

ORDINANCE 24-

AN ORDINANCE AMENDING TITLE VI – PUBLIC UTILITIES, CHAPTER 60, AMENDING SECTION 60.06, “DEFINITIONS;” AND CHAPTER 64, “WASTEWATER SYSTEM USER RULES,” SECTION 64.01, “COUNCIL FINDINGS;” SECTION 64.02, “SHORT TITLE;” SECTION 64.03, “RESERVED;” SECTION 64.04, “PROHIBITIONS AND LIMITATIONS ON DISCHARGE INTO THE WASTEWATER SYSTEM;” SECTION 64.05, “DISCHARGE OF UNPOLLUTED DRAINAGE IN ACCORDANCE WITH REGULATIONS;” SECTION 64.06, “SPECIFICATIONS OF PRIVATE SYSTEMS; DISCHARGES PROHIBITED; SANITARY OPERATION;” SECTION 64.07, “FEES;” SECTION 64.08, “REJECTION OR REQUIRED REMEDIAL MEASURES FOR CERTAIN WASTES;” AMENDING SECTION 64.09, “INTERCEPTORS;” SECTION 64.10, “INDUSTRIAL WASTEWATER DISCHARGE PERMITS;” SECTION 64.14, “RESERVED;” SECTION 64.16, “RESERVED;” AND CREATING SECTION 64.17, “HAULED WASTE,” OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie (“City”) owns and operates a water and wastewater utility system; and

WHEREAS, the City Council adopted “Title VI – Public Utilities” in the City’s code of ordinances; and

WHEREAS, the amendments reflected summarize the intent of the ordinance changes serve a municipal purpose,

NOW THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That Chapter 60, Section 60.06, “Definitions” of the Port St. Lucie City Code, is hereby amended to read as follows:

Sec. 60.06. Definitions.

For the purpose of this Title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

Authorized or Duly Authorized Representative of the User.

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(1) Corporation. If the User is a corporation, 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 the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) Partnership/Sole Proprietorship. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) Government. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.

The individuals described in paragraphs 1 through 3, above, may designate a 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 entity, and the written authorization is submitted to the City.

Amalgam. Non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

Animal Care Facility. Facilities for housing, holding, hygiene or medical treatment of animals, i.e. kennel, pet grooming, retail pet shop, shelter, hospital and/or veterinary office.

Applicant. The owner of real property or the person or entity that has the legal right to utilize the real property.

Application. A written request from an Applicant requesting that specific water service, wastewater and/or reclaimed water service be provided to and for certain real property.

Approval Authority. The Florida Department of Environmental Protection (FDEP) which has been authorized by the USEPA to enforce provisions of the federal National Pollution Discharge Elimination System (NPDES) regulations including pretreatment.

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Approved. Accepted by the Utility Systems Director as meeting an applicable standard, specification criteria or requirement of the City's Utility Standards Manual and Code of Ordinances.

Assembly. A grouping of one or more approved body components, including approved shutoff valves and test cocks, forming a self-contained, independently mounted unit. To be an approved assembly, the backflow preventer must be shipped from the manufacturer as one unit.

Auxiliary Water Supply. A pressurized system of piping and appurtenances using auxiliary water, which is water other than the potable water being supplied by the public water system and which includes water from any natural source such as a well, pond, lake, spring, stream, river, etc. includes reclaimed water, and includes other used water or industrial fluids described in AWWA Manual M14; however, "auxiliary water system" specifically excludes any water recirculation or treatment systems for a swimming pool, hot tub, or spa. (Note that reclaimed water system is a specific type of auxiliary water system.)

Backflow. The undesirable reversal of flow in a potable water distribution system as a result of a cross-connection. There are two different types of backflow; backpressure and backsiphonage.

Backpressure. A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, air/stream pressure, or any other means that may cause backflow.

Backsiphonage. Backflow caused by negative or reduced pressure in the supply piping.

Backflow Preventer. An assembly, device, or method designed to prevent backflow.

