, any proposed change in the use of the property, and the justification for the requested exemption. The Director of Public Works shall review the request and shall grant or deny the request in writing, citing the specific reasons for the denial thereof, within thirty (30) days following receipt of the completed application for an exemption. Failure of the Director of Public Works to make a determination within the said thirty (30) day period shall be deemed to constitute a denial of the request for an exemption. All denials of request for an exemption are subject to an administrative review by the City Commission pursuant to the procedures set forth in Section 22.116(10) of this Chapter.

2. Private Wastewater Disposal

(a) Where a public sanitary sewer is not available under the provisions of Section 22.107 (1), the lateral shall be connected to a private wastewater disposal system or septic system complying with the provisions of this Chapter.

(b) Before commencement of construction, reconstruction, enlargement, modification, or improvement of a private wastewater disposal system, the property owner shall first obtain a written permit signed by the Director of Public Works. Before commencement of construction, reconstruction, enlargement, modification, or improvement of a septic system, the property owner shall obtain a permit through the appropriate State and/or County agency; no City permit for septic system construction or modification will be required. All other systems will be subject to a City permit. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement with any plans, specifications, and other information as are deemed necessary by the Director of Community Development. A permit and inspection fee shall be paid to the City at the time the application is filed.

(c) A permit for a private wastewater disposal system shall not become effective until the installation is completed and has been inspected by the Building Department and approved by the Director of Public Works. A City representative shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Director of Community Development when the work is ready for final inspection, and before any underground portions are

covered. The inspection shall be made within two (2) days, excluding Saturday, Sunday, and holidays, of the receipt of notice by the *Director of Community Development*.

(d) The type, capacities, location, and layout of a private wastewater disposal system and septic system shall comply with all applicable requirements of the Lake County Health Department and the Florida Department of Children and Family Services or its successor. No septic system or cesspool shall be permitted to discharge to any natural outlet.

(e) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, or as required by the Director of Public Works, as provided in Section 22.107 (1)(f), a direct connection shall be made to the public sewer in compliance with this Chapter, and any private wastewater disposal facilities shall be abandoned and rendered unusable with the exception of components of the system that are necessary for the conveyance of sewage to the public sewer.

(f) If otherwise approved by the Florida Department of Health, property served by an adequately functioning septic system shall not be required to connect to the public sewer until such time as the septic system tank or drainfield needs replacement, the system is condemned by regulatory health authorities, or the system requires expansion or relocation as a result of proposed improvements to or on the property. In cases where the septic system has failed and needs replacement, the property shall connect to the public system within 22 days of the determination that the septic system is no longer functioning adequately and presents a possible health hazard to the property owner or community.

(g) The property owner shall construct the private wastewater disposal system at no cost to the City. The property owner shall operate and maintain the private wastewater disposal system in a sanitary and effective manner at all times, at no expense to the City.

(h) No statement contained in this section shall be construed to interfere with any additional or more stringent requirements that may be imposed by health officers or other regulatory agencies.

3. Private Wastewater System Connected To POTW

(a) Before commencement of construction, reconstruction, enlargement, modification, or improvement of a private wastewater collection system that is, after construction or improvements, connected to the City wastewater system, the property owner or their agent shall obtain the necessary permits from the Florida Department of Environmental Protection (FDEP). The permit application, along with any plans, specifications, and other information as deemed necessary by the Director of Community Development or the Director of Public Works, shall be submitted to the Division of Permitting Services to obtain the necessary building and development permits from the City.

(b) The type, capacities, location, and layout of a private wastewater collection system that is connected to the City wastewater system shall comply with all

applicable standards and requirements of the State of Florida and the Public Works Department. The property owner shall submit a complete copy of the design documents, including drawings and specifications, to the Director of Public Works. After completion of construction or modifications, the property owner shall provide a copy of the record drawings and Certificate of Completion of Construction, as submitted to FDEP, to the Director of Public Works.

(c) A private wastewater collection system shall not be connected to the City wastewater system until said private wastewater collection system has been inspected and approved by the Director of Community Development. The work may be inspected at any stage of construction by the Director of Community Development. The applicant shall notify the Director of Community Development when the work is ready for final inspection, which shall be done prior to any underground portions being covered. The inspection shall be made within three (3) days, excluding Saturday, Sunday, and holidays, of receipt of the notice by the Director of Community Development from the applicant.

(d) The property owner shall certify that all sewer lines and collection system components were constructed in accordance with City design standards and in a manner so as to preclude any infiltration into or exfiltration from the private wastewater collection system. Such certification shall be furnished to the City prior to release of the certificate of occupancy for the private wastewater facilities. Certification shall include a closed circuit television (CCTV) inspection report of the private wastewater collection system. The (CCTV) inspection of all private wastewater collection systems shall be performed prior to the City releasing the system for use. The property owner shall provide a copy of the CCTV logs and videotape of the inspection to the City for review and approval. The CCTV videotape shall be in DVD format, or such other format as designated by the Director of Public Works. The CCTV videotape shall be in color with a clear picture, have audio voice-over comments, and shall display the footage throughout the line segment continuously on the image. The CCTV inspection and subsequent submittals to the City shall be done at the sole expense of the property owner. All necessary repairs to the private wastewater collection system shall be done at the sole expense of the property owner, and to the satisfaction of the Director of Public Works.

(e) The property owner shall pay all costs and expenses incident to the installation and connection of the private wastewater collection system to the City wastewater system. The property owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or connection of the private wastewater collection system.

(f) The property owner shall operate and maintain the private wastewater collection system in a safe, sanitary, and effective manner at all times. The private wastewater collection system shall be operated, maintained, and repaired by the property owner at no expense to the City.

(g) Private sewers shall be maintained so as to preclude the entrance of any infiltration and inflow. Should it be determined by the Director of Public Works that infiltration/inflow are entering the public sewer from a private wastewater collection

system, the property owner shall be responsible for determining the cause(s) and for making all necessary repairs to the system, to the Director of Public Works' satisfaction. A licensed contractor that is experienced in sewer rehabilitation work and acceptable to the Director of Public Works shall perform all necessary repairs and related work. If determined necessary by the Director of Public Works, closed circuit television inspection of the private sewer lines shall be performed and the CCTV logs shall be submitted for review. Additional testing may be required by the Director of Public Works, including, but not limited to, night time flow measurement and smoke testing to determine infiltration and inflow into the private wastewater collection system.

(h) All operation, maintenance, and repair of private lift stations and pumping facilities shall be done by a reputable person or firm experienced in the operation, maintenance, and repair of such facilities. Upon demand, the property owner shall furnish such proof, as the Director of Public Works deems necessary, to demonstrate that the person or firm is fully qualified to perform the aforementioned tasks.

(i) The City shall have the right to inspect all private wastewater collection systems and appurtenances, and to cause discontinuance of sewer service if the private wastewater collection system is not maintained in a sanitary and effective operating condition or if the publicly owned wastewater facilities may be harmed thereby.

(j) The provisions, including fees and penalties, set forth in this Chapter for the Oil and Grease Management Program shall be applicable to private lift stations and wastewater collection systems.

(k) The Director of Public Works may impose additional requirements on the property owner to assure the proper operation and maintenance of the City wastewater system downstream of the private lift station and wastewater collection system, including but not limited to, requiring the property owner to take one or more of the following actions:

(i) Provide a copy of the contract from a reputable firm for the operation, maintenance, and repair of the private wastewater collection system;

(ii) Provide names, phone numbers, and other pertinent information for an emergency contact person(s);

(iii) Provide timely notification to the Director of Public Works of changed conditions, including changes in ownership, management, construction, installation of equipment or facility services provider;

(iv) Provide public notification using appropriate signage with the information, in the format and placed in the location as specified by the Director of Public Works. Information may include, but is not limited to, the name of the system, location, emergency contacts with cell phone numbers, and the name and contact information for the facility services provider;

(v) Provide adequate access to the private lift station and wastewater collection system for periodic inspections by the City in accordance with Section 22.113 of this Chapter;

(vi) Inspect the private lift station and wastewater collection system at least quarterly, or more frequently as determined by the Director of Public Works, to assure proper operation and maintenance;

(vii) Clean the private lift station and wastewater collection system at least on an annual basis, or more frequently as may be determined by the Director of Public Works;

(viii) Submit an annual report to the Director of Public Works containing information on the inspections of the private lift station and wastewater collection system and any maintenance activities, including modifications, improvements, upgrades and cleaning activities; and

(ix) Retain records of inspections, maintenance activities, and operations in a file for a minimum of three (3) years in accordance with Section 22.112(13) of this Chapter.

(l) The facility services provider for the private lift station and wastewater collection system shall be properly licensed, insured and have a minimum of two (2) years of experience in the operation and maintenance of lift stations, collection systems, and electrical and control systems. The facility services provider shall have access to the equipment necessary for servicing lift stations and collection systems. The facility services provider shall be available twenty-four (24) hours, seven (7) days per week. The facility services provider shall have the ability to respond to an emergency situation, spills or overflows within two (2) hours following notification.

(m) In the event of a sewage overflow from the private wastewater collection system, the Director of Public Works may require the owner to perform a facility evaluation and hydraulic analysis of the system. The facility evaluation and system hydraulic analysis shall be conducted by a professional engineer who is licensed and registered in the State of Florida for such purpose.

(n) The property owner shall obtain all necessary permits from the responsible agencies with appropriate jurisdiction prior to making any repairs to the private wastewater collection system.

(o) If a private lift station is used to serve more than four (4) residential units, the property owner shall provide a means to operate the lift station in the event of the loss of normal electrical power. Such means may include, but are not limited to, the permanent installation of an emergency generator with automatic transfer switch, the installation of an emergency generator connection on the pump control panel (for the connection of a portable emergency generator), a service contract with a waste hauler to periodically empty the wet well, or other means approved by the Director of Public Works.

(p) The property owner for a private wastewater collection system shall be responsible for notifying the Lake County Health Department, the Florida

Department of Environmental Protection, and the City within 24 hours of any occurrence of a sewage overflow or spill event. The property owner shall take whatever measures are necessary to protect the public health and the environment from contamination as a result of a sewage overflow. The property owner shall clean-up overflows or spills as soon as possible after their discovery.

(q) The City shall be responsible for the maintenance of the public sewer and for providing service to receive the discharge from the approved private lift station and wastewater collection system.

4. Laterals and Connection

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director of Community Development. Lateral connections shall be made by licensed and bonded plumbers or underground utility contractors. The property owner shall be responsible for paying a sewer connection permit fee in accordance with the fee schedule adopted by City Commission.

(b) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the public sewerage system.

(c) All costs and expenses incident to the installation and connection of the lateral shall be borne by the property owner. The property owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the lateral.

(d) A separate and independent lateral shall be provided for every building; except where one building stands at the rear of another on an interior lot and no lateral is available or can be constructed to the rear building through an easement, adjoining alley, court, yard, or driveway. The lateral from the front building may be extended to the rear building, and the whole considered as one lateral. In such case, the property owner shall be required, as a condition to such approval, to execute an agreement as prescribed by the City, that shall require the property owner to grant an easement for the continued joint use of the lateral to the rear building, in the event the two buildings are ever sold separately, and such agreement shall be recorded in the public records. In the event that the building is a duplex, each side of the duplex shall have a separate and independent lateral unless the units are vertically stacked and the building drains are joined within the structure.

(e) In the event of site demolition and reconstruction, the old lateral(s) may be used in connection with new building(s). Should there be any question about the integrity of the old lateral, the Director of Public Works shall cause the lateral to be inspected and verify that it is suitable for use. In the event that the lateral is not suitable, the property owner shall be responsible for installing the number of laterals needed to adequately serve the site.

(f) The size, slope, alignment, materials of construction of a lateral, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall conform to the requirements set forth in the applicable building and plumbing codes, and the City's *Engineering Standards Manual*, latest edition. Such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials shall be approved by the Director of Public Works before installation.

(g) The laterals for all nonresidential connections shall be at least six (6) inches in diameter. Any variance or waiver from this requirement must be approved by the Director of Public Works prior to construction and permit issuance.

(h) Whenever possible, the lateral shall be brought to the building at an elevation below the lowest floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary wastewater carried by such building drain shall be lifted by an approved pumping system and discharged to the lateral.

(i) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or any other sources of surface water runoff or groundwater to a lateral or building drain which in turn is connected directly or indirectly to the City's sanitary sewer unless the connection has been reviewed and approved by the Director of Public Works.

(j) The applicant for the lateral permit shall notify the Director of Community Development when the lateral is ready for inspection and connection to the City's sanitary sewer. The connection shall be made under the supervision of the Director of Community Development.

(k) All excavations for building sewer installation shall be adequately guarded with barricades, lights, and any other safety devices as needed to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(l) The customer shall be responsible for the maintenance and internal cleanliness of the lateral; specifically all plumbing from the public sewer into and including the house plumbing. The City shall be responsible for repairing structural defects in the lateral from the public sewer to the property line. The property owner shall be responsible for lateral repairs from the property line up to and including the building drain. The City shall have the right to inspect the lateral and to cause discontinuance of sewer service to any property where the plumbing is not maintained in a sanitary and effective operating condition or if the public sewer facilities may be harmed thereby.

(m) As determined by the Director of Public Works, garages and other establishments where petroleum-based products, such as gasoline, are used, or where wastes containing oil and grease in excessive amounts, sand, or other harmful ingredients can be discharged, and which are connected with municipal sewers, shall be provided with a suitable device for removal of these items. Users shall be subject to provisions of the Pretreatment Program, the Oil and Grease Management Program,

or Surcharge Program as set forth in Sections 22.108, 22.120 and 22.121, respectively, and to the provisions in this Chapter.

(n) Where pretreatment or flow-equalizing facilities or traps or separators are provided for any waters or wastes, said facilities and devices shall be maintained continuously and in satisfactory and effective operation by the property owner or the user at his sole expense.

(o) The City shall be responsible for the maintenance of the public collection system and for providing service to receive the approved wastewater discharge from the laterals.

22 – 108. PRETREATMENT OF WASTEWATER

1. Prohibited Discharge Standards

(a) General Prohibitions

(i) No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater, which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other Federal, State, or local pretreatment standards or requirements.

(ii) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any public sewer unless previously approved by the Director of Public Works.

(iii) Stormwater, other unpolluted drainage, industrial cooling water, or unpolluted process waters may be discharged with written approval of the Director of Public Works, to a specifically designated stormwater system or natural outlet.

(b) Specific Prohibitions

No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(i) Pollutants which create a fire or explosive hazard in the POTW, either singly or in combination with other substances, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR §261.21, or as amended;

(ii) Wastewater having a pH less than 5.5, or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;

(iii) Solids or viscous substances in quantities or of such size that are capable of causing obstruction to the flow in sewers, or other interference with the proper

operation of the treatment works such as, but not limited to, grease, ashes, cinders, grass clippings, sand, mud, grit, gravel, screenings, straw, shavings, metal, glass, rags, wastepaper, feathers, tar, asphalt residues, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, bones, entrails, or paper or plastic dishes, cups, milk containers, either whole or ground by garbage grinders;

(iv) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair;

(v) Any pollutants, including oxygen-demanding pollutants released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause pass through or interference with the POTW; or any materials that may contribute, exert, or cause:

(a) Inert suspended solids, such as, but not limited to, fullers earth, lime slurries, and lime residues; or dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate;

(b) Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions;

(c) Carbonaceous biochemical oxygen demand (CBOD), chemical oxygen demand (COD), or chlorine demanding compounds in such quantities as to constitute a significant load on the wastewater treatment works; or

(d) Volumes of flow or concentration of wastes constituting slug discharges, as defined herein.

(vi) Petroleum oils, fuels, lubricants, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(vii) Pollutants which result in the production of toxic gases, vapors, or fumes within the POTW in a concentration or quantity that may cause acute worker health and safety problems;

(viii) Trucked or hauled wastes, except at discharge points designated by the Director of Public Works in accordance with Section 22.108(12) of this Chapter;

(ix) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, biosolids, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance

with biosolids use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting biosolids use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the biosolids management method being used;

(x) Any substance which will cause the POTW to violate its NPDES, FDEP or other applicable permit(s), the receiving water quality standards, reuse water quality requirements, or violate an agreement for receipt of and reuse of reclaimed water;

(xi) Any wastewater having a temperature which will inhibit biological activity at the WRF or interfere with treatment processes as defined in this Chapter shall not be discharged in such quantities to raise the temperature of the influent headworks above 104°F (40°C). Unless a higher temperature is allowed in the Industrial Wastewater Discharge Permit, no user shall discharge into any sewer, or other appurtenance of the wastewater system, wastes with a temperature exceeding 140°F (60°C);

(xii) Any water or waste containing fats, wax, grease, vegetable oils, or petroleum based oils and grease, whether emulsified or not, in excess of two hundred fifty (250) mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 140°F (0°C and 60°C);

(xiii) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Director of Public Works;

(xiv) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Director of Public Works, as necessary, to meet the requirements of the Federal, State or other public agencies of jurisdiction for such discharge to the receiving waters;

(xv) Wastewater which imparts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating standards for disposal or reuse;

(xvi) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director of Public Works or applicable Federal or State regulations;

(xvii) Biosolids, screenings, or other residues from the pretreatment of industrial wastes;

(xviii) Medical, biological, or biohazardous wastes, except as specifically authorized by the Director of Public Works in an Industrial Wastewater Discharge Permit;

(xix) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(xx) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(xxi) Wastewater causing any single reading on an explosion hazard meter equal to or greater than five percent (5%) at the point of discharge into the POTW, or at any point in the POTW. The meter shall be calibrated using propane to show a value of one-hundred percent (100%); or

(xxii) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, non-contact cooling water, treated hazardous wastes, and unpolluted wastewater, unless specifically authorized by the Director of Public Works.

(c) Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(d) Industrial users shall notify and obtain approval from the Director of Public Works, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge to the POTW of a substance which, if otherwise disposed of, would be defined as a hazardous waste. Such notification shall comply with 40 CFR §403.12 and Chapter 62-625.600(15), F.A.C., or as amended.

2. National Categorical Pretreatment Standards

(a) Certain industrial users are now or hereafter shall become subject to National Categorical Standards promulgated by the Environmental Protection Agency (EPA) or other federally approved limits, which may come into effect. The National Categorical Standards specify quantities or concentrations of pollutants or pollutant properties, which may be discharged into the POTW. All industrial users subject to a National Pretreatment Standard shall comply with all requirements of such standard, which includes any monitoring or reporting requirements, and shall comply with any additional or more stringent limitations contained in this Chapter. Compliance with National Pretreatment Standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three (3) years following promulgation of the standards unless a shorter compliance time is specified in the standard or required by the City. Compliance with National Pretreatment Standards for new sources shall be required upon promulgation of the standard.

(b) The categorical pretreatment standards found in 40 CFR, Chapter I, Subchapter N, Parts 405 through 471, or as amended, and which were

incorporated by reference in Chapter 62-625, F.A.C., or as amended, are hereby incorporated herein.

(c) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the industrial user may request and the Director of Public Works may impose equivalent concentration or mass limits in accordance with 40 CFR §403.6(c) and Chapter 62-625.410(4)(a), F.A.C, or as amended.

The Director of Public Works may establish equivalent mass limits if the industrial user meets the conditions set forth below:

- (i) The user has implemented water conservation methods and technologies to substantially reduce water use during the term of the Industrial Wastewater Discharge Permit;
- (ii) The user currently has control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard without using dilution;
- (iii) The user has established the actual average daily flow rate for all wastestreams using a continuous effluent flow measurement device and the long-term average production rate for the facility, which is representative of current operating conditions;
- (iv) The daily flow rates, production levels or pollutant loadings do not vary significantly such that equivalent mass limits are not appropriate to control the discharge; and
- (v) The user has consistently complied with all applicable categorical pretreatment standards during the period prior to the request for equivalent mass limits.

Any industrial user subject to equivalent mass limits shall comply with the following requirements:

- (i) The user shall maintain and effectively operate the control and treatment technologies to achieve compliance with the equivalent mass limits.
- (ii) The user shall record the daily flows for all wastestreams with a continuous effluent flow measurement device.
- (iii) The user shall record the production rates for all processes and provide written notification to the Director of Public Works whenever the production rates are anticipated to vary more than twenty per cent (20%) from the baseline rates that were established for the equivalent mass limits. The Director of Public Works may reassess the equivalent mass limits and revise them as necessary to reflect the changes in conditions at the facility.
- (iv) The user shall continue to implement water conservation measures and technologies.