Backflow Preventer Assemblies. As referenced in this Title, backflow preventer assemblies are:

- (1) *Air gap separation (AG).* The unobstructed vertical distance through free atmosphere between the lowest effective opening of any pipe or faucet conveying water or wastewater to a tank, plumbing fixture, or other assembly and flood level rim of the receptacle. The vertical physical separation must be at least twice the effective opening of the water supply outlet, never less than 1" (25 mm) above the receiving receptacle's flood level rim.
- (2) *Atmospheric vacuum breaker (AVB).* The AVB consists of a float check, a check seat, and an air-inlet port. The AVB is designed to allow air to enter the downstream water line to prevent backsiphonage. This unit shall not be installed where it could be subjected to backpressure condition or where it will be in continuous operation for more than 12 hours in a 24-hour period.
- (3) *Double check valve assembly (DCVA).* A complete assembly consisting of two internally loaded, independently operating check valves, located between two tightly closing resilient-seated shutoff valves with four properly placed resilient-seated test cocks.
- (4) *Dual check.* A compact unit manufactured with two independent spring actuated check valves.
- (5) *Pressure vacuum breaker (PVB).* An assembly consisting of an independently operating internally loaded check valve, an independently operating, loaded air-inlet valve located on the discharge side of the check valve, with properly located resilient-seated test cocks and tightly closing resilient-seated shutoff valves attached at each end of the assembly designed

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to be operated under pressure for prolonged periods of time to prevent backsiphonage. The pressure vacuum breaker may not be subjected to any backpressure

- (6) *Reduced-pressure principle-backflow-prevention assembly (RPBA)*. A complete assembly consisting of a mechanical, independently acting, hydraulically dependent relief valve, located between two independently operating, internally loaded check valves that are located between two tightly closing resilient seated shutoff valves with four properly placed resilient seated test cocks.

Base Facility Charge or BFC. A monthly readiness to serve fee that is applied to all water, wastewater or reclaimed water bills, regardless of there is any usage recorded for that month.

Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 64.04 (f) and (g) [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter. ~~The BOD shall be determined in accordance with procedures set forth in standard methods.~~

BMP. Best Management Practice.

BMR. Baseline Monitoring Report.

Building drain. The lowest horizontal piping that collects the wastewater discharge from all the plumbing pipes inside the building and extends 30" beyond the exterior walls and conveys the wastewater to the building sewer.

Building sewer. The underground pipe that conveys wastewater from the building drain to the public sewer or septic system.

Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Clean Water Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 105-471.

Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

Carbonaceous Biochemical Oxygen Demand or CBOD. A test that measures how much oxygen is used by biological organisms in a body of water to break down organic compounds.

Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

Certified Backflow Tester. A person who has proven his competency to the satisfaction of the Utility Systems Department. Each person who is certified to make competent tests and related reports, or to repair, overhaul, and make reports on backflow prevention assemblies shall: (a) have attended and successfully completed the FW&PCOA (Florida Water and Pollution Control Operators Association) or TREEO (Training, Research, and Education for Environmental

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Occupations Center, University of Florida) certification programs for backflow prevention assembly testers and repair specialists, or other programs acceptable to the Utility Systems Department, and produced proof of current certification from such a program; and (b) shall be compliant with all applicable laws, rules, and regulations including, but not limited to, licensing, occupational licensing, and insurance requirements.

CFR. Code of Federal Regulations.

CIU. Categorical Industrial User.

COD. Chemical Oxygen Demand.

City. The City of Port St. Lucie, St. Lucie County, Florida, a municipal corporation of the State of Florida.

City Council or Council. The City Council of the City of Port St. Lucie, Florida

City Manager. The City of Port St. Lucie's Manager

City's Responsibility for Backflow Preventers. The City shall maintain all backflow preventers related to water meters 1½ inches or smaller.

Clean Water Act. The Federal Water Pollution Control Act, as amended, Title 33 U.S.C. § 1251 et seq.

Collection Facilities or system. Sewers, pipelines, conduits, pumping stations, force mains, and all other facilities used for collection of wastewater from the point of service to the transmission mains.

Cooling Water. The water discharged from any use, such as air conditioning, cooling, or refrigeration, to which the only pollutant added is heat.

Consistent Removal. A reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater system to a less toxic or harmless level in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in Title 40 CFR § 403.7(c) (2) promulgated pursuant to the Clean Water Act.

Contamination. An impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality or creates a health hazard.