The Director of Public Works may use the following guidelines to develop equivalent mass limits:

- (i) The equivalent mass limit may be calculated by multiplying the actual average daily flow rate for each process wastestream by the concentration based daily maximum and monthly average limits for the applicable categorical pretreatment standards and appropriate unit conversion factors.
- (ii) The equivalent mass limit may be reassessed and recalculated upon written notification of anticipated changes in conditions and production rates at the facility.
- (iii) The equivalent mass limit may be retained in subsequent individual Industrial Wastewater Discharge Permits if the actual average daily flow rate decreases as a result of water conservation measures and technologies, and the industrial user complies with the requirements regarding prohibition of bypass.
- (d) The Director of Public Works, at his discretion, may convert the mass limits of the categorical pretreatment standards for CFR Parts 414, 419 and 455 to concentration based limits in accordance with 40 CFR §403.6(c)(7) for the purpose of calculating limitations that are applicable to individual industrial users, provided that dilution has not been substituted for treatment of the wastestreams.
- (e) The industrial user shall comply with the equivalent mass limits set forth in the Industrial Wastewater Discharge Permit in lieu of the applicable categorical pretreatment standards once the equivalent mass limits have been derived and included in the permit.
- (f) Categorical pretreatment standards may include specific determinations for the maximum daily discharge limit and the maximum monthly average or 4-day average limit. The same flows and production rates shall be used in the calculation of both the average and maximum equivalent limitation in accordance with 40 CFR §403.6(c)(8).
- (g) Any industrial user with equivalent mass or concentration limits set forth in the Industrial Wastewater Discharge Permit shall provide written notification to the Director of Public Works within two (2) business days upon learning that the production level will significantly change within the next calendar month. Failure to properly notify the Director of Public Works in a timely manner shall result in the user complying with the equivalent mass or concentration limits set forth in the Industrial Wastewater Discharge Permit that were based upon the original estimates for the long-term average production rates.
- (h) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director of Public Works shall impose an alternate limit using the combined waste stream formula as defined in 40 CFR §403.6(e) and Chapter 62-625.410(6), F.A.C, or as amended.

(i) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR §403.13 and Chapter 62-625.700, F.A.C., or as amended, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(j) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR §403.15 and Chapter 62-625.820, F.A.C, or as amended.

3. Local Pollutant Limits

(a) The Director of Public Works with approval of the City Commission is authorized to establish local pollutant limits in accordance with 40 CFR §403.5(c) and Chapter 62-625.500(2)(c), F.A.C. The local pollutant limits are established to protect the City's wastewater system against pass through and interference and to prevent noncompliance with requirements in applicable permits or violations in agreements for reuse of the reclaimed water and residuals.

(b) No person shall discharge wastewater containing in excess of the instantaneous maximum uniform concentration limits unless the Industrial Wastewater Discharge Permit of the user provides as a special permit condition a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the FDEP Approved Local Limit concentration.

(c) The local pollutant limits shall apply at the control manhole or at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metals unless indicated otherwise. The local pollutant limits can be represented with an average of four (4) composite samples, if so specified by the Director of Public Works in the Industrial Wastewater Discharge Permit.

(d) The local pollutant limits may be adjusted and additional local pollutant limits may be added from time to time based on treatment plant monitoring, water quality requirements, field investigation of industrial users, and/or any other factors, which the Director of Public Works deems of significance with respect to the proper and safe operation of the POTW Industrial Wastewater Discharge Permit

(e) The Director of Public Works may impose mass allocation limits in addition to, or in place of, the concentration-based limitations above.

(f) The Director of Public Works may develop Best Management Practices (BMPs) to implement the local pollutant limits and the requirements set forth in this Chapter. The requirement for Best Management Practices (BMPs) may be imposed by the Director of Public Works in the Industrial Wastewater Discharge Permit.

4. Maximum Concentration Limits

(a) The purpose for maximum concentration limits is to minimize the potential to exceed the design capacity loadings for the water reclamation facilities for compatible pollutants, including CBOD₅, total suspended solids, and oil and grease.

(b) The maximum concentration limits may be revised by the City following an evaluation of the wastewater characteristics and the loading capacities for the water reclamation facilities.

5. Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation, unless expressly authorized by an applicable pretreatment standard or requirement, including, but not limited to, more stringent local limits developed under 40 CFR §403.5(c) and Chapter 62-625.400 (3) and (4), F.A.C., as it may be from time-to-time amended. No user shall be given credit for any dilution resulting from the mixing of the user's discharge with other user's discharges to the POTW.

6. Pretreatment Facilities

(a) If pretreatment is required through the issuance of an Industrial Wastewater Discharge Permit, users of the POTW shall design, construct, operate, and maintain such wastewater pretreatment facilities whenever necessary to reduce, modify, or eliminate the user's wastewater discharge to achieve compliance with the limitations in wastewater strength set forth in Section 22.108 of this Chapter, to meet applicable National Pretreatment Standards, or to meet any other wastewater condition or limitation contained in the user's permit. Plans, specifications, and operating procedures for such wastewater pretreatment facilities shall be prepared by a professional engineer that is registered in the State of Florida. Prior to commencement of construction of said pretreatment facility, the user shall submit a set of final construction plans and specifications to the Director of Public Works for review as part of the application for the Industrial Wastewater Discharge Permit. Prior to beginning construction, the user shall also secure such building, plumbing, or other permits that may be required by City ordinance.

(b) The user shall construct said pretreatment facility within the time provided in the Industrial Wastewater Discharge Permit. Following completion of construction, the user shall provide the Director of Public Works with "as built" drawings. Neither filing of the plans, nor the issuance of permit(s), shall be construed to indicate that the City in any way vouches for or warrants the performance or operating capabilities of any pretreatment facilities that were constructed pursuant to such plans, specifications, or design data.

(c) Subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without prior written notice to the City.

7. Additional Pretreatment Measures

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this Section, and which may have a deleterious effect on the POTW, treatment processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director of Public Works may take one or more of the following actions:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition prior to discharge to the public sewers;
- (c) Require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate wastewater waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Chapter;
- (d) Require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An Industrial Wastewater Discharge Permit may be issued solely for flow equalization;
- (e) Require grease, oil, and sand interceptors as necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users, unless so mandated by the Director of Public Works. All interception units shall be of the type and capacity approved by the Director of Public Works and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense and may be subject to the requirements for the Oil and Grease Management Program as described in Section 22.120;
- (f) Require users with the potential to discharge flammable substances or wastes containing TRPH to install and maintain a City approved combustible gas detection meter; or
- (g) Require payment pursuant to the provisions of Chapter 22 to cover the added cost of handling and treating the wastes not covered by existing fees or sewer charges.

8. Accidental Discharge/Slug Control Plan

At least once every two (2) years, the Director of Public Works shall evaluate whether each significant industrial user needs a Slug (Accidental) Discharge

Control Plan. The Director of Public Works may require any user to develop, submit for review, and implement such a plan, or, alternatively, the Director of Public Works may develop such a plan for any user and require implementation. A Slug (Accidental) Discharge Control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemical products or other materials on site;
- (c) Notification procedures, including those for immediately notifying the Director of Public Works and a list of contact persons and telephone numbers;
- (d) Procedures to prevent adverse impacts from any accidental or slug discharge. Such procedures shall include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and measures and equipment for emergency response; and
- (e) Description of employee training programs to prevent accidental or slug discharges and how to handle such episodic occurrences.

9. Pollution Prevention Plan

The Director of Public Works may require a user to develop and submit a Pollution Prevention Plan including an implementation timetable for review. The user shall implement the Pollution Prevention Plan on a timely basis once each plan has been approved. The Pollution Prevention Plan shall be developed in accordance with EPA and FDEP guidelines, and shall contain the following elements at a minimum:

- (a) Description of strategies to minimize or prevent the introduction of pollutants into the user's discharge, and housekeeping of oil storage areas;
- (b) Description of routine preventive maintenance and schedule of activities;
- (c) Description of spill prevention techniques and response procedures;
- (d) Description of employee training program and participation in pollution prevention measures, preventive maintenance, response procedures, and documentation;
- (e) Description of recordkeeping and reporting protocols, including forms;
- (f) Description of the overall facility, including a site plan, process schematics, and plumbing diagrams;

- (g) Description of waste handling, treatment and discharge facilities, including flow diagrams and process schematics;
- (h) List of sources of wastes and locations for their introduction into the discharge;
- (i) Inventory of raw materials, chemicals, intermediate products, and final products on-site;
- (j) Information log of facility personnel, organization chart, emergency phone numbers, contact persons and continuing educational requirements;
- (k) Compilation of applicable permits; and
- (l) Timetable for implementation of any necessary changes or additions to the user's procedures or facilities.

10. Best Management Program

The Director of Public Works may require a user to develop and submit for review a Best Management Program (BMP) to control discharges to the City's wastewater system. The user shall implement the provisions of the BMP on a timely basis and shall exercise due diligence in pursuit thereof. The BMP shall contain, at a minimum, the following elements:

- (a) Purpose and objective(s) of the Plan or Program;
- (b) Description of strategies to minimize/prevent the introduction of pollutants into the user's discharge and to minimize waste generation;
- (c) Description of best management practices (options) available to the user to control accidental spillage, leaks and drainage;
- (d) Description of best available or practicable control technologies available for this specific application;
- (e) Description of the overall facility, including site plan;
- (f) Description of the waste handling, treatment, and discharge disposal facilities, including flow diagrams and process schematics;
- (g) Description of operating and maintenance procedures;
- (h) Inventory of raw materials and a list of waste sources;
- (i) Description of employee training programs, continuing education programs, and participation;
- (j) Description of documentation, including recordkeeping and forms;

- (k) Description of monitoring activities; and
- (l) Information log of facility personnel, organization chart, emergency phone numbers, contact persons, and maintenance or service representatives.

11. Spill Containment and Response Plan

- (a) The Director of Public Works may require a user to develop, submit for review, and implement a spill containment plan.
- (b) Users that have the potential to cause interference with the POTW or pass through at the WRF shall be required to develop such a plan.
- (c) The user shall implement the spill containment plan, including construction of facilities, within one (1) year of notification by the Director of Public Works. Review and approval of the spill containment plan by the Director of Public Works shall not relieve the user of the responsibility to comply with the provisions of this Chapter.

12. Hauled Liquid Wastes

- (a) Hazardous wastes as defined in 40 CFR 261, as amended, shall not be hauled to any City wastewater facility for disposal or discharged directly into the POTW via a manhole, lift station or any other opening in the collection system, unless the Director of Public Works gives written permission prior to the occurrence of such discharge.
- (b) Review and approval of the spill containment and response plan by the Director of Public Works shall not be considered a waiver or written approval to discharge hauled liquid wastes. Furthermore, a spill containment and response plan approved by the Director of Public Works shall in no way relieve the user of the responsibility to comply with the provisions of this Chapter.
- (c) Industrial waste haulers shall discharge loads only at locations designated by the Director of Public Works. No load shall be discharged without prior written consent of the Director of Public Works.
- (d) Samples may be collected by the Director of Public Works from each load of hauled liquid wastes to ensure compliance with all applicable federal, state, and local regulatory requirements and pretreatment standards. The Director of Public Works may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (e) The Director of Public Works may require the industrial waste haulers to submit a waste-tracking manifest for each load. The waste tracking manifest form shall be approved by the Director of Public Works and shall include, at a minimum, but not limited to, the name and address of the industrial waste hauler, Industrial Wastewater Discharge Permit number, truck identification, names and

addresses of sources of waste, industry types, volume and characteristics of waste, and whether any wastes are hazardous wastes.

(f) The Director of Public Works may compel the industrial waste haulers to obtain an *Industrial Wastewater Discharge Permit* to ensure compliance with all federal, state, and local requirements for the Pretreatment Program and to protect the POTW.

(g) The industrial waste haulers shall be subject to enforcement action as set forth herein, including the assessment of fines and penalties for violations of the provisions of this Chapter.

(h) The Director of Public Works may rescind the authorization for a hauler to discharge hauled liquid wastes for violations of the provisions of this Chapter, or other ordinances; failure to obey an order of an authorized City employee or agent; or for the failure to pay any assessed fees, surcharges, or fines.

22 – 109. BEST MANAGEMENT PROGRAM FOR CONSTITUENTS OF SPECIAL CONCERN

1. Purpose and Intent

(a) The purpose of this section is to provide the legal authority and requirements for the Best Management Program for Constituents of Special Concern for those users generating or contributing wastes containing constituents of special concern, including lead, mercury and silver, to the POTW. The objectives of this best management program include:

(i) Minimizing the introduction of wastes containing silver, lead and mercury into the City's wastewater system;

(ii) Promoting pollution prevention by generators and dischargers of wastes containing silver, lead and mercury;

(iii) Requiring the installation and maintenance of equipment to achieve a level of treatment that is appropriate for the size of the generator (user); and

(iv) Enabling the City to comply with the effluent discharge standards set forth in the FDEP permits for the WRFs and the requirements for the Pretreatment Program.

(b) The intent of this section is to provide for the control and regulation of users that generate or discharge wastes containing silver to the POTW and to reduce the loadings of constituents of concern, including lead, mercury and silver.

2. General Criteria

- (a) This Section shall apply to all users of the POTW that generate or discharge wastes containing lead, mercury and silver.
- (b) All users that generate or discharge wastes containing constituents of special concern may be required by the Director of Public Works to comply with the guidelines set forth in the City's Best Management Program for Constituents of Special Concern.
- (c) All users that generate or discharge wastes containing constituents of special concern may be required to implement a best management strategy to achieve a specific level of treatment using a recovery or removal method as set forth in this section. This specific level of treatment (recovery or removal) shall depend upon the volume of wastes that are generated or discharged by the user.
- (d) The Director of Public Works may require users that generate or discharge wastes containing the constituents of special concern to pretreat these wastes adequately prior to discharge to the POTW.
- (e) Users shall submit an application for a registration certificate in the form and manner as specified by the Director of Public Works. Users shall obtain a registration certificate prior to generating or discharging any waste containing constituents of special concern; provided, however, that existing users generating or discharging wastes containing constituents of special concern as of the date of adoption of this Section shall have sixty (60) days to apply for and obtain a registration certificate.
- (f) Significant Industrial Users (SIUs) shall comply with the local limit concentrations as reference herein. Significant Industrial Users shall obtain an Industrial Wastewater Discharge Permit pursuant to Section 22.110 of this Chapter.
- (g) All users that generate or discharge wastes containing constituents of special concern may be required by the Director of Public Works to prepare a Best Management Plan (BMP) to minimize waste generation and to promote the principles of pollution prevention. The BMP shall contain those elements that are listed in Section 22.108 (9) and (10) of this Chapter, and such other information as may be required by the Director of Public Works. An accidental discharge/slug control and a spill containment plan shall be included in the BMP by the user.
- (h) The user, as required by the Director of Public Works, shall develop and implement the BMP within sixty (60) days of notification by the Director of Public Works.
- (i) The user shall exercise due diligence in the implementation of their BMP and the operation and maintenance of the recovery or removal system.
- (j) The Director of Public Works at his discretion shall have the authority to require any user that generates or discharges wastes containing constituents of

special concern to obtain an Industrial Wastewater Discharge Permit and to impose the local limit for silver upon any such user by doing so.

(k) Preparation and implementation of the BMP by the user shall be done at the sole expense of the user.

3. Off-Site Management

(a) Any user that generates wastes containing silver may choose to have these wastes handled and disposed of off-site. In such event, a certified hazardous waste hauler shall be used to transport the wastes containing constituents of special concern to an approved and permitted off-site facility for the treatment, recovery, and disposal of such wastes. The certified hazardous waste hauler shall transport the wastes in compliance with all rules and regulations regarding the conveyance of such wastes.

(b) The user shall provide containment for their holding tanks and shall maintain them adequately to prevent spills and leakage.

(c) Users that implement a best management practices plan for off-site management and disposal shall retain and preserve the uniform hazardous waste manifests, as required by the U. S. Environmental Protection Agency, and other related documents in a file on-site for a minimum of three (3) years. The files shall be available for inspection by the Director of Public Works.

4. On-Site Recovery and Management

(a) Any user that generates or discharges wastes containing constituents of special concern may choose to provide onsite recovery and management for these wastes. The onsite management option shall require pretreatment of the wastes containing silver prior to discharge to the POTW.

(b) The pretreatment equipment and treatment processes shall be designed to meet the minimum recovery (removal) levels set forth in this section. Information on the user's proposed recovery or removal system for pretreating the wastes and the related performance data shall be included with the application for the registration certificate.

(c) The pretreatment equipment shall be operated and maintained properly at the sole expense of the user.

(d) Monitoring taps shall be installed on the influent and effluent lines of the pretreatment process for retrieval of representative samples to determine the efficiency of the pretreatment (recovery) system.

(e) The minimum recovery efficiency for the pretreatment (recovery) process or system shall be based on the volume of the wastes being generated by the user. If a user meets the criteria of more than one recovery category below, then the

more stringent recovery category shall apply. Minimum recovery efficiencies for the silver recovery or removal system shall be as follows:

(i) Users that generate or discharge an average of less than one (1) gpd of constituent-rich solutions and less than one hundred (100) gpd of total process wastewater shall recover a minimum of 90% of the constituents of special concern from the waste stream.

(ii) Users that generate or discharge an average of one (1) to ten (10) gpd of constituent-rich solutions or one hundred (100) to one thousand (1,000) gpd of total process wastewater shall recover a minimum of 95% of the constituents of special concern from the waste stream.

(iii) Users that generate or discharge an average of ten (10) to twenty-five (25) gpd of constituent-rich solutions or one thousand (1,000) to five thousand (5,000) gpd of total process wastewater shall recover a minimum of 99% of the constituents of special concern from the waste stream.

(iv) Users that generate or discharge an average of more than twenty-five (25) gpd of constituent-rich solutions or more than five thousand (5,000) gpd of total process wastewater may be required by the Director of Public Works to either achieve a recovery efficiency greater than 99% of the constituents of special concern from the waste stream or to obtain an Industrial Wastewater Discharge Permit and to comply with the local limit set forth in Section 22.108(3)(b).

(f) The Director of Public Works shall assign the user to the most stringent applicable category based upon the best available information concerning the volume of constituent rich flows or total process flows.

(g) The recovery efficiency of the pretreatment (recovery) processes shall be determined by the user at least once per week using approved methods. Users that generate or discharge more than ten (10) gpd of constituent-rich solutions shall determine the recovery efficiency of the pretreatment process at least once every four (4) months by collecting one composite sample of the influent and effluent for analysis by a certified commercial laboratory using EPA/FDEP approved protocols.

5. Recordkeeping

(a) The following records and documents shall be retained in a file on-site by any user generating or discharging wastes containing constituents of special concern:

(i) Information and specifications on the pretreatment and silver recovery system;

(ii) Volumes of constituent rich solutions and total process wastewater that are discharged to the City's wastewater system;

- (iii) A log of monitoring results;
- (iv) Reports of analyses from the commercial laboratory;
- (v) Service and maintenance logs;
- (vi) Uniform hazardous waste manifests;
- (vii) Best Management Plan (BMP); and
- (viii) Standard Operations and Maintenance Procedures Manuals for the recovery or removal system and pretreatment facilities.

(b) The files shall be subject to the retention requirements set forth in Section 22.112(13) of this Chapter. The files shall be available for inspection and review by the Director of Public Works.

6. Compliance Inspections and Monitoring

The Director of Public Works shall have the right to conduct periodic compliance facility inspections and random compliance monitoring as set forth in Section 22.113 of this Chapter. The purpose of the facility inspections is to determine compliance with the provisions set forth in this Chapter and to serve as a forum for the transfer of technical information to users in the Best Management Program for Constituents of Special Concern.

7. Enforcement

Users that do not comply with the provisions set forth in this section shall be subject to the enforcement procedures and remedies set forth in Section 22.116 through 22.118 of this Chapter and the provisions of the City's Enforcement Response Plan as may be amended from time to time and as approved by FDEP.

22 – 110. INDUSTRIAL WASTEWATER DISCHARGE PERMIT APPLICATION

1. Wastewater Analysis

When requested by the Director of Public Works, a user shall submit information on the nature and characteristics of its wastewater within twenty-one (21) days of the request. The Director of Public Works is authorized to prepare a form for this purpose and may periodically require users to update this information. Sample collection and waste analysis shall be done in accordance with the protocols and requirements set forth in Section 22.112 (9) thru (11) of this Chapter, Chapter 62-625.600, F.A.C., as amended, and Chapter 62-160, subsections 210, 220 and 320, F.A.C., as amended.

2. Industrial Wastewater Discharge Permit Requirements

(a) No significant industrial user shall discharge wastewater into the POTW without first obtaining an Industrial Wastewater Discharge Permit from the Director of Public Works, except a significant industrial user that has filed a timely application may continue to discharge for the time period specified therein.

(b) The Director of Public Works may require other users to obtain an Industrial Wastewater Discharge Permit as necessary to carry out the purposes of this Chapter.

(c) Any violation of the terms and conditions of an Industrial Wastewater Discharge Permit shall be deemed a violation of this Chapter and subjects the industrial user (permittee) to the enforcement response and remedies set out in Sections 22.116 through 22.118 of this Chapter. Obtaining an Industrial Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

(d) Fees may be assessed for random sampling and compliance monitoring that are incurred by the City as outlined in Section 22.112(11)(l).

3. Industrial Wastewater Discharge Permitting: Existing Connections

Any user required to obtain an Industrial Wastewater Discharge Permit who was discharging wastewater into the POTW prior to the effective date of this Chapter and who wishes to continue such discharge in the future, shall, within ninety (90) days after said date, apply to the Director of Public Works for an Industrial Wastewater Discharge Permit in accordance with Section 22.110 of this Chapter, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this Chapter unless exempted by the Director of Public Works.

4. Industrial Wastewater Discharge Permitting: New Connections

Any user required to obtain an Industrial Wastewater Discharge Permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this Industrial Wastewater Discharge Permit, in accordance with Section 22.110(5) of this Chapter, must be filed at least forty-five (45) days prior to the date upon which any discharge will begin or recommence.

5. Industrial Wastewater Discharge Permit Application Contents

(a) All users that are required to obtain an Industrial Wastewater Discharge Permit must submit a permit application. The Director of Public Works may require all users to submit as part of an application the following information:

- (i) All information required in 40 CFR §403.8(f)(1)(iii)(A)(2) and by Section 22.112(1)(b)(i) thru (iv) of this Chapter;
- (ii) Identifying information, including the name and address for the industrial user, contact information for the owner, operator, authorized or designated representatives, and facility managers;
- (iii) Type and number for any federal, state or local regulatory permits;
- (iv) Description of activities, facilities, and processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (v) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (vi) Each product that is produced at the facility by type, amount, process or processes, and rate of production;
- (vii) Type and amount of raw materials processed (average and maximum amounts per day) or stored at the facility, which could be discharged to the POTW either accidentally or intentionally;
- (viii) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (ix) Time and duration of discharges;
- (x) Monitoring locations for all wastestreams;
- (xi) Flow measurement, including information about the average daily and maximum daily flows, in gallons per day (gpd), to the POTW from the regulated process and other wastestreams to allow application of the combined wastestream formula set forth in 40 CFR §403.6(e);
- (xii) Measurement of pollutants, including instantaneous, daily maximum, and long-term average concentrations or mass;
- (xiii) Categorical pretreatment standards that are applicable to each regulated process;
- (xiv) Results of sampling and analysis that describe and characterize the nature, concentration or mass of pollutants in the discharge from each regulated process;
- (xv) Documentation for standards that require compliance with a Best Management Practice (BMP) or pollution prevention plan;

(xvi) Any requests for a monitoring waiver or renewal of an approved monitoring waiver for a pollutant that is neither present nor expected to be present in the discharge in accordance with 40 CFR §403.12(e)(2); and

(xvii) Any other information as may be deemed necessary by the Director of Public Works to evaluate the Industrial Wastewater Discharge Permit application.

(b) Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for modification and revision.

6. Signatories and Certification

(a) All Industrial Wastewater Discharge Permit applications, and reports set forth in Section 22.112 of this Chapter shall be signed by an authorized representative of the user and shall contain the certification statement set forth in (d) below in accordance with subparagraph 62-625.410(2)(b)2, F.A.C.

(b) If the designation of a specific authorized representative is no longer accurate because the responsibility for overall facility operation or environmental matters has been assigned to a different individual or position, then a new written authorization that satisfies the requirements of this section shall be submitted to the Director of Public Works prior to or together with any reports or permit applications being signed by the new designated authorized representative.

(c) A facility that is classified as a non-significant categorical industrial user by the Director of Public Works shall submit each year a signed certification statement that contains the following language in accordance with 40 CFR §403.3(v)(2).

“Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief that during the period from [month, day, year] to [month, day, year]:

(1) The facility described as [IU name] met the definition of a NSCIU as described in paragraph 62-625.200(25)(c), F.A.C.;

(2) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(3) The facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based on the following information: [documentation of basis to continue exemption].”

(d) The certification statement shall contain the following in accordance with Chapter 62-625.600(17), F.A.C.:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I also understand that applicable civil and criminal penalties may apply for any violations of pretreatment standards, requirements, and/or compliance schedules."

7. Industrial Wastewater Discharge Permit Decisions

The Director of Public Works will evaluate the data furnished by the user. The Director of Public Works may require additional information and will make such a request in writing to the user. Within thirty (30) days of receipt of a complete Industrial Wastewater Discharge Permit application, the Director of Public Works will determine whether or not to issue an Industrial Wastewater Discharge Permit. The Director of Public Works may deny any application for an Industrial Wastewater Discharge Permit.

8. Permit Denial

(a) Reasons that the Director of Public Works may deny an Industrial Wastewater Discharge Permit include, but are not limited to, the following:

- (i) Incomplete application;
- (ii) Failure to respond to a request for additional information in a timely manner;
- (iii) Submittal of false or inaccurate information or data;
- (iv) Pretreatment facilities that are inadequate to protect the POTW and allow the user's discharge to meet the standards set forth in this Chapter;
- (v) Construction of facilities, installation of equipment or systems, or the start up of operations and the discharge of wastes to the POTW without a permit; or
- (vi) In the opinion of the Control Authority, the wastes would be harmful and detrimental to the POTW, employees, and public.

(b) Denial of the Industrial Wastewater Discharge Permit application by the Director of Public Works does not relieve the user of the responsibility to comply with the City Code and obtain the necessary permits prior to commencement of operations. The user shall retain the right to reapply for an Industrial Wastewater

Discharge Permit or appeal the decision of the Director of Public Works using the appeals procedure as set out in Section 22.111(3).

22 – 111. INDUSTRIAL WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

1. Industrial Wastewater Discharge Permit Duration

An Industrial Wastewater Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An Industrial Wastewater Discharge Permit may be issued for a period less than five (5) years, at the discretion of the Director of Public Works. Each Industrial Wastewater Discharge Permit will indicate a specific date upon which it will expire. If an Industrial Wastewater Discharge Permit is issued for less than five (5) years, then it may be extended at the discretion of the Director of Public Works as long as the full five (5) year term is not exceeded.

2. Industrial Wastewater Discharge Permit Contents

An Industrial Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the Director of Public Works to prevent pass through or interference, protect the quality of the receiving water, the WRF's effluent or reclaimed water, protect worker health and safety, facilitate biosolids management and disposal, and protect against damage to the POTW.

(a) Industrial Wastewater Discharge Permits shall contain:

(i) A statement that indicates the Industrial Wastewater Discharge Permit duration, which in no event shall exceed five (5) years, and includes issuance, effective and expiration dates;

(ii) A statement that the Industrial Wastewater Discharge Permit is nontransferable without prior written notification to the City in accordance with Section 22.111(5) of this Chapter, and provisions for furnishing the new owner or operator with a copy of the existing Industrial Wastewater Discharge Permit;

(iii) Effluent limits and Best Management Practices (BMPs) based upon applicable pretreatment standards in accordance with Chapter 62-625.500(2)(a)2.c, F.A.C.;

(iv) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;

(v) The process for an industrial user to seek a waiver from monitoring for a pollutant that is neither present nor expected to be present in the discharge in accordance with 40 CFR §403.12(c)(2);

(vi) Requirements to control slug discharges to the POTW as determined by the Director of Public Works pursuant to Chapter 62-625.500(2)(a)2.g, F.A.C.;

(vii) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law; and

(viii) A statement that compliance with the Industrial Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the Industrial Wastewater Discharge Permit.

(b) Industrial Wastewater Discharge Permits may contain, but need not be limited to, the following conditions:

(i) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(ii) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(iii) Requirements for the development and implementation of an accidental discharge/slug control plan, spill containment plan or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

(iv) Requirements for the development and implementation of a Pollution Prevention Plan and a Best Management Program for the handling of the user's waste stream(s) and the minimization/ prevention of introducing pollutants into the discharge to the POTW;

(v) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(vi) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(vii) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

(viii) Requirements for closure activities following cessation of operations by the user at the facility, including the notification of the Director of Public Works, proper mothballing of the pretreatment facilities, authorized City personnel performing a final facility inspection, and completion of the applicable forms; and

(ix) Other conditions as deemed appropriate by the Director of Public Works to ensure compliance with this Chapter, and State and Federal laws, rules, and regulations.

3. Industrial Wastewater Discharge Permit Appeals

The applicant (user) may petition the Director of Public Works to reconsider the denial of an Industrial Wastewater Discharge Permit or the terms of an Industrial Wastewater Discharge Permit within ten (10) days of receipt of the notice of denial of the permit or the permit as applicable.

(a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(b) In its petition, the appealing party must indicate the reasons for its objection to the Permit denial or the Industrial Wastewater Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Industrial Wastewater Discharge Permit.

(c) The effectiveness of the Industrial Wastewater Discharge Permit shall not be stayed pending the appeal.

(d) If the Director of Public Works fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an Industrial Wastewater Discharge Permit, not to issue an Industrial Wastewater Discharge Permit, or not to modify an Industrial Wastewater Discharge Permit may be appealed to City Commission as described in Section 22.116(10) of this Chapter.

4. Industrial Wastewater Discharge Permit Modifications

(a) The Director of Public Works may modify an Industrial Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

(i) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

(ii) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of Industrial Wastewater Discharge Permit issuance;

- (iii) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (iv) Information indicating that the permitted discharge poses a threat to the City's POTW, authorized City personnel, or the receiving waters;
- (v) Violation of any terms or conditions of the Industrial Wastewater Discharge Permit;
- (vi) Misrepresentations or failure to fully disclose all relevant facts in the Industrial Wastewater Discharge Permit application or in any required reporting;
- (vii) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR §403.13;
- (viii) To correct typographical or other errors in the Industrial Wastewater Discharge Permit; or
- (ix) To reflect a transfer of the facility ownership or operation to a new property owner or operator.

(b) Permit holders shall be informed of any proposed changes in their respective permits at least thirty (30) days prior to the effective date of change, and shall be allowed a comment period relating to any of the proposed changes in their permits within the first ten (10) days after issuance of such proposed change by the City. The City shall allow a discharger a reasonable period of time to comply with any changes in the permit required by the City, unless otherwise required by emergency or governmental regulations. The permit holder may petition the City for modification of permit based on changed conditions. The Director of Public Works shall review such petitions with such supporting data, as he deems necessary, and take appropriate action.

5. Industrial Wastewater Discharge Permit Transfer

(a) Industrial Wastewater Discharge Permits may be transferred to a new property owner or operator with the prior written approval of the Director of Public Works. Any permit holder requesting approval of the Director of Public Works for such a transfer shall notify the Director in writing of the request at least thirty (30) days in advance of the proposed transfer date. The notice to the Director of Public Works must include a written certification by the proposed transferee which:

- (i) Provides complete information on the proposed transferee, including, but not limited to, the transferee's full and complete legal name, authorized representatives, contact number(s), and other pertinent information;

- (ii) States that the proposed transferee has no immediate intent to change the facility's operations and processes;
 - (iii) Identifies the specific date on which the transfer is to occur;
 - (iv) Acknowledges full responsibility for complying with the existing Industrial Wastewater Discharge Permit; and
 - (v) Includes the signature of the authorized representative of the proposed transferee and the certification statement in Section 22.110(6) of this Chapter.
- (b) Failure to provide written notice of a transfer of ownership and to obtain the Director of Public Works approval shall render the Industrial Wastewater Discharge Permit void as of the date of the facility transfer.

6. Industrial Wastewater Discharge Permit Revocation

(a) The Director of Public Works may revoke an Industrial Wastewater Discharge Permit, as issued pursuant to the provisions of this Chapter, for good cause, including, but not limited to, the following reasons:

- (i) Violation of any pretreatment standard or requirement or any terms of the Industrial Wastewater Discharge Permit;
- (ii) The discharge of industrial wastewater which causes or contributes to any violation of the provisions in this Chapter;
- (iii) Failure to notify the Director of Public Works of significant changes in the character and volume of the wastewater prior to the flow being discharged;
- (iv) Failure to provide prior written notification to the Director of Public Works of changed conditions pursuant to Section 22.112(5) of this Chapter;
- (v) Misrepresentation or failure to fully disclose all relevant facts in the Industrial Wastewater Discharge Permit application;
- (vi) Falsifying self-monitoring reports;
- (vii) Tampering with monitoring equipment;
- (viii) Refusing to allow the Director of Public Works timely access to the facility premises and records;
- (ix) Failure to meet effluent limitations;
- (x) Failure to pay fines or penalties;

- (xi) Failure to pay sewer charges or assessments;
- (xii) Failure to meet compliance schedules;
- (xiii) Failure to complete a wastewater survey or the Industrial Wastewater Discharge Permit application;
- (xiv) Failure to provide advanced written notice of the transfer of business ownership of a permitted facility;
- (xv) Issuance of a new Industrial Wastewater Discharge Permit; or
- (xvi) A discharge which, in the opinion of the Director of Public Works, may interfere with the operation or maintenance of the POTW or threaten human health or safety.

(b) Industrial Wastewater Discharge Permits shall be void upon cessation of operations or failure to notify the Director of Public Works of a transfer of business ownership. All Industrial Wastewater Discharge Permits issued to a particular user are void upon the issuance of a new Industrial Wastewater Discharge Permit to that user.

7. Industrial Wastewater Discharge Permit Re-issuance

(a) A user with an expiring Industrial Wastewater Discharge Permit shall apply for an Industrial Wastewater Discharge Permit re-issuance by submitting a complete permit application, in accordance with Section 22.110 of this Chapter, at least sixty (60) days prior to the expiration date of the user's existing Industrial Wastewater Discharge Permit.

(b) A request for extending (changing) the expiration date of the Industrial Wastewater Discharge Permit, if issued initially with a duration of less than five (5) years, shall be submitted to the Director of Public Works thirty (30) days prior to the current expiration date.

8. Jurisdictional Agreements and Special Arrangements

(a) If another government or user within the jurisdiction of another governmental entity contributes wastewater to the POTW, the City shall enter into an agreement with the contributing government.

(b) Prior to entering into an agreement required by paragraph (a) above, the Director of Public Works shall request the following information from the contributing government:

- (i) A description of the characteristics and volume of wastewater discharged to the POTW by the contributing government;

- (ii) An inventory of all users located within the contributing government that are discharging to the POTW; and
 - (iii) Such other information as the Director of Public Works may deem necessary.
- (c) An agreement, as required by paragraph (a) above, shall contain the following conditions:
- (i) A requirement for the contributing government to adopt a sewer use ordinance which is at least as stringent as the terms and conditions in this Chapter, and local pollutant limits which are at least as stringent as detailed in Section 22.108 (3) of this Chapter. The requirement shall specify that such limits must be revised as necessary to reflect changes made to the City's Sewer Use Chapter or local limits;
 - (ii) A requirement for the contributing government to submit a revised user inventory on at least a biannual basis;
 - (iii) A provision specifying which pretreatment implementation activities, including Industrial Wastewater Discharge Permit issuance, inspection and sampling, and enforcement, shall be conducted by the contributing government; which of these activities shall be conducted by the Director of Public Works; and which of these activities shall be conducted jointly by the contributing government and the Director of Public Works;
 - (iv) A requirement for the contributing government to provide the Director of Public Works with access to all information that the contributing government obtains as part of its pretreatment activities;
 - (v) Limits on the nature, quality, and volume of the contributing government's wastewater at the point where it discharges to the POTW;
 - (vi) Requirements for monitoring the contributing government's discharge;
 - (vii) A provision ensuring the Director of Public Works access to the facilities of users located within the contributing government's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties as deemed necessary by the Director of Public Works; and
 - (viii) A provision specifying the remedies available for breach of the terms of the agreement.

9. Special Arrangements

- (a) Nothing in this Chapter shall be construed to prevent the City from entering into any special arrangement or agreement with any user of the POTW to accept wastewater of unusual strength or character and specially treated wastes

subject to any payment of user charges or consideration thereof as may be applicable.

(b) Nothing in Sections 22.124 through 22.126 of this Chapter concerning rates and fees shall restrict the City Commission's authority to modify such rates and fees by special contractual agreement to serve major institutional, commercial or industrial establishments, or a major complex of such users.

(c) Any special arrangement or agreement shall not be transferable without approval of the City Commission.

22 - 112. REPORTING REQUIREMENTS

1. Baseline Monitoring Reports

(a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination pursuant to 40 CFR §403.6(a)(4) and Chapter 62-625.410(2)(d), F.A.C., whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director of Public Works a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director of Public Works a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below:

(i) *Identifying Information.* The name and address of the facility, including the name of the operator and property owner.

(ii) *Environmental Permits.* A list of any environmental control permits held by or for the facility.

(iii) *Description of Operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

(iv) *Flow Measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR §403.6 (e) and Chapter 62-625.410(6), F.A.C.

(v) *Measurement of Pollutants.*

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director of Public Works, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported to the Director of Public Works. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 22.112(9) thru (11) of this Chapter. If the standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, then the industrial user shall submit the appropriate documentation to the Director of Public Works to assess and determine compliance with the said standard.

(c) A minimum of one (1) representative sample shall be collected to adequately characterize the discharge from the facility.

(d) Samples shall be taken, if possible, immediately downstream from the pretreatment facilities or the regulated process.

(e) If other wastewaters are mixed with the regulated wastestream prior to pretreatment, then the industrial user shall measure the flows and pollutant concentrations necessary for application of the combined wastestream formula set forth in 40 CFR §403.6(e) to evaluate compliance with the pretreatment standards.

(f) The industrial user shall submit supporting data to the Director of Public Works for alternative concentration or mass limits in accordance with 40 CFR §403.6(e).

(g) The Director of Public Works may allow submittal of a baseline monitoring report with historical data as long as the information is sufficient to evaluate and determine the need for pretreatment measures.

(h) The baseline monitoring report shall indicate the time, date, sampling locations and methods of analysis. A qualified professional or authorized representative shall certify that the sample collection and analysis were representative of normal daily operations and expected discharges to the POTW.

(vi) *Sample Collection and Analysis.*

(a) Sample collection and analysis shall be performed in accordance with the procedures set out in Section 22.112(11) of this Chapter.

(b) Samples shall be representative of daily operations.

(vii) *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements. The certification statement and signature shall comply with the requirements in Section 22.110(6) of this Chapter.

(viii) *Compliance Schedule.* If additional pretreatment and/or O&M shall be required to meet the pretreatment standards, the shortest schedule by which the user shall provide such additional pretreatment and/or O&M will be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 22.112(2) of this Chapter.

(ix) *Signature and Certification.* All baseline-monitoring reports shall be signed and certified by the authorized representative in accordance with Section 22.110(6) of this Chapter.

2. Compliance Schedule and Progress Reports

The following conditions shall apply to the compliance schedule required by Section 22.112(1)(b)viii of this Chapter:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. Such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;

(b) No increment in the compliance schedule shall exceed nine (9) months;

(c) Following the expiration date of the compliance schedule, users shall have up to ninety (90) days to submit proof or otherwise demonstrate to the City's satisfaction their compliance with the provisions of this Chapter. To demonstrate compliance, the user shall comply with the provisions of the compliance schedule over a minimum of two (2) consecutive monitoring periods as set forth in the Industrial Wastewater Discharge Permit;

(d) The user shall submit a progress report to the Director of Public Works no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(e) In no event shall more than nine (9) months elapse between such progress reports to the Director of Public Works.

3. Reports on Compliance with Categorical Pretreatment Standard Deadlines

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Director of Public Works a report containing the information described in Section 22.112(1)(b) of this Chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR §403.6(c) and Chapter 62-625.410(4), F.A.C., this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production or other measure of operation, this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 22.110(6) of this Chapter.

4. Periodic Compliance Reports

(a) All significant industrial users shall, at a frequency determined by the Director of Public Works, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. If the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention plan, then the industrial user shall submit the documentation that is required by the Director of Public Works to determine compliance with the said pretreatment standard in accordance with Chapter 62-625.600(4)(a), F.A.C.22

(b) All wastewater samples shall be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep the monitoring facility in good working order shall not be grounds for the user to claim that the sample results are unrepresentative of its discharge.

(c) If a user subject to the reporting requirements in this section monitors any pollutant more frequently than required by the Director of Public Works, using the procedures prescribed in Section 22.112(10) of this Chapter; the results of said monitoring event shall be included in the periodic compliance report.

(d) All periodic compliance reports shall be signed by an authorized representative and include a certification statement in accordance with Section 22.110(6) of this Chapter.

- (e) A periodic compliance report shall be deemed incomplete if:
 - (i) The report is not signed,
 - (ii) The certification statement is not included or signed,
 - (iii) Analytical or flow data are missing,
 - (iv) Flow or pH charts are not attached, or
 - (v) The Chain-of-Custody Form or quality control data is missing.
- (f) The Director of Public Works may require an Industrial User to submit a monthly or quarterly certified statement concerning the characteristics of its industrial wastes that were discharged to the City's wastewater system or to any sewer connected herewith. Such certified statement shall be filed with the Director of Public Works on the forms so designated for this purpose not later than the tenth day of the month following the month or quarter for which the report is required, or as specified in the Industrial Wastewater Discharge Permit. The certification statement shall be in accordance with Section 22.110(6) of this Chapter.