Contributions-in-aid-of-construction. The sum of money and/or the value of property represented by the cost of certain water, wastewater, and reclaimed irrigation quality water facilities contributed to the City in advance of construction by an Applicant so that the City may provide service to a specific development.

Control Authority. The approval authority as defined above, or the ~~Utility Systems~~ Director if the ~~e~~City has an approved pretreatment program under the provisions of Title 40 CFR, Section 403.11.

Cross Connection. Any physical arrangement whereby a public water supply is connected directly or indirectly with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage or other of unknown or potentially unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper

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connections, changeable devices or other devices through which or because of which backflow could occur are considered to be cross connections.

Customer. Any person, firm or corporation who has entered into an agreement to receive water, wastewater, or reclaimed water service from the City or who may be liable for the payment of bills associated with that water, wastewater or reclaimed water.

Customer's Installation or System. The water, wastewater and reclaimed water facilities on the customer's premises which are not owned or maintained by the City (customer's side of the point of service).

Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Degree of Hazard. The term, "degree of hazard" is a qualification of the potential risk to public health and the adverse effect upon the public water system that may result from cross-connections. Establishing the degree of hazard is directly related to the type and toxicity of contaminants that could feasibly enter the public water supply system and is determined by the Utility Systems Department.

Department. The City's Utility Systems Department.

Development approval.

- (1) The issuance of site plan, subdivision, or other form of legislative or administrative approval authorizing construction on a described parcel of land, or
- (2) The issuance of a building permit authorizing construction on a described parcel of land, or
- (3) The issuance of a zoning compliance, occupational license, or other form of authorization to conduct business or nonresidential activity.

Direct discharge. The discharge of untreated or treated sewage or wastewater directly to the waters of the state.

Director. The Utility Systems Director. The person in charge of the Utility Systems Department or designee.

Dissolved solids. The amount of dissolved constituents present as determined using procedures in standard methods.

Distribution Facilities or System. The lines, pipes, meters, and any other related equipment or facility, of whatever type or nature, used to distribute potable water and/or reclaimed water from the utility to the Point of Service.

Distribution System. The Distribution system shall include the network of conduits used for the delivery of service from the source to the customer's system.

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Domestic Sewage or Wastewater. Wastewater derived principally from dwellings, business buildings, institutions, and other non-industrial sources with waste characteristics that are similar to that from residential use.

Dwelling unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement. An acquired legal right for the specific use of land owned by others.

Effluent disposal facilities. Those wastewater facilities necessary to detain, transmit, store, and dispose of effluent from the sewage treatment plant.

EPA. The United States Environmental Protection Agency, Environmental Protection Agency, the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

Equivalent residential connection or ERC. A factor used to convert a given average daily flow (ADF) to the equivalent number of residential connections. For this purpose the ADF of one ERC is deemed to be 250 gallons per day (GPD) of water usage for wastewater service and 250 GPD for water service. The number of ERC's contained for a given ADF is initially determined hereunder by dividing that ADF by 250 GPD of water usage for wastewater or 250 GPD for water. ERC's shall be calculated as a number rounded up to the nearest tenth, but shall in no event be less than one ERC per meter connection. The rounding of ERCs to whole numbers shall be calculated as follows: 0.5 and greater shall be rounded up to the next whole number and anything less than 0.5 shall be rounded down to the next whole number.

Existing Source. Any source of discharge that is not a "New Source."

Facilities for servicing vehicles/mechanical equipment. These facilities include establishments which perform cleaning, repair, maintenance, upgrading, recycling or salvage of cars, trucks, tractors, lifts, lawn mowers and any other vehicle/mechanical equipment used for landscaping, construction, agriculture and utility.

FDEP. The Florida Department of Environmental Protection, or its successor agency.

FAC. Florida Administrative Code.

FDF. Fundamentally Different Factor. Factors which may be considered fundamentally different are:

- (1) The nature or quality of pollutants contained in the raw waste load of the User's process wastewater;
- (2) The volume of the User's process wastewater and effluent discharged;
- (3) Non-water quality environmental impact of control and treatment of the User's raw waste load;
- (4) Energy requirements of the application of control and treatment technology;
- (5) Age, size, land availability, and configuration as they relate to the User's equipment or facilities; processes employed; process changes; and engineering aspects of the application of control technology;
- (6) Cost of compliance with required control technology.