5. Reports of Changed Conditions

- (a) Each user must notify the Director of Public Works of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.
- (b) The Director of Public Works may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an Industrial Wastewater Discharge Permit application under Section 22.110 of this Chapter.
- (c) The Director of Public Works may issue an Industrial Wastewater Discharge Permit under Section 22.111 of this Chapter or modify an existing Industrial Wastewater Discharge Permit under Section 22.111(4) of this Chapter in response to changed conditions or anticipated changed conditions.
- (d) For purposes of this requirement, significant changes include, but are not limited to:
 - (i) Flow increases in excess of twenty (20) percent of the monthly average daily flow or ten (10) percent of the initially permitted annual average daily flow; or
 - (ii) Discharge of any previously unreported pollutants.

6. Reports of Potential Problems

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch

discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Director of Public Works of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five (5) days following such discharge, the user shall, unless waived by the Director of Public Works, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Chapter.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedures.

(d) Significant industrial users (SIUs) shall notify the Director of Public Works immediately of any changes or modifications at the facility that may affect the potential for a slug discharge in accordance with Chapter 62-625, F.A.C.

7. Accidental Discharge or Slug Load Reports

(a) In addition to any reporting requirements in subsection 6 above, users with an accidental discharge, spill discharge, or slug load discharge to the POTW shall provide verbal notification to the Director of Public Works immediately upon becoming aware of such an occurrence or event. The verbal notification shall be followed with a written report within five (5) calendar days and shall include the following information, properly signed contemporaneous operating logs or other relevant evidence that sets forth:

- (i) The cause(s) of the accidental discharge, spill, or slug load,
- (ii) A description of the incident,
- (iii) The volume or size of the discharge or slug load,
- (iv) The time and duration of the discharge or release of the slug load, including exact dates and times,
- (v) The waste characteristics and constituent concentrations of the accidental discharge, spill discharge, or slug load, and
- (vi) The steps being taken or planned to reduce, eliminate, and prevent the recurrence of such an incident.

(b) The user shall collect samples of the accidental discharge, spill, or slug load immediately upon becoming aware of the event or incident. Monitoring parameters shall include the constituents that may be present in the raw materials, process chemicals, and other chemicals which are typically found in the discharge to the POTW. The samples shall be representative of the accidental discharge, spill, or slug load.

8. Reports from Un-Permitted Users

All users not required to obtain an Industrial Wastewater Discharge Permit shall provide appropriate reports to the Director of Public Works as may be required or deemed necessary by the Director.

9. Non-Compliance Monitoring and Reporting

If sampling performed by an industrial user indicates a violation, then the industrial user must notify the Director of Public Works within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director of Public Works within thirty (30) days after becoming aware of the violation. The industrial user is not required to resample if the Director of Public Works performs monitoring at the industrial user's facility at least once a month, or if the Director of Public Works samples between the industrial user's initial sampling was done and the time when the industrial user or the Director of Public Works receives the results of this sampling event, or if the Director of Public Works has conducted the sampling and analysis in lieu of the industrial user as set forth in 40 CFR §403.12(g)(2) and Chapter 62-625.600(6)(b), F.A.C. The Director of Public Works shall perform the repeat sampling and analysis, unless the Director of Public Works has notified the industrial user of the violation and requires the industrial user to conduct the repeat sampling and analysis.

10. Control Manhole

(a) The Director of Public Works may require the owner of any property serviced by a building sewer that conveys industrial wastes to install, at his expense, a suitable control manhole together with such necessary approved flow meters, samplers, and other appurtenances to facilitate observation, sampling, and measurement of the process wastewater.

(b) The control manhole shall be located for safe and easy access and shall be constructed to allow for proper sample collection and inspection of the discharge. The control manhole shall be built in accordance with the requirements established by the Director of Public Works. The plans for the control manhole shall be submitted to the Director of Public Works for approval before commencement of construction. The control manhole shall be inspected and approved by the Director of Public Works prior to being placed into service.

(c) In the event that no control manhole is available, the control manhole shall be considered to be the nearest downstream manhole in the collection system to the

point at which the building sewer is connected and shall be designated as the control manhole.

(d) The Director of Public Works may designate an alternate location as appropriate to take measurements or to perform tests, sample collection, and analysis. The industrial user may submit a written request to the Director of Public Works to change or alter the location, which must be approved in writing prior to taking any measurements, or performing tests or related monitoring activities.

11. Sample Collection and Analysis

(a) Samples shall be collected and analyzed by the industrial user to satisfy the reporting requirements and to demonstrate compliance with the pretreatment standards and requirements set forth in the Industrial Wastewater Discharge Permit, consent orders, compliance schedules, and this Chapter. Reports must be based on data that was obtained for representative conditions using appropriate sample collection and analytical protocols that were performed during the reporting period.

(b) Except as indicated in paragraph (c), (d) and (e) below, the user must collect representative wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the Director of Public Works may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this monitoring technique will provide a representative sample of the wastewater discharged to the collection system. Grab samples may be required to show compliance with instantaneous discharge limits.

(c) Measurements, tests, sample collection, and analysis of the characteristics and quality of waters and wastes as referenced in this Chapter, shall be performed in accordance with 40 §CFR Part 136, appropriate guidance by EPA, Chapter 62-160, F.A.C., Chapter 62-625.600(1)(e)5(c) thru (f), F.A.C., and The Department of Environmental Protection Standard Operating Procedures for Field Activities (DEP-SOP-001/01), or as amended, from time to time. Measurements, tests, sample collection, and analysis shall be determined at the control manhole, or upon suitable samples taken at the control manhole. The Director of Public Works may direct an industrial user to take measurements or to perform tests, sample collection, and analysis at an alternate location. Sampling shall be conducted to reflect the effect of constituents upon the POTW and to determine the existence of hazards to health, safety, and welfare.

(d) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques. Grab samples for cyanide, phenols, and sulfides may be composited in the field or the laboratory. Grab samples for volatile organic compounds and oil and grease may be composited in the laboratory. Composite samples for other parameters, which may be unaffected by the compositing procedures as documented by approved EPA methodologies may be approved, as appropriate, by the Director of Public Works. Grab samples may be used to demonstrate compliance with instantaneous limits as set forth in 40 CFR §403.12(g)(3).

(e) A minimum of four (4) grab samples shall be used for the determination of pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for those facilities without historical monitoring data. The Director of Public Works may approve a lower minimum of grab samples for those facilities with historical monitoring data. For baseline monitoring and 90-day compliance reports, industrial users shall be required to collect the number of grab samples necessary to assess and demonstrate compliance with applicable pretreatment standards and requirements as set forth in 40 CFR §403.12(b), (d), (e), (g) and (h).

(f) All pollutant analysis, including protocols and detection limits used for characterization of wastewater and wastes or determining the water quality of the discharge to the POTW, shall be performed in accordance with the techniques and requirements set forth in 40 CFR §Part 136, Chapter 62-160, F.A.C. and Chapter 62-625.600(1)(e)5, F.A.C., unless otherwise specified in an applicable categorical pretreatment standard. If the references cited herein do not contain applicable analytical protocols for the pollutant in question, the analysis shall be performed in accordance with procedures approved by EPA or FDEP. The Director of Public Works shall be given written notice of the analytical protocols employed by the industrial user to demonstrate compliance with permit conditions and provisions of this Chapter.

(g) Annual costs for activities required under this Section shall be recovered, at the City's option, through fees charged to the respective nonresidential users. Fees may be assessed for each scheduled, unscheduled, or demand monitoring visits. Direct costs that are incurred by the City (or its authorized agent) for sampling, inspecting, and laboratory analysis, adjusted to reflect administrative, legal, and other indirect costs necessary for implementation and enforcement of the provisions of this Chapter may be billed to the respective user. All self-monitoring costs incurred by any user, including, but not limited to, the cost of sampling, laboratory analysis, and reporting, shall be borne by the user. Costs for additional sample collection and laboratory analyses may be assessed on a daily basis as long as the results show that the user is discharging waste to the POTW that is not in compliance with the standards or limits in Section 22.108.

12. Submittal Date

Written reports shall be deemed to have been submitted on the date postmarked by the United States Postal Service. The date of receipt of the report shall govern for reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, or sent via the Internet.

13. Record Retention

(a) Users subject to the reporting requirements of this Chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the industrial user independent of such requirements, and

documentation related to implementation of Best Management Practices (BMPs) in accordance with the requirements set forth in Chapter 62-625.600(14), F.A.C..

(b) Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

(c) Records shall be retained and preserved at the user's facility for a period of at least three (3) years. This period shall be automatically extended for the duration of any unresolved litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Director of Public Works.

(d) All records pertaining to matters which are the subject of any enforcement or litigation activities brought by the City pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

(e) The Director of Public Works shall have the right to inspect the records and related documents. The records shall be made available by the user, subject to the provisions of this Chapter, for inspection by the Director of Public Works.

22 - 113. COMPLIANCE MONITORING

1. Right of Entry: Inspection And Sampling

(a) The Director of Public Works shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Chapter and any Industrial Wastewater Discharge Permit or order issued hereunder. Users shall allow the Director of Public Works ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(b) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director of Public Works shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(c) The Director of Public Works shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director of Public Works and shall not be replaced. The costs of clearing such access shall be borne by the user. Unreasonable delays in allowing the Director of Public Works access to the user's

premises shall be a violation of this Chapter. The Director of Public Works shall have the right to remove obstructions and recover the costs from the user if emergency conditions are deemed by the Director of Public Works to exist.

(e) While performing the necessary work on private properties as referred to in this Section or other sections of this Chapter, the Director of Public Works or authorized City personnel shall observe all safety rules applicable to the premises established by the user.

2. Search Warrants

If the Director of Public Works has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Director of Public Works may seek issuance of a search warrant from a court of competent jurisdiction.

22 – 114. CONFIDENTIAL INFORMATION

Information and data shall be considered confidential in accordance with Chapter 119, F.S., as may be amended from time to time and the limitations as follows. Information and data on a user obtained from reports, surveys, Industrial Wastewater Discharge Permit applications, Industrial Wastewater Discharge Permits, and monitoring programs, and from the Director of Public Works' inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the Director of Public Works, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets or other valid exemption under applicable State or Federal law. Any such request must be asserted at the time of submission of the information or data and such information or data must be marked "confidential" by the user. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or other exempt information shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to this Chapter, the NPDES Program, Pretreatment Program, Best Management Practices Plan for Silver Dischargers, Oil & Grease Management Program, Surcharge Program or in enforcement proceedings and judicial review involving the person furnishing the report. Wastewater constituents, and characteristics and other "effluent data" as defined by 40 CFR §2.222 will not be recognized as confidential information and will be available to the public without restriction.

22 – 115. PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Director of Public Works shall publish annually in a daily newspaper with the largest general circulation that provides meaningful public notice within the jurisdictions being served by the POTW, a list of those industrial users, which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (SIUs) and any other industrial users that have violated subsection (c), (d) or (h) below.

Significant noncompliance (SNC) shall mean:

- (a) Chronic violations;
- (b) Technical Review Criteria (TRC) violations;
- (c) Any other violation of a pretreatment standard or requirement as defined in this Chapter that the Director of Public Works determines has caused, alone or in combination with other discharges, interference or pass through, including endangerment of the health of POTW personnel or the general public;
- (d) Any discharge of a pollutant(s) that has caused imminent endangerment to the public or to the environment, or has resulted in the Director of Public Works exercising emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an Industrial Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with applicable compliance schedules;
- (g) Failure to accurately report noncompliance or in a timely manner; or
- (h) Any other violation(s), including Best Management Practices, which the Director of Public Works determines will adversely affect the operation or implementation of the local pretreatment program.

22 – 116. ADMINISTRATIVE ENFORCEMENT REMEDIES

1. General

- (a) Any user found to be violating any provision of Chapter 22 of the City's Code of Ordinances, or any of the orders, rules, regulations, or requirements set forth in the permits or registration certificates as issued hereunder, shall be served by the Director of Public Works with written notice, as provided in this Chapter or otherwise by the City's Code of Ordinances. The notice shall be delivered either by

an authorized City employee personally, or by registered or certified (return receipt requested) letter sent via the U.S. Postal Service.

(b) The administrative enforcement remedies as set forth herein shall apply to any user that may be subject to the requirements in Chapter 22 of the City's Code of Ordinances, including the commercial users and waste haulers or recyclers in the Oil and Grease Management Program, and the Best Management Program for Constituents of Special Concern.

(c) If the discharge from any user causes a deposit, obstruction, damage, or process upset to any of the City's wastewater facilities, then the Director of Public Works shall cause the deposit or obstruction to be promptly removed, or cause the damage to be promptly repaired, at the sole cost of the person or user causing such deposit, obstruction, or damage.

(d) The remedies provided in this Chapter shall not be exclusive, and the City may seek whatever other remedies are authorized by statute, at law or in equity, against any person or user violating the provisions of this Chapter.

(e) In addition to any fine or penalty that is levied under this Chapter, the City may, where the circumstances of the particular case so dictate and at the sole discretion of the Director of Public Works, seek injunctive relief to prohibit the user from discharging any wastewater into the City's sanitary sewer system, or to provide such other affirmative relief as may be appropriate.

(f) Notwithstanding any other fine or penalty as detailed or summarized in this Chapter, any person or user who violates any provision of this Chapter also shall be subject to the provisions of §1.08 of the City's Code of Ordinances.

(g) The enforcement activities and procedures are set forth in the Enforcement Response Plan, as approved by FDEP, for the Pretreatment Program, Oil and Grease Management Program, and Silver Management Program. Enforcement response, including the fines and penalties, shall be progressive and proportional to the infraction or violation by the user.

2. Notification of Violation

(a) When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this Chapter, an Industrial Wastewater Discharge Permit, any order or compliance schedule issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may serve upon that user a written Notice of Violation. The Notice of Violation shall state the nature of the violation and provide a reasonable time limit for satisfactory correction or resolution of the infraction or violation as determined by the Director of Public Works.

(b) The offender shall permanently cease all violations within the period of time stated in such notice of violation. If requested by the Director of Public Works, within fifteen (15) days of the receipt of this notice, or such other time as

may be provided, the user shall submit to the Director of Public Works a response that provides a detailed explanation of the causes for the infraction or violation and the corrective measures to resolve and to prevent recurrences of said incidents or violations in the future. Submission of this response shall in no way relieve the user of liability for any violations occurring before or after receipt of the Notice of Violation.

(c) Nothing in this section shall limit the authority of the Director of Public Works to take any action, including emergency actions, or any other enforcement action, without first issuing a Notice of Violation to the offender.

3. Consent Agreements

The Director of Public Works may enter into Consent Agreements, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this Section and shall be judicially enforceable.

4. Show Cause Hearing

(a) The Director of Public Works may order a user which has violated, or continues to violate, any provision of this Chapter, an Industrial Wastewater Discharge Permit, any order or compliance schedule issued hereunder, or any other pretreatment standard or requirement, to appear before the Director of Public Works and to show cause why the proposed enforcement response should not be taken by the Director of Public Works.

(b) Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement response, the reasons for such action, and a request that the user show cause why the proposed enforcement response should not be taken by the Director of Public Works. The notice of the meeting shall be served either by an authorized City employee personally, or by registered or certified (return receipt requested) letter sent via the U.S. Postal Service. Notice of the meeting shall be rendered at least ten (10) days prior to the show cause hearing. Such notice may be served on any authorized representative of the user.

(c) A show cause hearing is discretionary and shall not preclude, or be a prerequisite for, taking any enforcement action against the user.

5. Compliance Orders

(a) When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this Chapter, an Industrial Wastewater Discharge Permit, order or compliance schedule issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may issue a

compliance order to the user responsible for the discharge that directs said user to achieve compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued by the Director of Public Works, unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operating.

(b) Compliance orders may contain requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants that are discharged to the sewer. A compliance order may not extend the deadline for achieving compliance with a pretreatment standard or program requirement. A compliance order does not relieve the user of any liability for any infraction or violation, including any continuing violation.

(c) Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other enforcement response or action against the user.

6. Cease and Desist Orders

(a) When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this Chapter, an Industrial Wastewater Discharge Permit, order or compliance schedule issued hereunder, or any other pretreatment standard or requirement, or that the user's past incidents, infractions or violations are likely to recur, the Director of Public Works may issue an order to said user directing them to cease and desist all such violations, and to direct the offender to:

(i) Immediately comply with all requirements; and

(ii) Take such appropriate remedial or preventive action as may be necessary to properly address a continuing or threatened violation, including the cessation of operations and/or terminating the discharge.

(b) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

7. Administrative Fines and Cost Recovery

(a) When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this Chapter, the Industrial Wastewater Discharge Permit, order or compliance schedule issued hereunder, or any other pretreatment standard or requirement, then the Director of Public Works may fine such user in an amount not to exceed twelve hundred fifty dollars (\$1,250.00) per violation per day. Notwithstanding the fine levels set forth in the penalty tables in this Chapter, the Director of Public Works may assess fines on a daily basis for each exceedance of the monthly or other long-term average discharge limits or standards throughout the duration of the exceedance or violation.

(b) Unpaid charges, fines, and penalties, after thirty-one (31) calendar days, shall be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the user's real or personal property may be sought by the Director of Public Works for any unpaid charges, fines, and penalties.

(c) Users desiring to dispute the penalty assessment shall file a written request with the Director of Public Works to reconsider said assessment and the fine amount. At the discretion of the Director of Public Works, a hearing may be convened to consider the merits of the matter, or the Director of Public Works may decide the matter based solely upon the merits of the written request. The Director of Public Works may add the costs of preparing and implementing administrative enforcement actions, such as notices, compliance schedules and orders as set forth herein, to the fine amount.

(d) Issuance of an administrative fine shall not preclude, or be a prerequisite for, taking any other enforcement action against the user.

(e) Penalties may be assessed by the Director of Public Works for each occurrence and for each exceedance of the categorical standard or local pollutant limit.

(f) The following table lists the penalty amounts for exceedances of the categorical standards or the local pollutant limits set forth in this Chapter. The penalty amount shown for each violation level is applicable to each exceedance of the individual categorical standard or local pollutant limit.

PENALTY TABLE		
Penalty Level	Violation Level	Penalty Amount*
1	Violations greater than the limit but less than two times the limit.	\$ 250
2	Violations equal to two times the limit but less than three times the limit.	\$ 500
3	Violations equal to three times the limit but less than four times the limit.	\$ 750

4	Violations equal to four times the limit but less than five times the limit.	\$ 1,000
5	Violations equal to or greater than five times the limit (excessive concentrations).	\$ 1,250

* The user may also be subject to further penalties and enforcement actions as provided in the City Code and as determined by the Director of Public Works. Additional penalties may include the direct costs incurred by the City to resolve the consequences of such discharge.

(g) Noncompliance for pH shall be considered as an exceedance of the local pollutant limits set forth in Section 22.108. Noncompliance shall be defined as an exceedance that lasts for more than fifteen (15) consecutive minutes as mandated by USEPA. The pH range and the penalty amounts for each violation level shall be as set out in the table below:

PENALTY TABLE FOR pH		
Low pH Violation	High pH Violation	Penalty Amount*
5.00 TO 5.49		\$ 125
4.50 TO 4.99	10.51 TO 10.99	\$ 250
4.00 TO 4.49		\$ 375
3.50 TO 3.99	11.00 TO 11.49	\$ 500
3.00 TO 3.49		\$ 625
2.50 TO 2.99	11.50 TO 11.99	\$ 750
2.00 TO 2.49		\$ 875
LESS THAN 2.00	12.00 AND ABOVE	\$ 1,000

* The user may also be subject to further penalties and enforcement actions as provided in the City Code and as determined by the Director of Public Works. Additional penalties may include the direct costs incurred by the City to resolve the consequences of such discharge.

(h) Additional enforcement action may be imposed by the Director of Public Works or responsible regulatory agencies for constituent concentrations present in the discharge that conform to the definition for a corrosive hazardous waste as set forth in the most recent edition of 40 CFR Part 261, including Subpart C or Subpart D therein.

(i) Discharges with a pH of less than 2.00 or greater than 12.00 shall be considered a hazardous waste in accordance with the definitions set forth in the most recent edition of 40 CFR Part 261, including Subpart C or Subpart D therein. An additional penalty of \$1,000 may be assessed by the Director of Public Works for pH levels that remain continuously less than 2.00 or greater than 12.00 for each two (2) hour interval of such an occurrence.

(j) An additional surcharge factor of 1.25 shall be applied for those discharges with levels of CBOD₅ or TSS exceeding the maximum concentration limits set forth in this Chapter for these compatible pollutants. This surcharge factor shall be in addition to the surcharge for abnormally high strength compatible pollutants and shall be applied to the values exceeding the maximum concentration limits. The Director of Public Works shall send written notification to the commercial user in the event that the maximum concentration limits have been exceeded and the additional surcharge factor of 1.25 will be assessed for these flows.

(k) The Director of Public Works may assess penalties against the user in accordance with the procedures and violation levels set forth in the Enforcement Response Plan (ERP), as approved by FDEP, for violations of the conditions set forth in the Industrial Wastewater Discharge Permit or the requirements and provisions set forth in this Chapter. These penalties may be in addition to or separate from the fines that may be assessed for exceedances of the categorical standards or the local pollutant limits set forth in Section 22.108 of this Chapter.

(l) In addition to or separate from any fine or penalty that may be assessed, or other action taken by the City, the costs that are incurred by the City for litigation and enforcement response activities as related to the violation or incident, and damages resulting from the violation or incident, may be assessed against and recovered from the user or owner by the Director of Public Works. Such costs may include, but are not limited to, attorneys' fees, court, regulatory, permits, monitoring, clean-up, remediation and closure activities.

8. Emergency Suspensions

(a) The Director of Public Works may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare

of City personnel or the general public. The Director of Public Works may also immediately suspend a user's discharge, after informal notice, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(b) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director of Public Works may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, reclaimed water system, receiving stream or endangerment to any individuals. The Director of Public Works may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director of Public Works that the period of endangerment has passed, unless the termination proceedings in Section 22.116(9) of this Chapter are initiated against the user.

(c) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director of Public Works prior to the date of any show cause or termination hearing under Sections 22.116(4) or 22.116(9) of this Chapter.

(d) Nothing in this Section shall be interpreted as requiring the Director of Public Works to conduct a hearing or provide formal written notice prior to initiation of any emergency suspension of service pursuant to this Section.

(e) Nothing in the foregoing Section or this Chapter as a whole shall be intended to preclude the City from taking immediate action to temporarily modify an Industrial Wastewater Discharge Permit, Hauler Operator Permit or Registration Certificate, or to sever service of a user completely when there is an imminent risk to the health and welfare of the public or the environment, or damage to the public wastewater or reclaimed water system.

9. Termination of Discharge

(a) In addition to the provisions in Section 22.111(6) of this Chapter, any user who violates the following conditions may be subject to termination of discharge to the City's wastewater system:

(i) Violation of conditions set forth in the Industrial Wastewater Discharge Permit ;

(ii) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(iii) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

(iv) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;

(v) Violation of the pretreatment standards and local pollutant limits in Section 22.108 of this Chapter; or

(vi) Frequent, multiple or repeated violations of the requirements or standards set forth in this Chapter or other applicable sections of the City's Code of Ordinances.

(b) The affected user shall be notified of the proposed termination of discharge and shall be offered an opportunity to show cause under Section 22.116(4) of this Chapter why the proposed action should not be taken by the Director of Public Works. Exercise of this option by the Director of Public Works shall not be a bar to, or a prerequisite for, taking any other action against the user.

(c) The City reserves the right, at the discretion of the Director of Public Works, to either plug the sewer lateral to terminate the discharge or to request severance of water service to prevent discharges to the City wastewater system. The other appropriate regulatory agencies and utilities may be notified of this action.

10. Appeal Procedures

The user shall have the right to an administrative review of the determination or ruling by the Director of Public Works before the City Commission (Commission) of the City of Leesburg. In order to exercise this right, the user must file a written notice of appeal with the City Clerk that sets forth with specificity the grounds of the appeal and in compliance with the time frames, procedures and requirements set forth in the City Code for appeals from City boards, as it may be from time to time amended.

22 - 117. JUDICIAL ENFORCEMENT REMEDIES

1. Injunctive Relief

When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this Chapter, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the City may seek the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Industrial Wastewater Discharge Permit, order, or other requirement imposed by this Chapter on activities of the user. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

2. Civil Penalties

(a) Pursuant to Chapter 62-625.500(2)(a)5.a, F.A.C., the City as the designated Control Authority for the POTW shall have the authority to seek or assess civil and criminal penalties for each violation up to the maximum amount allowed by the Florida Statutes.

(b) A user who has violated, or continues to violate, any provision of this Chapter, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City (Control Authority) for a maximum civil penalty of twelve hundred fifty dollars (\$1,250) per violation, per day as provided in Section 22.116. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period that the violation persisted.

(c) The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(d) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation(s), the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(e) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

3. Criminal Prosecution

(a) A user who willfully or negligently violates any provision of this Chapter, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, and shall be punishable as set out in Section 1.08 of the City Code.

(b) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and shall be punishable as set out in Section 1.08 of the City Code. This penalty shall be in addition to any other cause of action for personal injury or property damage available under law.

(c) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Chapter, Industrial Wastewater Discharge Permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be guilty of a misdemeanor and shall be punished as set out in Section 1.08 of the City Code.

4. Remedies Nonexclusive

The remedies provided for in this Chapter are not exclusive. The Director of Public Works may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations generally shall be in accordance with the City's enforcement response plan. However, the Director of Public Works may take other action against any user when the circumstances warrant. Further, the Director of Public Works is empowered to take more than one enforcement action against any noncompliant user.

22 – 118. SUPPLEMENTAL ENFORCEMENT ACTION

1. Performance Bonds

The Director of Public Works may decline to issue or reissue an Industrial Wastewater Discharge Permit to any user who has failed to comply with any provision of this Chapter, conditions in a previous Industrial Wastewater Discharge Permit, or any order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Director of Public Works to be necessary to achieve consistent compliance.

2. Liability Insurance

The Director of Public Works may decline to issue or reissue an Industrial Wastewater Discharge Permit to any user who has failed to comply with any provision of this Chapter, conditions in a previous Industrial Wastewater Discharge Permit, or any order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

3. Water Supply Severance

Whenever a user has violated or continues to violate any provision of this Chapter, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after they have satisfactorily demonstrated their ability to comply and have paid in full the penalties assessed for the violation(s) and outstanding invoices for wastewater services.

4. Public Nuisances

A violation of any provision of this Chapter, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Director of Public Works. Any person(s) creating a public

nuisance shall also be subject to all other provisions of the City Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

22 – 119. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

1. Upset

(a) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (b), below, are met.

(b) Any user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and the user can identify the cause(s) of the upset;

(ii) The facility was, at the time, being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

(iii) The user has submitted the following information to the Director of Public Works within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days.

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(c) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(d) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

2. Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions set forth in Section 22.108(1)(a) of this Chapter or the specific prohibitions in Section 22.108(1)(b)(iii) thru (xxii) of this Chapter, as long as the industrial user can prove that it did not know; or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference, and that either:

(a) A local pollutant limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(b) No local pollutant limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES or FDEP permit(s), and in the case of interference, was in compliance with applicable biosolids use or disposal requirements.

3. Bypass

(a) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (b) and (c) of this section.

(b) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director of Public Works, at least ten (10) days before the date of the bypass.

(c) A user shall submit oral notice to the Director of Public Works of an unanticipated bypass that exceeds applicable pretreatment standards as soon as possible; however, in no case later than twenty-four (24) hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director of Public Works may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) The Director of Public Works may take an enforcement action against a user for a bypass, unless:

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance

during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(iii) The user submitted notices as required under subsection (b) of this section.

(e) The Director of Public Works may approve an anticipated bypass, after considering its adverse effects, if the Director of Public Works determines that it will meet the three conditions listed in subsection (d) of this section.

22 – 120. OIL & GREASE MANAGEMENT PROGRAM

1. Purpose and Intent

The purpose of this Section is to provide for the implementation of the Oil & Grease Management Program. The objectives of the Oil & Grease Management Program are to minimize the introduction of fat-soluble wastes, including petroleum based substances, into the POTW and to minimize the potential for overflows through improvements in the operation and maintenance of the City owned wastewater facilities. The intent of the Oil & Grease Management Program is also to control the discharge of fat and oil soluble wastes at the source of generation. The requirements of the Oil & Grease Management Program shall be applicable to owners of private lift stations and private wastewater collection systems, commercial users who generate or discharge these types of wastes, waste haulers who transport these types of wastes, and related service providers.

2. Oil & Grease Management Program

(a) General Criteria

Unless otherwise exempt under the provisions of this Section, this Chapter, or a permit issued pursuant to this Chapter, waste haulers, owners of private wastewater collection systems, private lift stations, and commercial users contributing oil and grease wastes to the City wastewater system shall be required by the Director of Public Works to meet the following criteria and the provisions set forth in this Section. For purposes of this Section 22.120, commercial users shall include any user other than a single family residential user on a parcel of land with a single family or duplex dwelling structure.

(i) The discharge by a waste hauler, commercial user, or owner of a private wastewater collection system to the POTW of certain liquids or wastes may be prohibited or limited by the provisions of this Chapter.

(ii) Wastes which contain oil and grease may be discharged to the POTW in accordance with the conditions set forth in this Chapter.

(iii) Where the installation and use of a grease management device is required by this Section, wastes containing oil and grease shall be directed to the grease interceptor or trap prior to discharge to the POTW. Materials that are processed through garbage grinders shall be directed to a solids interceptor to separate the discharge prior to connection to the grease interceptor.

(iv) Where the installation and use of an oil/water separator is required by this Section, wastes containing residual (trace amounts) petroleum based oil and grease shall be directed to the oil/water separator.

(v) Sanitary facilities and other similar fixtures shall not be connected or discharged to the oil and grease interceptor or the oil/water separator.

(vi) Liquid wastes from the user's facility shall be discharged to the oil and grease interceptor or oil/water separator through the inlet pipe only and in accordance with the design/operating specifications of the device.

(vii) Where required by this Section, oil and grease interceptors and oil/water separators shall be installed in a location that provides easy access at all times for inspections, cleaning, and proper maintenance, including pumping. Oil and grease interceptors shall not be located in or near any part of a structure where food handling is done. The Building Official shall approve the location of the oil and grease interceptor or oil/water separator prior to installation. All necessary permits shall be obtained prior to commencement of work for the installation.

(viii) Commercial users that prepare, process, or serve food or food products shall have an approved oil and grease management system, such as an interceptor or under-the-sink oil and grease trap. Commercial users that have the potential to discharge wastes containing residual petroleum based oil and grease, such as commercial laundries, self-service laundries, car washes and automotive related facilities, shall have an approved oil/water separator. Other commercial users and owners of private wastewater collection systems may be required by the Director of Public Works to install an approved oil and grease interceptor or an oil/water separator, as appropriate, for the proper handling of waste streams containing oil and grease for those facilities that have been found by the Director of Public Works to be contributing oils and grease in quantities sufficient to cause line stoppages or necessitate increased maintenance on the City's wastewater system; or are contributing waste streams containing oil and grease in excess of one hundred (100) mg/l by weight.

(ix) Other types of food manufacturing or food preparation enterprises, such as, but not limited to, commissaries, commercial kitchens, and caterers shall install an oil and grease interceptor.

(x) Commercial users which are multifamily dwellings; such as quadplexes, townhouses, condominiums, apartment buildings, apartment complexes or areas of intensified dwelling which are found by the Director of

Public Works to be contributing oil and grease in quantities sufficient to cause main line stoppages, lift station malfunctions, or necessitate increased maintenance on the collection system, shall be directed to cease discharging oil and grease to the POTW and/or shall be required to install a grease and oil interceptor. The capacity of the oil and grease interceptor for such commercial users shall be evaluated and determined by the Building Department and reviewed by the Director of Public Works on a case by case basis.

(xi) Automotive related enterprises, commercial and self-service laundries, and other commercial users, which contribute wastes containing petroleum (hydrocarbon) based oils and greases shall install an oil/water separator. Oil/water separators shall be sized on an individual case by case basis using established design guidelines approved by the Building Official. A control manhole or inspection box shall be installed downstream and shall be easily accessible for inspections, cleaning and maintenance.

(xii) Oil and grease interceptors and oil/water separators shall be installed solely at the commercial user's expense. Proper operation, maintenance, and repair shall be done solely at the commercial user's expense.

(xiii) Minimum removal efficiency for oil and grease interceptors for animal fats and vegetable oils shall be eighty (80%) percent. Minimum removal efficiency for oil/water separators for trace petroleum based wastes shall be ninety (90%) percent.

(xiv) The Director of Public Works may request that the commercial user provide documentation on the design and performance of the oil and grease interceptor or oil/water separator. Information requested may include, but is not limited to, catalog cuts, performance data, capacity calculations, materials of construction, installation instructions, and operation and maintenance manuals.

(xv) The Director of Public Works may require installation of a control manhole or inspection box for monitoring purposes. The control manhole and the oil and grease management facilities shall be installed, operated, and maintained at the user's expense.

(xvi) Significant commercial users with an Industrial Wastewater Discharge Permit may be subject to the requirements set forth for the Oil & Grease Management Program in this Section. The Director of Public Works may include specific requirements in the Industrial Wastewater Discharge Permit concerning the management of oil and grease in their waste stream.

(b) Design

(i) Oil and grease interceptors and oil/water separators shall be designed and constructed in accordance with this Chapter, the State of Florida Unified Building Code, as may be amended, and other applicable State and local

regulations. Design and construction of the grease management system shall be approved by the Building Official.

(ii) The design of oil/water separators shall be based on peak flow and where applicable, capable of treating and removing emulsions. Oil/water separators shall be sized to allow efficient removal (retention) of the petroleum-based oils and grease from the commercial user's discharge to the POTW.

(iii) Alternative oil and grease removal devices or technologies shall be subject to written approval by the Building Official and shall be based on demonstrated (proven) removal efficiencies.

(iv) Under-the-sink oil and grease traps shall be an option of last resort for new facilities or existing facilities being expanded or renovated, except where the site configuration or conditions does not allow the proper installation of an in-ground oil and grease interceptor.

(v) Under-the-sink oil and grease traps shall be designed in accordance with the State of Florida Unified Building Code, as may be amended, and other applicable State and local regulations. Flows from the mop, floor, and food preparation sinks shall be directed through the under-the-sink oil and grease trap or oil /grease interceptor prior to discharge to the sewer.

(vi) An adequate number of inspection and monitoring points, such as a control manhole or inspection box, shall be provided for the oil and grease management system.

(c) Capacity

(i) The effective capacity of the approved oil and grease interceptor and oil/water separator shall be determined in accordance with the following sizing formulas.

RESTAURANTS:

$$\text{Effective Capacity} = (S)(GS)(HR/12)(LF)$$

Where:

"S" is the number of seats in the dining area.

"GS", expressed in gallons, is the amount of wastewater flow per seat in the dining area. Use twenty-five (25) gallons for users with china dishes or an automatic dishwasher. Use ten (10) gallons for users with paper containers or no dishwashers.

"HR" is the number of operating hours for the user.

"*LF*" is the location factor for the user. A factor of 2.00 is for interstate highway; 1.50 for other freeways; 1.25 for recreational areas; 1.00 for arterial roadways; and 0.75 for secondary, connector and other roadways.

Effective Capacity, expressed in gallons, is the calculated size of the grease interceptor.

OTHER ESTABLISHMENTS WITH COMMERCIAL KITCHENS:

$$\text{Effective Capacity} = (M)(GM)(LF)$$

Where:

"*M*" is the number of meals that are prepared daily in the kitchen.

"*GM*", expressed in gallons, is the amount of wastewater flow per meal use (5) gallons.

"*LF*" is the loading factor for the user. A factor of 1.00 is for users with an automatic dishwasher; and 0.75 for users without an automatic dishwasher.

Effective Capacity, in gallons, is the calculated size of the grease interceptor.

(ii) The minimum grease retention capacity for interceptors shall be at least two times the peak flow rate.

(iii) In all cases, the effective capacity (in gallons) of the oil and grease interceptor, under-the-sink oil and grease trap, and the oil/water separator shall be rounded upwards to the next generally available size as determined from the calculations for the said oil and grease management device.

(iv) Oil and grease interceptors shall be water and gas tight. Each interceptor shall be engineered to withstand the load, such as from vehicular traffic, to be placed on the interceptor. The minimum tank volume of grease interceptors shall be 750 gallons (2,839 L), and the maximum volume of an individual grease interceptor chamber shall be 1250 gallons (4731 L). When the required effective capacity of the grease interceptor is greater than 1250 gallons, installation of multi-chambered grease interceptors or grease interceptors in series is required.

(v) The sizing calculations with the supporting information for determination of the effective capacity shall be included on the plan set and submitted to the Building Department for review and permit issuance.

(vi) The Director of Public Works may review the sizing calculations and may modify the capacity requirements as may be necessary on a case by case basis.

(d) Installation

(i) *New Facilities*

(a) On or after the effective date of this Chapter, commercial users with facilities required by this Section or City Code to have installed an oil and grease interceptor or oil/water separator, which are newly proposed or constructed, or existing facilities, which shall be expanded or renovated to include a food service facility where such facilities did not previously exist, shall be required to install an approved oil and grease interceptor or oil/water separator. Sizing calculations shall be done in accordance with the criteria set forth in Section 22.120(2)(c)(i) of this Chapter.

(b) Oil and grease interceptors or oil/water separators shall be installed prior to the opening or reopening of said facilities.

(ii) *Existing Facilities*

(a) On or after the effective date of this Chapter, existing food service and automotive related facilities, and other existing facilities of commercial users which under the provisions of this Section are required to install an oil and grease interceptor or oil/water separator, shall be required to install an oil and grease interceptor or oil/water separator in accordance with the current code requirements in force at such time as any one of the following conditions may exist or occur:

(i) The facilities are found by the Director of Public Works to be contributing oils and grease in quantities sufficient to cause line stoppages or necessitate increased maintenance on the collection system;

(ii) Expansion, remodeling, repair, or renovation of the food service facilities or the kitchen waste plumbing system of a food preparation or service facility, where such expansion, remodeling, repair or renovation is subject to permitting by the Building Department;

(iii) Expansion, remodeling, repair, or renovation of an automotive related enterprise, commercial laundry, self-service laundry, or other facilities of a commercial user that potentially may contribute wastes with petroleum based oils and greases where such expansion, remodeling, repair or renovation is subject to permitting by the Building Department; or

(iv) The facility has dilapidated, deteriorated, or impaired grease interceptors with reinforcement steel or wire visible, unless the interceptor can be repaired to the manufacturer's original specifications without affecting the original capacity or performance of the interceptor and such repair is certified to meet such specifications, performance, and capacities by a professional engineer registered in the State of Florida.

(b) The deteriorated oil and grease interceptor may be repaired or upgraded to comply with the prevailing requirements using a coating or technique as approved by the Director of Public Works.

(c) The compliance date under this Subsection shall be determined by the Director of Public Works.

(e) Extensions

Any requests for extensions of time to the compliance date for installation of the requisite facilities shall be made in writing to the Director of Public Works at least fifteen (15) calendar days in advance of the compliance date. The written request shall include the reasons for the commercial user's failure or inability to comply with the compliance date set forth, the additional time needed to complete the remaining work, and the steps to be taken to avoid future delays. The Director of Public Works may deny or grant a request for an extension, in part or in whole, and may condition any extension as may be deemed necessary for the protection of the POTW.

(f) Maintenance

(i) The commercial user shall be responsible for cleaning and maintaining its oil and grease interceptor or oil/water separator in such condition for efficient operation. The owner of a private lift station or private wastewater collection system shall be responsible for cleaning and maintaining the lift station and system and for the proper and efficient function and operation of such private wastewater equipment and facilities. Except as may be indicated below, all maintenance, repair and cleaning activities shall be performed by a licensed contractor. Cleaning shall involve the complete removal of all contents, including floating materials, wastewater, bottom sludge and solids from the walls, baffles, piping, and vents, associated with the grease management device(s) or the private lift station or private wastewater collection system.

(ii) The operation and maintenance of the oil and grease management devices, including the proper disposal of wastes, or the private wastewater collection system or lift station shall be performed at the sole expense of the commercial user or owner.

(iii) Decanting, backflushing, or discharging of removed wastes back into the oil and grease interceptor, oil/water separator, or private lift station or wastewater collection system from which the wastes were removed, or into any other oil and grease interceptor, oil/water separator, or private lift station or wastewater collection system for the purpose of reducing the volume to be hauled and disposed is strictly prohibited.

(iv) Oil and grease interceptors and oil/water separators shall be pumped out completely at a minimum frequency of once every ninety (90) days, or more

frequently as needed to prevent carry-over of oil and grease into the collection system.

(v) Under-the-sink oil and grease traps shall be inspected and cleaned by a licensed commercial contractor at least once every (7) days. Maintenance shall include the complete removal of waste materials (oil, grease, and solids) and the cleaning of the device, including the pipes, inlets and outlets. The commercial user shall submit the appropriate documentation on maintenance activities to the Director of Public Works in accordance with the requirements set forth herein.

(vi) Private lift stations and wastewater collection systems shall be properly inspected, thoroughly cleaned and serviced at a frequency not less than once every twelve (12) months. The Director of Public Works may require more frequent service, depending on the flow and service conditions. The owner shall provide the City with emergency contact information for a licensed contractor or maintenance technician and update any changes to such information within seventy two (72) hours of such change becoming effective.

(vii) Except as otherwise provided herein, pumping or cleaning frequency shall be determined by the Director of Public Works. More frequent pumping or cleaning of oil and grease management devices and private wastewater collection systems and lift stations may be required by the Director of Public Works to protect the POTW or to comply with federal, state, or local laws or regulations. The determination shall be based on, but not limited to, flows, quantity of oil and grease in the discharge, volume of business, hours of operations, seasonal variations, and operating experience.

(viii) An oil and grease interceptor shall be considered to be out of compliance if the grease layer on top exceeds six (6) inches or the solids layer on the bottom exceeds eight (8) inches, or if removal efficiencies, as determined through sampling and analysis, indicate less than eighty (80%) percent removal efficiency, or if more than ninety (90) days has elapsed since the date of the last cleaning.

(ix) An under-the-sink oil and grease trap shall be considered out of compliance if the oil and grease collector or reservoir is more than ninety percent (90%) full, the solids collector is more than fifty percent (50%) full, monitoring results for the device indicate that the removal efficiency is less than seventy percent (70%), bypass is occurring, or the maintenance logs or manifests demonstrate that the device has not been serviced within the previous (7) days.

(x) An oil/water separator shall be considered to be out of compliance if the retained oil layer is leaking into the discharge, the captured oil reservoir is more than ninety percent (90%) full or overflowing, the containment area or vault is flooded with oil or water, or there is more than eight (8) inches of solids on the bottom.

(xi) Notwithstanding any provision of this Section to the contrary, the grease management system of a user shall be considered to be out of compliance if the oil and grease concentration in the discharge exceed the maximum allowable concentration of 250 mg/l for oil and grease as set forth in Section 22.108(1)(b) and Section 22.108(4)(b). By the same measure, the Building Department may determine that installation of an oil and grease management system may be required using this criteria.

(xii) Wastes removed from the oil and grease interceptor, oil/water separator, private lift station, or private wastewater collection system shall be disposed of at a facility with a valid permit to receive such wastes or a location so designated by the City for such purposes, in accordance with the provisions of this Chapter. In no way shall any pumpage be returned to any private or public portion of the collection system or the treatment plants, without prior written approval from the Director of Public Works.

(xiii) Flushing the oil and grease interceptor or oil/water separator with water having a temperature in excess of 140° F shall be strictly prohibited.

(g) Additives

(i) The use of additives is strictly prohibited as a substitute for pumping and cleaning the grease interceptor.

(ii) Additives shall include, but are not limited to, emulsifiers, enzymes, degreasers, bacteria and mixtures that are designed to purge, flush, eliminate or treat oil and grease in such a manner as to avoid capture and retention of said material in the grease interceptor.

(iii) The use of bacteria for drain line maintenance may be considered by the Director of Public Works on a case by case basis. To be eligible for consideration by the Director of Public Works, a manufacturer shall complete an application and a testing program, which shall be conducted in accordance with protocols as established by the City. The purpose of the testing program is to demonstrate that there are no increases in the contributions of oil and grease to the municipal sewer system and the performance of the bacteria. The manufacturer shall complete the process for each bacteria product. Written approval from the Director of Public Works shall be issued in the form of a product registration certificate.

(h) Registration Certificate Application and Issuance

(i) It shall be unlawful for any commercial user or facility producing oil and grease wastes to discharge into the City's collection system without written authorization from the Director of Public Works. Authorization shall be given in the form of an oil and grease registration certificate. Owners of private lift stations and private wastewater collections systems shall also apply for and obtain a registration certificate prior to operating such equipment and systems.

(ii) Application for a registration certificate shall be made to the Director of Public Works in such form and containing such information as required by the Director of Public Works. If, after examining the information contained in the application for an oil and grease registration certificate, it is determined by the Director of Public Works that the proposed facility or discharge does not conflict with the provisions of this Chapter, a registration certificate shall be issued allowing the discharge of such wastes into the POTW. A registration certificate issued by the Public Works Director may contain such terms and conditions as necessary to implement and enforce the provisions of this Section, protect the POTW, and ensure compliance with the requirements of this Chapter and state and federal law. Commercial users and the owners of private wastewater collection systems shall report all changes in emergency contact information for the responsible private contractor listed on the owner's or user's registration certificate or otherwise on file with the City within seventy-two (72) hours of the change.

(iii) Each oil and grease registration certificate shall be issued for a duration not to exceed five (5) years from the date of issuance for the certificate. A certificate holder shall apply for re-issuance of the registration certificate a minimum of sixty (60) days prior to the expiration of the existing certificate.

(iv) The terms and conditions of the registration certificate may be subject to modification by the City during the term of the certificate as limitations or requirements identified in this Chapter are modified or should other just causes exist. A certificate holder shall be informed of any proposed changes in the issued registration certificate at least sixty days prior to the effective date of the said change(s). Any changes or new conditions in the certificate shall include a reasonable schedule for the certificate holder to achieve compliance.

(v) As a condition precedent to the granting of an oil and grease registration certificate, the recipient under this section shall agree to hold harmless the City and the City's employees from any liabilities arising from the certificate holder's operations under its registration certificate.

(vi) Fees for issuance and renewal of the oil and grease registration certificates shall be set by the City. The fees shall be established to insure full cost recovery, and shall include, but shall not be limited to, the cost of field, administrative, engineering, and clerical expenses involved. The fees for the registration certificate may be directly billed to the recipient or may be added to the certificate holder's monthly water and sewer service bill. Such fees shall be paid in accordance to the terms and schedule set forth in the billing document.

(i) Administrative Procedures

Pumpage from private wastewater collection systems and grease management devices, including, but not limited to, oil and grease interceptors, under-the-sink oil and grease traps, and oil/water separators shall be tracked by a hauler manifest/user compliance report that confirms the pumping, hauling, and disposal

of the wastes from the generator to the final disposal facility. The hauler manifest/user compliance report shall be in the format and contain such information as specified by the Director of Public Works. The hauler manifest/user compliance report shall be completed and executed by the generator, hauler and disposal facility in accordance with the procedures and standards so mandated by the Director of Public Works.

(j) The hauler manifest/user compliance report shall be submitted to the Director of Public Works by the commercial user or waste hauler within forty-eight (48) hours of the service date for the grease management facilities or private wastewater collection systems.

(i) In addition to any other reporting or record keeping requirements contained in this Chapter, the owner of a private wastewater collection system or private lift station shall submit a compliance report within seventy-two (72) hours, from the date of service, to the Director of Public Works to confirm the cleaning and maintenance service for the private lift station and collection system. The compliance report shall be in the format and contain the information so designated by the Director of Public Works. The City, at its option, may choose to distribute the forms to use for the compliance report.

(ii) All commercial users and owners of private wastewater collection systems and private lift stations shall maintain a file on site or at such other location as approved by the Director of Public Works of the records and other documents pertaining to the facility's oil and grease interceptor, under-the-sink oil and grease trap, or oil/water separator, or the private wastewater collection system or lift station, respectively. The file contents shall include, but are not limited to, the record (as-built) drawings, record of inspections, manifest/user compliance reports for pumping or cleaning activities, receipts, log of maintenance activities, hauler information, disposal information, and monitoring data. The file shall be available at all times for inspection and review by the Director of Public Works. Documents in the file shall be retained and preserved in accordance with Section 22.112(13) of this Chapter.

(iii) The Director of Public Works may require a commercial user to provide, operate, and maintain, at the commercial user's sole expense, appropriate monitoring facilities, such as a control manhole, that are safe and accessible at all times, for observation, inspection, sample collection, and flow measurement of the user's discharge to the POTW. The Director of Public Works may impose additional limitations and monitoring requirements for the discharge to the POTW in accordance with the provisions set forth in this Chapter.

(k) Waste Haulers

Waste haulers that provide services to commercial users or owners of private lift stations or private wastewater collection systems within the wastewater service area of the City shall comply with the following program requirements listed below. Waste haulers shall:

(i) Submit a complete application for a general operator permit in accordance with the requirements for such application established by the Director of Public Works and obtain and maintain in good standing a general operator permit prior to transporting any waste containing oil and grease within the City or from a location to which the City provides wastewater service. A general operator permit issued by the Director of Public Works may contain such terms and conditions as necessary to implement and enforce the provisions of this Section, protect the POTW, and ensure compliance with the requirements of this Chapter and state and federal law;

(ii) Register service vehicles with the City prior to utilizing a vehicle for the transport of waste within the City or from a location to which the City provides wastewater service. The Director of Public Works shall establish the requirements for registration of the service vehicles. At a minimum, the service vehicles shall have a current Record of Annual Inspection by the Florida Department of Transportation (FDOT) prior to issuance of the registration certificate;

(iii) Properly display the decal or other requisite signage for the vehicle provided or directed by the City upon registration of the vehicle at all times while providing waste transport services within the City or from a location to which the City provides wastewater service;

(iv) Develop a manual of standard operating procedures containing the hauler's transportation and disposal procedures, emergency contact information, disposal site locations, and such other information as may be required by the Director of Public Works prior to transporting any waste containing oil and grease within the City or from a location to which the City provides wastewater service;

(v) Disposal operators are trained in proper procedures for transportation of oil and grease waste;

(vi) Completely remove the entire contents of the grease management device at the time of service;

(vii) Properly clean and inspect the grease management device at the time of service;

(viii) Contain and clean-up any spills immediately upon occurrence;

(ix) Dispose of all wastes at an approved or permitted treatment facility;

(x) Obtain and use the proper hauler manifest report for the OGMP;

- (xi) Properly complete and sign the hauler manifest report;
- (xii) Report any deficiency in a grease management device on the manifest form to the City;
- (xiii) Properly maintain records on-site at the hauler's local place of business at all times;
- (xiv) Make all records related to services provided in the City or from locations provided wastewater service by the City available for inspection upon the request of the Director of Public Works within five (5) business days, unless a shorter period of time is specified for such records in another provision of this Chapter; and
- (xv) Pay all fees and other amounts imposed under this Section when due.

Notwithstanding the preceding, waste haulers as of date of adoption of this Section shall have (60) days to apply for and obtain a registration certification, to meet the requirements set forth above in subsections 22.120(2)(j)(i) through (v), including the requirements to obtain a general operator permit

(l) Enforcement

(i) Any hauler, owner of a private lift station or private wastewater collection system, or commercial user found in violation of the provisions in this Section, or any orders, rules, regulations, or permits that are issued pursuant to this Chapter, shall be served by the City with a written Notice of OGMP Violation by personal delivery by an authorized City employee or by registered or certified mail sent via the U.S. Postal Service.

(ii) The Notice of OGMP Violation shall state the nature of the violation and provide a reasonable time limit for satisfactory correction of the violation as determined by the Director of Public Works. The person or entity to which the Notice of OGMP Violation is issued shall permanently cease all violations within the time period specified in the notice.

(iii) The issuance of a Notice of OGMP Violation shall not limit or impair the City's ability to concurrently or thereafter take any other enforcement action available to it under this Chapter or at law or in equity.

(a) For purposes of example and not limitation of the types of violations for which a Notice of OGMP Violation may be issued by the Director of Public Works hereunder, a Notice of OGMP Violation may be issued to a commercial user or the owner of a private wastewater collection system or private lift station, where applicable, for:

- (i) Failing to complete and submit the application for a registration certificate in a timely manner, (Level 1 Infraction)

- (ii) Failing to obtain or renew the registration certificate in a timely manner, (Level 1 Infraction)
 - (iii) Failing to install the requisite grease management system and facilities when required by this Section, (Level 2 Infraction)
 - (iv) Discharging oil or grease into the City's collection system without a valid registration certificate, (Level 2 Infraction)
 - (v) Failing to report pumping activities on the designated manifest form within the specified time frame, (Level 2 Infraction)
 - (vi) Failing to report all changes in emergency contact information for the responsible private contractor listed on the owner's or user's registration certificate or otherwise on file with the Director of Public Works within seventy two (72) hours of the change, (Level 1 Infraction)
 - (vii) Failing to properly maintain, clean-out, pump, or operate the grease interceptor, under-the-sink grease trap, oil/water separator, sand/grit interceptor, lint trap, private lift station or private wastewater collection system in accordance with the provisions offset forth in the registration certificate or this Section, (Level 1 Infraction)
 - (viii) Failing to complete and sign the manifest forms, logs, or records properly as required by this Section, (Level 1 Infraction)
 - (ix) Failing to maintain a file with the required manifests, forms, or other records of pumping activities as required by this Section, (Level 1 Infraction)
 - (x) Failing to maintain a file with required records on site or at such other location as may be approved at all times, (Level 1 Infraction)
 - (xi) Failing to provide access to logs, files, records, or facilities for inspection or monitoring activities as required by this Section, (Level 1 Infraction)
 - (xii) Failing to pay the appropriate program fees or assessed penalties and fines when due, (Level 1 Infraction) or
 - (xiii) Failing to comply with any other provision of this Section (Level 1 Infraction)
- (b) For purposes of example and not limitation of the types of violations for which a Notice of OGMP Violation may be issued by the City to a

waste hauler hereunder, a Notice of OGMP Violation may be issued to a waste hauler for failure to:

- (i) Submit a complete application to the City for a general operator permit in a timely manner, (Level 1 Infraction)
- (ii) Obtain or renew a general operator permit prior to transporting any wastewater containing oil or grease, (Level 1 Infraction)
- (iii) Register its service vehicles with the City prior to utilizing such vehicles in the transportation of any waste containing oil and grease, (Level 1 Infraction)
- (iv) Properly display the decal or other requisite signage for the vehicle, (Level 1 Infraction)
- (v) Provide the necessary documents and manual of operating procedures for each service vehicle, (Level 1 Infraction)
- (vi) Completely remove the entire contents of the grease management device upon servicing, (Level 2 Infraction)
- (vii) Properly clean and inspect the grease interceptor, under-the-sink grease trap or oil/water separator upon servicing, (Level 2 Infraction)
- (viii) Immediately contain and clean-up any spills resulting from or related to the hauler's operations, (Level 2 Infraction)
- (ix) Dispose of any wastes containing oil and grease at an approved or permitted treatment facility, (Level 2 Infraction)
- (x) Properly complete and sign the hauler manifest report, (Level 1 Infraction)
- (xi) Report any deficiency in the grease management device on the manifest form to the City, (Level 1 Infraction)
- (xii) Properly maintain records on-site at all times, (Level 1 Infraction)
- (xiii) Make records available for inspection in a timely manner upon request of the Director of Public Works, (Level 1 Infraction)
- (xiv) Initiate and complete any corrective measures within the time frames required, (Level 2 Infraction)
- (xv) Comply with any other provision of this Section 22.120 applicable to haulers. (Level 1 Infraction)

(iv) If a commercial user, waste hauler, or the owner of a private lift station or private wastewater collection system fails to complete corrective action within the specified time period so stated in the Notice of OGMP Violation, then the Director of Public Works may take one or more of the following enforcement actions:

- (a) Impose an administrative penalty in an amount not to exceed \$1,250 per violation, in accordance with the penalty tables set forth herein. The levels of infractions and violations are defined in the Enforcement Response Plan for the Oil and Grease Management Program as approved by FDEP. Multiple infractions or violations may result in multiple administrative penalties being assessed in accordance with the penalty level as described in the tables below:

PENALTY TABLE FOR COMMERCIAL USERS AND OWNERS OF PRIVATE LIFT STATIONS AND WASTEWATER COLLECTION SYSTEMS		
Penalty Level	Infraction or Violation *	Maximum Penalty Amount per Violation
1	<ul style="list-style-type: none"> ➤ Level 1 infractions – First offense 	\$ 125
2	<ul style="list-style-type: none"> ➤ Level 2 infractions – First offense; ➤ Level 1 infractions – Second or repeat offense; or ➤ Discharging oil and grease without a valid registration certificate. 	\$ 250
3	<ul style="list-style-type: none"> ➤ Level 3 infractions or violations – First offense; ➤ Level 2 infractions – Second or repeat offense; ➤ Level 1 infractions – 	\$ 500

	<ul style="list-style-type: none"> Third or repeat offense; ➤ Illegal discharges to City wastewater system; ➤ Intentional bypass of grease management device or system; ➤ Flushing or jetting of grease management device or system without proper recovery and causing a pass through situation; ➤ Falsification of documents; or ➤ Repeat of infraction or violation in Penalty Level 2. 	
--	--	--

4	<ul style="list-style-type: none"> ➤ Level 4 infractions – First Offense ➤ Level 3 infractions – second or repeat offense; ➤ Level 2 infractions – third or repeat offense; ➤ Repeat of infraction or violation in Penalty Level 3; or ➤ Bypass or pass through of an oil and grease management device or system. 	\$ 750
5	<ul style="list-style-type: none"> ➤ Level 3 infractions – Second or repeat offense; ➤ Level 2 infractions – Fourth or repeat offense; ➤ Level 1 infractions – Fifth or repeat 	\$ 1,000

	<ul style="list-style-type: none"> ➤ offense; ➤ Repeat of infraction or violation in Penalty Level 4; or ➤ Falsification of records, reports or other documents. 	
6	<ul style="list-style-type: none"> ➤ Level 4 infractions – Second or repeat offense; ➤ Level 3 infractions – Third or repeat offense; ➤ Level 2 infractions – Fifth or repeat offense; ➤ Level 1 infractions – Sixth or repeat offense; ➤ Participation in or conspiracy to commit a criminal act; ➤ Infraction resulting in an overflow and discharge to the environment; or ➤ Repeat of infraction or violation in Penalty Level 5. 	\$ 1,250

PENALTY TABLE FOR WASTE HAULERS		
Penalty Level	Infraction or Violation *	Maximum Penalty Amount per Violation
1	<ul style="list-style-type: none"> ➤ Level 1 infractions or violations – First offense. 	\$ 250
2	<ul style="list-style-type: none"> ➤ Level 2 infractions or violations – First 	\$ 500

	<p>offense;</p> <ul style="list-style-type: none"> ➤ Level 1 infractions or violations – Second or repeat offense; or ➤ Flushing or jetting the grease management device or system. 	
3	<ul style="list-style-type: none"> ➤ Level 3 infractions or violations – First offense; ➤ Level 2 infractions or violations – Second or repeat offense; ➤ Level 1 infractions or violations – Third or repeat offense; ➤ Operating without a valid Operator Permit; ➤ Illegal discharges to City wastewater system; ➤ Intentional bypassing of grease management devices or systems; or ➤ Repeat of infraction or violation in Penalty Level 2. 	\$ 750
4	<ul style="list-style-type: none"> ➤ Level 4 infractions or violations – First offense; ➤ Level 3 infractions or violations – second or repeat offense; ➤ Level 2 infractions or violations – third or repeat offense; or ➤ Falsification of documents. 	\$ 1,000
5	<ul style="list-style-type: none"> ➤ Level 4 infractions or 	\$ 1,250

	<p>violations – Second or repeat offense;</p> <ul style="list-style-type: none"> ➤ Level 3 infractions or violations – Third or repeat offense; ➤ Level 2 infractions or violations – Fourth or repeat offense; ➤ Level 1 infractions or violations – Fifth or repeat offense; ➤ Participation in or conspiracy to commit a criminal act; ➤ Infraction or violation resulting in an overflow or spill and discharge to the environment; or ➤ Repeat of infraction or violation in Penalty Level 3. 	
--	--	--

* The maximum fine amount in the penalty tables above shall be based upon the number of infractions that have been assessed by the City against the user or hauler over a rolling twelve consecutive month period, ending with the initial date of the most current violation. Each infraction stated in the Notice of OGMP Violation shall constitute a separate violation and subject to a separate corresponding penalty. Additionally, the user or hauler may be responsible for reimbursement of the direct costs that are incurred by the City to resolve the consequences of the noncompliant situation or incident.

(b) pump the oil and grease interceptor or oil/water separator and place the appropriate charge on the user's monthly billing statement;

(c) clean the private lift station and collection system and assess the costs for said services against the user or property owner;

(d) respond, contain and clean-up an overflow or spill and assess the costs for said services against the user, hauler or property owner;

(e) collect a sample and assess the appropriate surcharge(s) for compatible wastes in accordance with the provisions of this Chapter;

(f) assess a reasonable fee for additional inspection, sample collection, and laboratory analyses;

(g) reclassify the user as a significant commercial user for inclusion in the surcharge program as set forth in Section 22.121 and the assessment of the appropriate surcharges based upon the results of monitoring activities;

(h) revoke the registration certificate or general operator permit;

(i) terminate water and sewer service;

(j) take such action as necessary to cure the violation at the user's or hauler's sole expense; or

(k) take any other action available to the City at law or in equity, including but not limited to any actions available to the City under Section 22.116 and 22.117 of this Chapter.

(iv) If water and sewer service are terminated to any commercial user for a violation of this Section, the commercial user shall pay all outstanding fees, penalties, and other utility charges as well as resolve the noncompliant situations prior to reinstatement of water and sewer service.

(v) If the general operator permit of any waste hauler is revoked for a violation of this Section, the waste hauler shall pay all outstanding fees and penalties as well as resolve the noncompliant situations prior to reinstatement of the operator permit.

(vi) If the registration certificate of a commercial user or the owner of a private lift station or private wastewater collection system is revoked for a violation of this Chapter, the user or owner shall pay all outstanding fees and penalties as well as resolve the noncompliant situations prior to reinstatement or reissuance of the certificate.

(vii) The Director of Public Works, at his discretion, may assign any commercial user to the Surcharge Program set forth in Section 22.121 of this Chapter as a result of any violation or noncompliance with the provisions of this Chapter, regardless if such violation is resolved in a timely manner by the violator following receipt of a Notice of OGMP Violation.

(viii) The actions, penalties, and remedies set forth in this Section 22.120 are nonexclusive and concurrent with any and all other remedies available to the

City, including, but not limited to, under Section 22.116 and Section 22.117 of this Chapter, and appropriate sections of the City Code.

(m) Permits and Fees

(i) Subject to and in accordance with the provisions of this Section, the Director of Public Works shall issue a Certificate of Registration to commercial users and the owners of private lift stations and private wastewater collection systems in the Oil & Grease Management Program. In addition to all other requirements for such a Certificate of Registration contained in this Section, the Director of Public Works may require such users and owners to complete a registration application containing an information questionnaire and the City may perform a facility visit prior to issuance of the registration certificate.

(ii) Subject to and in accordance with the provisions of this Section, the Director of Public Works shall issue a general operator permit to waste haulers providing services to commercial users and owners of private lift stations and private wastewater collection systems.

(iii) Commercial users, waste haulers, and owners of private lift stations and private wastewater collection systems in the Oil and Grease Management Program shall be assessed a program fee, which shall be invoiced to them directly by the City or which will appear on their monthly COL billing statement or as otherwise determined by the Director of Public Works. In addition to any fees contained in this Section, other reasonable fees may be adopted by the City to implement and enforce the provisions of the OGMP, including those fees which are described in Section 22.124 of this Chapter.

22 – 121. SURCHARGE PROGRAM

The objective of the Surcharge Program is to recover the costs for receiving and treating abnormally high strength compatible wastes, such as CBOD₅ and TSS.

1. General Criteria

(a) A surcharge may be assessed for any discharge of abnormally high strength compatible wastes from any parcel or developed property to the City wastewater system.

(b) Significant commercial users, as defined in this Chapter, shall be subject to a surcharge on discharges with abnormally high strength compatible wastes to the POTW.

(c) The Director of Public Works may evaluate the discharge from any parcel or developed property for the determination of the levels of abnormally high strength compatible wastes present in the discharge.

(d) In addition to significant commercial users, the Director of Public Works may require any other nonresidential user to participate in the Surcharge Program.

2. Determination of Surcharge

(a) The surcharge factor shall be derived each year by the City Finance Department and shall be set forth in the schedule of fees. The surcharge factor shall be expressed as the total cost of treatment (\$) per million gallons of flow per mg/l of CBOD/TSS that is removed by the treatment facilities. The total cost of treatment includes the capital, operation and maintenance costs.

(b) The surcharge factor, as determined by the City Finance Department, shall be used in the calculation of the surcharge amount in dollars (\$) for both CBOD₅ and TSS.

(c) The surcharge for any user or discharge shall be derived for each billing cycle using the following formula. A separate calculation shall be made for each compatible waste, such as CBOD₅ and TSS.

$$\text{Surcharge} = [\text{Surcharge Factor}] \underline{[A \text{ or } B - (220)]} (Q)$$

Where:

The "*surcharge factor*" is the unit cost as determined by the City Finance Department to remove one mg/l of CBOD/TSS per million gallons of total flow.

The *number "220"* is the threshold concentration limit for CBOD₅ or total suspended solids (TSS), expressed in milligrams per liter (mg/l), in accordance with the definition for abnormally high strength compatible wastes set forth in Section 22.01 (4)(a)(1).

"*A*" is the concentration of CBOD₅ in the discharge expressed in milligrams per liter (mg/l).

"*B*" is the concentration of TSS in the discharge expressed in milligrams per liter (mg/l).

"*Q*" is the total flow during the billing cycle expressed in million gallons (MG).

"Surcharge" is expressed in dollars.

(d) The surcharge shall be assessed for each billing cycle and shall be based upon the results of periodic evaluations of the discharges from any commercial user by the Director of Public Works.

(e) The surcharge shall be in addition to any applicable sewer charges. The surcharge shall be invoiced on the monthly utility statement for the user and shall be collected in the same manner as the other utility charges. Nonpayment or

delinquency shall subject the user to the same penalties and actions, including termination of service, as set forth for other utility services.

3. Flow Determination

(a) The flow volume for determination of the surcharge shall be based on one of the following:

(i) Metered water consumption as shown in the records of meter readings made by the utility authority;

(ii) Flow monitoring devices which measure the actual volume of wastewater discharged to the POTW and as approved by the Director of Public Works; or

(iii) Flow monitoring devices for other water supplies processed from other sources besides the utility authority.

(b) Flow monitoring devices, other than those for the utility authority, shall be provided, installed, calibrated, and maintained at the commercial user's sole expense and in accordance with the plans that were approved by the Director of Public Works.

(c) Flow monitoring devices shall be calibrated at least annually, or more frequently as may be determined by the Director of Public Works.

4. Constituent Concentrations

(a) The concentration of constituents in the discharge from a commercial user to the POTW shall be determined by samples that are collected and analyzed by authorized City personnel.

(b) Samples shall be collected in accordance with the Standard Operating Procedures as approved from time to time by FDEP, EPA protocols or *Standard Methods*. Samples shall be collected in such a manner as to be fully representative of the actual discharge to the POTW.

(c) Samples shall be analyzed in accordance with those procedures set forth in 40 CFR Part 136 and Chapter 62-160, F.A.C., as may be amended from time to time.

(d) The surcharge shall be based on the determination of the constituent concentrations by the Director of Public Works.

5. Monitoring Requirements

(a) The Director of Public Works may collect samples routinely, up to three (3) times per quarter, or more frequently at the discretion of the Director of Public Works, of the discharges from commercial users, parcels or developed property that are known to be, or may be suspected of, containing abnormal high strength compatible wastes.

(b) Samples may be collected manually or using automatic sampling equipment. Grab samples may be taken manually. Composite samples may be retrieved with automatic sampling equipment or performed manually with aliquots of grab samples.

(c) To the extent possible, samples shall be collected with an automatic composite sampler to obtain a representative characterization of the discharge from a user, parcel or developed property. Composite samples may be flow or time proportional.

(d) The Director of Public Works may require significant commercial users to install and maintain an adequate monitoring facility. The monitoring facility shall be approved by the Director of Public Works. The monitoring facility shall be installed by the significant commercial user within sixty (60) days following written notification from the Director of Public Works.

(e) The monitoring facility shall include, but is not limited to, a control manhole and suitable automatic sampling equipment. The monitoring facility shall be installed, operated, and maintained at the sole expense of the significant commercial user.

(f) Monitoring sites and facilities shall be accessible to authorized City personnel at all times and shall be available to use for the collection of samples for the assessment of surcharges.

(g) Sample analysis may be performed at the City's wastewater laboratory. The Director of Public Works may send the samples to a certified commercial laboratory for analysis or for quality assurance purposes.

(h) The costs for sample analysis that are performed by the certified commercial laboratory shall be assessed directly to the commercial user.

(i) The commercial user may request that the sample analysis be performed by an independent, certified commercial laboratory. Such analysis shall be performed at the sole cost and expense of the user.

(j) The costs for sample collection and analysis (laboratory work) shall be at the prevailing rates for the City for services by the certified commercial laboratory.

(k) The Director of Public Works may assess a commercial user the costs for sample collection and laboratory analysis. The costs for sample collection and analysis will be invoiced on the utility billing statement for the commercial user.

6. Permits

Significant commercial users in the Surcharge program that meet the criteria set forth in this chapter for a significant industrial user (SIU) may be required by the Director of Public Works to apply and to obtain an Industrial Wastewater Discharge Permit.

**22 - 122. GROUNDWATER REMEDIATION AND
MISCELLANEOUS DISCHARGES**

1. Groundwater Remediation Discharges

(a) Purpose

The purpose of this section is to provide for the discharge of treated groundwater from remediation sites by users of the collection system without causing pass through, upset, or interference at the WRFs.

(b) General Criteria

(i) The discharge by a user to the POTW of certain liquids or wastes may be prohibited or limited by the provisions set forth in this Chapter or by decision of the Director of Public Works.

(ii) A groundwater remediation facility that discharges to the City's collection system shall be classified as a significant industrial user.

(iii) Groundwater from remediation sites shall be pretreated prior to discharge to the POTW.

(iv) An Industrial Wastewater Discharge Permit application shall be submitted to the Director of Public Works by the user before issuance of an Industrial Wastewater Discharge Permit. The Director of Public Works may require complete characterization of the groundwater prior to issuing an Industrial Wastewater Discharge Permit. The permit application shall be completed pursuant to the requirements in Section 22.110.

(v) The Director of Public Works may impose limitations and monitoring requirements for the treated discharge to the POTW in accordance with the provisions of this Chapter and standards set forth in Chapter 62-550, F.A.C.

(vi) The user shall not discharge untreated or treated groundwater to the POTW without written approval of the Director of Public Works or obtaining an Industrial Wastewater Discharge Permit.

(vii) A flow-monitoring device shall be installed on the discharge line in accordance with the plans approved by the Director of Public Works and the manufacturer's recommendations. The flow monitoring shall be provided, installed, calibrated, and maintained at the user's expense. The flow measuring devices shall be calibrated quarterly.

(viii) The user shall provide a monitoring point at its sole expense for the collection of samples and field data.

(ix) Groundwater treatment systems shall be designed and operated in accordance with the best available technology and as approved by the Director of Public Works.

(x) Pursuant to the provisions of the Industrial Wastewater Discharge Permit, the Director of Public Works shall require the discharge to the collection system to be monitored on a regular basis for the determination of compliance with the limits set forth in this Chapter.

(c) Discharge Limits

Discharges from groundwater remediation facilities to the POTW shall comply with the standards set forth for organic compounds in 40 CFR §414.101 and 40 CFR §414.111, or the standards for organic compounds established by FDEP for low yield/poor quality groundwater or natural attenuation of default sources concentrations as set forth in Chapter 62-777, F.A.C. The Director of Public Works shall determine which standard shall apply to the discharge from the groundwater remediation facility. The decision by the Director of Public Works shall be considered final.

2. Medical Wastes

(a) Hospitals, clinics, medical/dental practitioner offices, convalescent and nursing homes, medical/dental laboratories, and funeral homes shall dispose of medical wastes, pathological wastes, laboratory wastes, contaminated medical wastes, and wastes from expired humans (corpses) in accordance with the latest edition of guidelines that are published by EPA, the Centers for Disease Control (CDC), the Public Health Department, or other appropriate Federal and State agencies.

(b) Toxic, biological, or contaminated wastes which are not addressed by the aforementioned guidelines shall not be discharged to the City's wastewater collection system without written permission from the Director of Public Works.

(c) Hospitals, clinics, medical/dental practitioner offices, convalescent and nursing homes, medical/dental laboratories, and funeral homes shall prepare and maintain a Biomedical Waste Plan in accordance with the requirements set forth in Chapter 64E-16, F.A.C. The Biomedical Waste Plan shall be available for review by the Director of Public Works.

(d) The Biomedical Waste Plan and other pertinent records shall be retained and preserved at the facility in accordance with Section 22.112(13) of this Chapter. Records shall be available for review by the Director of Public Works.

(e) Enforcement action shall proceed in accordance with the provisions set forth in this Chapter.

3. Miscellaneous Discharges

(a) Purpose

The purpose of this section is to provide for other types of discharges to the POTW, including, but not limited to, uncontaminated groundwater, cooling water, unpolluted process water, miscellaneous pumpage and leachate or runoff from solid waste handling facilities.

(b) General Criteria

(i) The user shall provide written notification to the Director of Public Works and explain the necessity for this miscellaneous discharge and receive written authorization prior to commencement of discharge.

(ii) The user may be required to submit an Industrial Wastewater Discharge Permit application to the Director of Public Works.

(iii) The Director of Public Works may impose restrictions, prohibitions, or other provisions on the discharge.

(iv) The Director of Public Works may limit the volume and duration of the discharge to the POTW. The user shall be responsible for measurement of the flows to the POTW. The flow monitoring device shall be provided, installed, and maintained in accordance with the guidelines set forth by the Director of Public Works and at the sole expense of the user.

4. Reduction Credit

(a) A reduction credit may be granted to nonresidential users of the POTW for abnormally low strength compatible wastes. A discharge is not considered to be abnormally low strength compatible wastes, unless the wastes have concentrations of CBOD₅ and TSS less than fifty (50) mg/l.

(b) The user may request the Director of Public Works to evaluate their discharge for classification as abnormally low strength compatible wastes. The evaluation shall be performed at the sole expense of the user.

(c) The user shall apply to the Director of Public Works to receive the reduction credit. The application shall be made in the form so designated by the Director of Public Works.

(d) The reduction factor shall be derived annually using the following formula and shall be set forth in the schedule of fees:

$$\text{Reduction Factor} = \frac{\text{Cost of Treatment (\$) per million gallons}}{50 \text{ (mg/l)}}$$

Where:

Cost of treatment, expressed in dollars (\$), is the total costs for operation and maintenance, including prorated administrative and capital costs, for the POTW that were incurred during the preceding fiscal year, divided by the total flow for the WRFs in millions of gallons (MG).

The *number "50"* is the sum of the threshold concentration limits for CBOD and total suspended solids (TSS) expressed in milligrams per liter (mg/l) in accordance with the definition for abnormally low strength compatible wastes set forth in Section 22.106.

Reduction factor is expressed in dollars per million gallons per milligram per liter (mg/l).

(e) The reduction credit in dollars shall be calculated for each billing cycle using the following formula:

$$\text{Reduction Credit} = [\text{Reduction Factor}] \frac{[50 - (A + B)](Q)}{100}$$

Where:

The *number "50"* is the sum of the threshold concentration limits for CBOD₅ and total suspended solids (TSS) expressed in milligrams per liter (mg/l) in accordance with the definition for abnormally low strength compatible wastes set forth in Section 22.106.

"*A*" is the concentration of CBOD₅ in the discharge expressed in milligrams per liter (mg/l).

"*B*" is the concentration of TSS in the discharge expressed in milligrams per liter (mg/l).

"*Q*" is the total flow during the billing cycle expressed in million gallons (MG).

Reduction Credit is expressed in dollars.

(f) The user shall collect and analyze at least one sample of the discharge during each billing period to determine the concentrations of CBOD₅ and TSS in order to receive the reduction credit. The Director of Public Works, at his sole discretion, may alter the monitoring frequency of the user.

(g) The user shall submit a monitoring report with a signed certification statement to the Director of Public Works in a timely manner as directed by the City. The Director of Public Works, at his sole discretion, shall determine the format for the monitoring report and certification statement.

(h) The reduction credit will be granted for each billing period, provided that the user has complied with both the monitoring and reporting requirements set forth in this Chapter. The reduction credit will appear on the monthly utility statement for the user.

5. Sand, Grit and Debris Interceptors

(a) Purpose

The purpose of this section is to minimize the introduction of sand and grit into the collection system.

(b) General Criteria

(i) Wastes containing excessive amounts of sand and grit shall be directed to an interceptor for removal. Wastes containing excessive amounts of floatables or other debris that could cause clogs in the collection system, such as, but not limited to, rags, strings, feathers, entrails, glass, or other objects larger than per Florida Code, (1/2) one half inch in size, shall direct the flow to an interceptor with a screening device that would prevent passage of these said solids into the collection system.

(ii) Sand and grit interceptors and screening devices shall be provided at the user's expense. The interceptor shall be installed, operated, and maintained in accordance with the plans approved by the Building Official and the manufacturer's recommendations.

(iii) Sand and grit interceptors and screening devices shall be designed and installed to accommodate the anticipated range of flows.

(iv) Sand and grit interceptors and screening devices shall be installed for easy access for cleaning and inspection. Sand and grit interceptors and screening devices shall be serviced and emptied of their contents on a regularly scheduled basis to maintain efficient operation at all times. Operation and maintenance of the sand and grit and screening devices interceptor shall be performed at the user's expense.

(v) Wastes removed from the sand and grit interceptors and screening devices shall not be discharged into the POTW. The user shall maintain a log of cleaning activities and a file on site of the records and documents related to the sand and grit interceptor. Records/documents retained in the file should include as-built drawings, manufacturer's instructions, log of cleaning/pumping activities, hauler manifest information and receipts, site inspection reports, and monitoring data.

(vi) Failure to comply with the provisions set forth herein can result in implementation of enforcement procedures set forth in this Chapter.

22 – 123. REGULATION OF SEWER EXTENSION

1. Intent

The intent of this section shall be to establish general regulations facilitating the coordination and orderly expansion of the municipal wastewater collection system.

2. Initiation of Projects

(a) Depending on the size and cost, an extension of the City sewer system may be initiated by action of City Commission or by the Director of Public Works.

(b) To obtain sewer service for a dwelling or development, property owners, including developers, shall extend sewers as necessary to the closest available point of connection as determined by the Director of Public Works.

(c) The City may, at its discretion, participate in the cost of over-sizing developer-built sewers to accommodate future development in the service area.

3. Application by Developers

The developer shall fully detail in writing the scope and purpose of the desired sewer extension. Applicant shall submit engineering plans, Florida Department of Environmental Protection permit applications, and other relevant information as required by the Director of Public Works.

4. Project Feasibility

All proposed sewer system extensions shall be analyzed by the Director of Public Works from the standpoint of sound business and engineering practice.

5. Project Authorization

(a) Sewer extensions to serve developments and which are to be constructed at no cost to the City shall be deemed authorized upon approval of the project plans and specifications by the Director of Public Works and upon issuance of such permits and payment of fees and other charges as may be required by City Code or by act of City Commission.

(b) All sewer extensions requiring the use of municipal funds shall be approved by the Director of Public Works and, as appropriate, by City Commission.

6. Project Denial

(a) A request for City sewer extension may be denied whenever estimated installation or maintenance costs are deemed excessive in relation to anticipated revenue, for such other reason whereby the requested extension is not deemed feasible, or whenever otherwise contrary to the best interests of the City. When denied, the applicant shall be notified in writing of the reason(s) for the denial.

(b) A denial by the Director of Public Works of a City sewer extension may be appealed by the applicant to City Commission in the manner and upon the terms set forth for appeal in Section 22.116(10) of this Chapter.

7. Design

(a) Plans and specifications shall be in conformance with City standards and shall show the seal of a professional engineer registered in the State of Florida. All plans and specifications for proposed sewer extensions and appurtenances to be connected to the City sewer system shall be approved by the Director of Public Works prior to construction.

(b) For extensions that are not designed and constructed by the City, one reproducible set of plans showing the completed work, as built, together with an affidavit of periodic and final inspections by a professional engineer registered in the State of Florida certifying that the work, as constructed, complies with applicable City standards, shall be submitted to the Director of Community Development prior to receiving final approval of the work from the City. The work shall be done in accordance with the provisions set forth in the latest edition of the *City Land Development Code*.

8. Location and Installation

Sanitary sewers and appurtenances shall be extended and located only in public rights-of-way, or in easements acceptable to the City. Wastewater pumping stations and related appurtenances shall be constructed only on appropriately sized tracts of land dedicated to the City. In new subdivisions, sewer extensions may be installed only in public rights-of-way and easements where the finished grade has been established and approved by the Director of Public Works. Actual interconnection of new extension with the existing municipal sewer system shall be prohibited by placing a temporary bulkhead in connecting lines, until the new extension has been fully cleaned and inspected and all other conditions for extension of the service have received the approval of the Director of Community Development.

9. Extension Outside the Corporate Limits

Sewer extensions constructed outside the corporate limits of the City shall be made only for the purpose of providing service to other areas within the City Wastewater Service Territory by the most direct, efficient, and/or economical method.

10. Installation and Inspection Standards

(a) All installation work and materials shall be in accordance with the City's requirements and standards, and shall be subject to the inspection and approval of the Director of Public Works. The developer shall provide to the City a CCTV inspection of all private or public sanitary sewer lines, excluding laterals, constructed as part of the development.

(b) Re-inspection of the sanitary sewer system due to the improper repair of defects previously identified during the inspection process may be subject to a re-inspection fee.

11. Termination of Lateral

The lateral from the public sewer shall terminate at the back of the street curb or, in the case of an uncurbed street, alley or sewer easement, at the property line of the owner. It shall be the responsibility of the property owner or user to extend at his own expense the lateral to the building plumbing.

12. Ownership

The ownership of any extension and related appurtenances laid within a public right-of-way or easement and connected to the City sewer system in accordance with this resolution shall at all times remain with the City unless the City determines that the extension is part of a private system. Private system extensions remain the property of the property owner up to the point of connection with the public system.

13. City's Rights Reserved

(a) No agreement to extend the municipal sewer system under the provisions of this Chapter shall restrict the City's right to make subsequent extensions or connections thereto.

(b) The City shall reserve the right, at all times, to refuse extension of sewer service when such extension is not economically feasible; when the basis of proposed use is detrimental to the sewerage system; for noncompliance with the policies, rules and regulations established by this Chapter or with any duly adopted City Chapter; or for any other cause whereby such extension will not be to the benefit of the best interests of the City.

22 – 124. WASTEWATER SERVICE RATES, PROGRAM FEES AND BILLING PROCEDURES

1. General.

A uniform schedule of wastewater rates has been established for the use of the services and facilities of the municipal sanitary sewer system by each dwelling unit, business establishment, church, hospital and every other type of private or public building, structure or activity producing wastewater or wastes that are discharged to the City's wastewater system.

2. Wastewater Program Fees

(a) The City may adopt reasonable fees as deemed necessary to recover the costs for the implementation and enforcement of the requirements set forth for the various municipal wastewater programs and other provisions in this Chapter. By way of example and not limitation, the City may adopt fees for the following:

- (i) Applications; including the cost of processing such applications;
 - (ii) Issuance of registration certificates or permits;
 - (iii) Renewal or transfer of registration certificates or permits;
 - (iv) Facility inspections, re-inspections or site visits;
 - (v) Monitoring, including the costs for sample collection and laboratory analyses;
 - (vi) Surveillance, including legal costs related to these activities;
 - (vii) Review of reports, including self-monitoring reports, compliance schedule reports or progress reports; and
 - (viii) Review of plans mandated by this Chapter or set forth in a permit, including accidental or slug discharge response plans, monitoring plans, pollution prevention plans and best management practices plans.
- (b) In addition to the fees set forth in this Section and this Chapter, the City, by resolution or other action of its City Commission, may adopt other reasonable fees as deemed necessary to carry out the requirements and programs in this Chapter. These fees relate solely to the matters covered by this Chapter and are separate from all other fees, fines, and penalties assessed by the City. These fees are charged to recover the costs incurred by the City to implement and enforce the provisions of this Chapter.
- (c) The schedule of fees for any given wastewater program may be adjusted by the City from time to time in the City's discretion.
- (d) Costs and expenses incurred by the City for sample collection and laboratory analysis that are related to enforcement activities shall be recoverable from a user or other responsible party in such amounts as actually incurred by the City for such work.

3. Pretreatment Program

With respect to the City's Pretreatment Program, the following fee schedule shall apply:

- (a) The application fee for new Industrial Wastewater Discharge Permits shall be \$250.
- (b) The application fee for renewal of the Industrial Wastewater Discharge Permit shall be \$200.
- (c) The fee to transfer the Industrial Wastewater Discharge Permit to another user or owner(s) shall be \$200.

(d) The fee for issuance of a Compliance Schedule, and for each subsequent extension thereafter, shall be \$250.

(e) The fees for sample collection and laboratory analysis of the discharge that may be related to enforcement activities may be collected from the user by the Director of Public Works.

4. Oil and Grease Management Program

With respect to the City's Oil and Grease Management Program, the following fee schedule shall apply:

(a) The monthly administrative fee shall be \$25 for each commercial user. Assessment of the monthly administrative fee shall commence upon completion of the initial facility review by the City.

(b) Each commercial user discharging oil and grease wastes to a common interceptor and receiving a separate billing statement shall be assessed individually the monthly administrative fee of \$25. For those properties with common interceptor systems which receive a single billing statement for wastewater service, the monthly administrative fee shall be \$75 for each system with three (3) or more service connections. Assessment of the monthly administrative fee shall commence with the initial facility visit by the City.

(c) A fee of \$100 may be assessed for the first re-inspection of a noncompliant facility and a fee of \$125 for each additional re-inspection thereafter for the same citation or issue.

(d) A fee of \$50 shall be assessed for the annual City inspection of each private commercial lift station or private wastewater collection system.

(e) Costs and expenses incurred by the City for pump-out of an oil and grease interceptor, grease trap, or oil/water separator shall be recoverable from a user, hauler or other responsible party at the actual cost incurred by the City for such work.

(f) With respect to waste haulers, the following fee schedule shall apply: The application/annual fee for a general operator permit shall be \$150.

5. Fees for Best Management Program for Constituents of Special Concern

With respect to the City's program for silver dischargers, the following fee schedule shall apply:

(a) The monthly administrative fee shall be \$25 for each user contributing silver wastes to the City sewer system. Assessment of the annual administrative fee to the user shall commence upon completion of the initial facility review by the City.

(b) A fee of \$100 may be assessed for the first re-inspection of a noncompliant facility or system, and a fee of \$125 for each additional re-inspection thereafter for the same citation or issue.

(c) The costs and expenses incurred by the City for the repair or replacement of a silver treatment and recovery system shall be recoverable from the user in such amount as actually incurred by the City for said work.

6. Charges For Sewer Service

(a) There shall be no free service rendered by the municipal sewer system.

(b) Sewer service shall be considered as rendered to each customer, the property owner or user of developed property who has connected to the sewer system and the monthly sewer service charge shall be imposed.

(c) The failure of the City or its agents to timely or accurately invoice a user, owner or customer for a monthly sewer service charge or any other fee or amount due and owing under this Chapter for any reason in part or in whole, including but not limited to mechanical meter failure or City error, shall not preclude the City from later invoicing and collecting any such unpaid charges or amounts. The acceptance of any payment by the City in an amount less than the full amount due and owing for services rendered, whether incorrectly invoiced by the City or otherwise, shall not act as a waiver by the City of its right to subsequently invoice and collect the full amount it was due. The City expressly reserves the right to assess, impose, and collect monthly sewer service charges and other amounts which may remain due and owing for prior periods of time that service was rendered in the event that such charges or assessments were not timely billed or billed incorrectly.

7. Sewer Deposits

Except where a different arrangement has been approved by City Commission for areas not invoiced through the City of Leesburg, the City of Leesburg shall collect from all new residential customers a cash deposit to guarantee the payment of sewer bills. Such deposit shall be at least Fifty Dollars (\$50.00) for sewer service and shall be handled in accordance with the Administrative Policy of the City of Leesburg Public Works Department.

8. Billing Provisions

(a) Standard Service

Bills for standard sewer service shall be rendered monthly. If any such bill for sewer service shall not be paid within thirty (30) days from the date of original billing, the City shall cause water service to such customer to be discontinued. Water service shall not be reconnected until all past due bills (outstanding balances) for sewer service are paid, together with all reconnection charges. Commercial or industrial users subject to administrative fines or penalties as set forth in this Chapter shall pay all such outstanding fines and penalties prior to resumption of sewer service.

(b) Special Service

Billings for surcharge in accordance with Section 22.16(2) shall be rendered for each billing cycle, typically on a quarterly basis. Delinquent payments for special service billings shall be subject to conditions set forth under subsection (a) above and applicable provisions set forth in this Chapter.

(c) Charges For Portion Of Billing Period

Except where a different arrangement has been approved by City Commission for areas not invoiced through the City of Leesburg, charges for sewer service rendered for a portion of the regular monthly billing period shall be computed according to the percentages established in billing for electric and water service for portions of a monthly billing period by the City of Leesburg.

(d) Reconnection charges

Except where a different arrangement has been approved by City Commission for areas not invoiced through the City of Leesburg Utilities Department, if sewer service is discontinued for non-payment of sewer service charges or other violation of the provisions of this Chapter, there shall be imposed a reconnection charge in an amount established by the City of Leesburg Public Works department, Wastewater Division in accordance with their current practice and procedures in regard to the establishment of reconnection charges for water and electric service.

9. Other Miscellaneous Billing Provisions

(a) It shall be unlawful for any person to tap, cut, or in any way use any lateral, other public sewer or part of the sanitary sewerage system or utility, without a written permit issued by the Director of Public Works and without the payment of all rates and charges required by the City for the use of such utility.

(b) Billing for sewer services as specified in this Chapter, shall be accomplished in such manner as the City Commission shall from time to time arrange and determine.

(c) Billing for surcharges or credit reductions for abnormal strength compatible wastes, as provided by this Chapter, shall be computed and processed by the Director of Public Works, and coordinated through the City Manager.

(d) Private wells that contribute discharge to the municipal sewer system shall be metered at the expense of the property owner and such meter shall be made available for reading and billing purposes.

10. Credit for Nonsewer Discharged Water

(a) A major institutional, commercial, or industrial user may receive a credit against the standard sewer rates based upon water usage as provided above if the user consumes or uses at least twenty-five percent (25%) of the water or twenty thousand (20,000) gallons per month, whichever is less, in such a manner so that it is not discharged into the City sewer system.

(b) To be eligible for the credit for non-sewer discharged water, the user shall comply with all program requirements, including any applicable discharge standards that the Director of Public Works may apply at the source of the discharge. The Director of Public Works may disallow a credit for non-sewer discharged water for noncompliance with the program requirements.

(c) The user shall obtain the credit meters for this program from COL at their sole expense. The credit meters shall be installed in strict accordance with the specifications from COL. The credit meters shall be a COL approved radio transmitting and remote reading water meter. The user shall maintain the credit meters in proper working order at all times at their sole expense.

(d) One credit meter shall be installed on the supply line for the facility to measure the total flow in gallons being used by the said facility. The other meter shall be installed on the discharge line to measure the total flow in gallons being discharged to the City sewer. The credit shall be based upon the volume of water or flows, which are not discharged into the City sewer system. In a cooling tower application, the credit meter reading for the water supply will be offset by the volume of water being discharged to the sewer system as blowdown.

(e) Credit meter readings are subject to regular review and spot checks by the City. If an error in the credit meter reading which was submitted by the user to the City is discovered, then the credit requested by the user may be disallowed by the Director of Public Works. Repeated errors in the credit meter readings may constitute grounds for the Director of Public Works to permanently disallow credits for non-sewer discharged water in the future.

(f) The user shall not divert water downstream of the credit meter to uses that may result in discharge of water to the sanitary sewer system. If any such diversion occurs without the prior written approval from the Public Works Director, then the credit may be disallowed by the Director of Public Works from the date of the diversion. If the date of the diversion is not known, an estimated date will be used by the Director of Public Works for this purpose.

(g) The credit for non-sewer discharged water shall be deducted from subsequent sewer service billing and shall be calculated as follows:

$$C = A - B$$

Where,

C = Credit due

A = Charge for sewer service determined on a water bill based upon the entire amount of water used.

B = Charge for sewer service determined on a water bill based upon an amount of water equal to the total amount of water used minus the amount of non-sewer discharged water used.

(h) Participants in the credit meter program shall be prohibited from discharging molybdenum to the sanitary sewer system in a concentration greater than 0.3 mg/l. Violations of this standard by the user may constitute grounds for disallowing the credit for the current billing cycle. The Director of Public Works may remove a user from the credit meter program for a period of up to twelve months for repeated violations of this discharge standard. Continued violations following reinstatement shall be grounds for permanently removing the user from the credit program.

(i) Users shall collect samples on a semi-annual basis at each location so designated by the Director of Public Works to demonstrate compliance with the discharge standard for molybdenum. The sample shall be collected and analyzed in accordance with the provisions of this Chapter. The user shall submit the monitoring results to the Director of Public Works in accordance with the requirements set forth in this Chapter.

(j) The credit for the non-sewer discharged water shall appear on the monthly billing statement and may only be applied to offset charges for wastewater service. No cash or check shall be paid or issued to a user for non-sewer discharged water credit.

22 – 125. SEWERAGE BENEFIT FEES

1. Intent and Purpose

The intent of this section shall be to establish and regulate fees for the purpose of compensating the City in part for costs incurred in providing Water Pollution Control facilities for the prevention of pollution of the area's ground and surface waters and in extending lateral sewers to a point of reasonable availability for service to the City sewerage system. The fees shall be computed on the basis of sewer flow generated by the property use, zoning and size in approximate proportion to the benefits received. Payment of fees shall be governed by the provisions of the City of Leesburg Sewer Service Policy, latest edition, as administered by the Building Department.

2. Charge for Water Pollution Control

The charge for water pollution control shall be as set forth in Section 22.06.

3. Sewer Availability

A public sewer shall be construed to be reasonably available to a premise if the public sewer is within a distance of three hundred feet (91.44 meters) of the property line of the premises to be served.

4. Properties Subject to Charge

(a) Charge for Sewerage (Wastewater) Collection System

All developed property to which a City sewer has been made reasonably available shall be subject to the charge for Wastewater Collection System as specified in Section 22.325 as a condition to sewer connection and services except under the following conditions:

- (i) There shall be no charge for the Wastewater Collection System under this section if a Wastewater Collection System charge has been paid or lawfully assessed prior to the adoption of this section except where developmental changes to a property increase anticipated sewer flow.

5. Schedule of Sewerage Benefit Fees

(a) The real properties subject to the provisions of this section, and the amount of fees imposed and levied hereunder, and other provisions and requirements pertaining thereto are as defined in section 22.325.

(b) Notwithstanding any other provision of this Section, whenever it is demonstrated, in accordance with such standards as may be used by the City, that the requested sewerage capacity allocation will be less than that which would otherwise be required using the standards of computation set forth in this section, then the water pollution control charge shall be based on the gallonage of sewerage capacity actually proposed to be allocated by the City.

(c) Notwithstanding any other provision in this subsection, the portion of the sewerage benefit fee which represents the water pollution control charge for all single-family dwelling units, multiple dwelling units, and institutional, commercial, and other units shall be based on the applicable rate as set forth in subsection 5(a) above, and the gallons of capacity requested for all such units.

22 - 126. SEWER EXTENSION AND CONNECTION CONSTRUCTION COSTS

This section applies to undeveloped areas without sewer service or those developed areas previously served by septic tanks. If the City is requested to extend or elects to extend public sewers into an area that previously lacked such service, all property owners that connect to the public sewer shall pay a proportional share of the construction costs at the time of connection.

Applicants requesting, or required by the City, to install more than one connection to the public sewer for a parcel or have an additional connection at a second location shall pay the actual installation costs for each such lateral stub.

22 – 127. SEPTIC SYSTEM ABANDONMENT CREDIT

1. Lateral Extension

The Owner of a house, building, or property within the City limits who is directed or required to connect to the public sewer system under the conditions set forth in Section 22.107(2)(f) or elects to abandon a septic system serving their property shall be eligible for a septic tank credit. The amount of the credit shall be based on the proximity of the property in question to the closest available public sewer. For property that is less than 300 feet from the sewer, a credit may be granted by the Director of Public Works. If the owner or tenant in the case of rental property has been paying the capacity charge component of the monthly wastewater user fee, an additional credit equal to the capital portion of the capacity charge shall be granted.

2. Non-Lateral Extension

For property that is greater than 300 feet from the closest available public sewer and cannot be served by the extension of a lateral alone, the credit shall be determined by the Director of Public Works. The property owner shall pay all expenses for installation of the sewer lateral from the occupied structure to the City collection system and connection to the municipal sewer.

22 – 128. MISCELLANEOUS PROVISIONS

1. Required Water Connection

Except as may be expressly authorized by the Director of Public Works, no extension of the City sewerage system shall be made to serve any structure unless such structure is connected to, and served by, the water system of the City of Leesburg.

2. Customer Participation

Where the anticipated sewerage benefit charges provided by Section 22.125(5) are insufficient to economically warrant sewer extension by the City, the extension may be denied. However, the City may authorize the sewer extension and may assess up to one hundred (100) percent of the cost of such improvement upon the abutting real estate by Ordinance published and adopted as provided by law, or whenever the

owners of fifty-one (51) percent of the front footage of the above real estate shall petition for such improvement. Then, such assessment shall be in accordance with Chapter 8 of the City Charter. The City may elect to utilize another method of cost recovery for system extension costs should it be deemed in the best interest of the City to do so.

3. Voluntary Payment

Where the anticipated sewerage benefit charges provided by Section 22.125(5) are insufficient to economically warrant sewer extension by the City, the owner(s) of the property to be benefited may voluntarily agree to pay such additional amount as would be necessary to make the sewer extension economically feasible. Upon recommendation of the Director of Public Works, the City Commission may authorize a sewer extension based on what is commonly called the "pioneer method" wherein the pioneer applicant desirous of sewer service extends or provides the City with funds sufficient to cover the cost of extension of sewer service less such portion of the cost, if any, which the City may elect to absorb. At such time, not to exceed ten (10) years as additional users avail themselves of the sewer service provided as a result of the pioneer extension, then the pioneer applicant shall receive from the City the amount which the City collects from the new user for extension of the wastewater collection system, not to exceed the amount originally paid by the pioneer applicant less said pioneer applicant's normal charge for the extension, of the wastewater collection system. Where the City has contributed to the pioneer extension the amounts received from additional users shall be divided between the City and the pioneer on a proportionate basis determined by the size of the City's and the pioneer's respective contributions. Where utilized, details relating to implementation of the pioneer method shall be set forth in a written instrument executed by the pioneer applicant and the City.

4. Exemptions from Payment of Fees

Except as may be expressly authorized by City Commission, no property shall be exempt by virtue of ownership from payment of the sewerage benefit charges or sewer connection fees prescribed by this Chapter.

5. City's Rights Reserved

The City shall reserve the right at all times to levy and impose sewerage benefit fee charges, in the manner prescribed by this Chapter, on any real property benefited by City-owned wastewater facilities.

6. Billing and Payment

(a) The City Manager or his designee shall bill all sewerage benefit fees prescribed in Section 22.125. Payment in full of the fees as prescribed in Section 22.125 shall be required prior to connection to the City sewer system except as follows: where an existing City residence on a septic tank experiences a failure resulting in an Lake County Public Health Department order to connect to a City sewer, the applicant, upon a demonstration of financial hardship, and the City may

enter into an agreement which would provide for the sewerage benefit fee, plus interest, to be paid over a three-year period commencing with the date of the issuance of the building permit. This agreement shall be recorded in the public records of Lake County and thereafter shall constitute a lien against the real property to which the City sewer system is connected. The recorded agreement shall constitute notice to any subsequent purchasers, successors in interest, or assigns of the property subject to the said lien.

(b) Sewer connection charges imposed by Section 22.127 shall be paid by the applicant to the Director of Community Development or his designee prior to issuance of the building permit.

7. Other Charges

The sewerage benefit and connection charges herein before set forth shall in no way void requirements to pay such permit, inspection, service, or other charges or fees as may be required by Chapter or as may be adopted by Commission from time to time.

8. Future Regulations

Industrial users shall observe and comply with any and all present and future Federal, State and local laws, rules, regulations, requirements, ordinances, orders, mandatory guidelines and procedures which apply or pertain to the collection, treatment, disposal, and reuse of wastewater and residuals.

9. Applicable Regulations and Limitations

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance. The City reserves the right to establish by ordinance or through permit condition(s) more stringent limitations, requirements, or time periods on discharges to the wastewater disposal system if deemed necessary to comply with the objectives stated at the beginning of this Chapter. The revision to discharge limitation(s) in this Chapter or in individual permits shall be initiated by the Director of Public Works when necessary. In the manner and to the extent required by law, affected parties shall be notified and shall have the opportunity to comment on the revisions prior to their adoption or incorporation; provided, however that all affected parties are assumed to know and to comply with all State and Federal rules, requirements, and guidelines including (but not limited to) the development, promulgation, and application of local limits; the appropriate use (or inapplicability) of combined waste stream formulas; and all industrial user and POTW monitoring and reporting requirements.

SECTION II.

All other City ordinances and other parts of the City Code of Ordinances, that are inconsistent or conflicting with any part of this Chapter are hereby repealed to the extent of such conflict or inconsistency.

SECTION III.

If any court of competent jurisdiction invalidates any provision of this Chapter, the remaining provisions shall not be affected and shall continue in full force and effect.

SECTION IV.

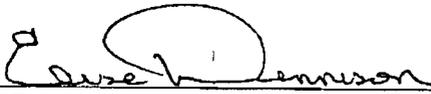
The City reserves the right to establish, by ordinance or in the Industrial Wastewater Discharge Permits, more stringent standards or requirements on discharges to the POTW.

SECTION V.

This Ordinance shall take effect immediately following its adoption by City Commission.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, on the 9th day of February, 2015.

THE CITY OF LEESBURG, FLORIDA

BY: 
ELISE DENNISON, Mayor

Attest: 
ANDI PURVIS, City Clerk