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Food preparation. Food preparation means the handling of foods by such means as washing, slicing, peeling, chipping, shucking, scooping, and or portioning. The term also includes those activities involving temperature changes, combining ingredients, opening ready-to-eat food packages, or any other activity causing physical, biological, or chemical alterations in the food or product.

Food service establishments and/or facilities. Commercial, industrial or institutional establishments that are partially or fully engaged in preparing, processing, packaging or serving food or beverages for consumption by the public and, by virtue of their services, discharge kitchen or food preparation wastewater. Food service establishments and/or facilities shall include, but shall not be limited to: food manufacturers, food packagers, food processors, restaurants, cafeterias, drive-ins, snack bars, concessions, delicatessens, caterers, grocery stores, meat/poultry/seafood/dairy stores and markets, movie theaters, bakeries, bars, lounges, private clubs, hospitals, nursing homes, assisted living facilities, churches, schools, childcare centers, community centers, and clubhouses.

Garbage. All kitchen and table food waste and animal or vegetative waste that results from the storage, preparation, cooking or handling of food materials.

Garbage disposal. A device that shreds or grinds up food waste matter into smaller particles for discharge into the public sewer.

GPD. Gallons per day.

Grab sample. A single sample taken from a waste stream, which represents the composition of the waste stream only at that time and place that the sample was taken. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

Grease. A material composed primarily of fatty matter from animal or vegetable sources or from hydrocarbons or petroleum origins. The terms "oil and grease" or "oil and grease substances" shall be deemed as grease by definition. This may include any fats, oils or waxes as found in butter, lard, margarine, vegetable fats and oils, meats, the germinal area of cereals, seeds, nuts and certain fruits.

Grease/oil/sand interceptor. A watertight tank located underground and outside building structures that is designed to collect, contain or remove grease, oil, sand, grit, solids and other similar substances from the wastewater prior to its discharge into the public sewer.

Groundwater. Water beneath the surface of the ground, whether or not it is flowing through known and definite channels.

Health Hazard. Any condition, device, or practice which creates or may create an imminent and substantial danger to human health and well-being.

Healthcare facility. Any person that is lawfully authorized to provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or distribute, sell, or dispense pharmaceuticals. This definition includes, but is not limited to,

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wholesale distributors, third-party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals.

Hazardous waste. Waste that is potentially harmful to human health or the environment's health as a result of its toxicity, ignitibility, corrosivity, chemical reactivity, radioactivity, infectious characteristics, or any other reason.

Hazardous waste pharmaceutical. A pharmaceutical that is a solid waste, as defined in Title 40 of the Code of Federal Regulations (40 CFR) Section 261.2, and exhibits one or more characteristics identified in 40 CFR part 261 subpart C or is listed in 40 CFR part 261 subpart D.

Holding tank waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect discharge. The discharge or the introduction of pollutants from any source regulated under Section 307(b) or Section 307(c) of the Clean Water Act into the wastewater system (including holding tank waste discharged into the wastewater system).

Industrial fluids system. Any system containing a fluid or solution that may be chemically, biologically or otherwise contaminated or polluted in a form or concentration, that could pose a health risk, if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of processed waters and used waters originating from the public potable water system that may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalis; circulating cooling waters connected to an open cooling tower; and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, and so forth; oils, gases, glycerol (glycerin), paraffins, caustic and acid solutions, and other liquid and gaseous fluids used in industrial or other purposes for fire-fighting purposes.

Industrial Sewage or Industrial Wastewater. Wastewater from industrial, commercial, agricultural, or other non-residential establishments that may contain wastes with characteristics unsuitable for discharge into a sewage treatment plant, and is not otherwise classified as domestic sewage.

Industrial user. A source of discharge of industrial sewage.

Institutional facilities. Facilities comprising of schools, child care, adult congregate living, assisted living, nursing homes, hospitals, juvenile detention centers, prisons, labor camps and other like establishments that are regulated by state and local agencies.

Interceptor. A plumbing receptacle, appurtenance or device designed to remove grease, fats, oils, lint, hair, sand, grit and other substances or materials in wastewater that are harmful to the operation and maintenance of wastewater facilities. Interceptors are normally required for food service establishments and/or facilities, laundries, animal care facilities, and facilities for servicing

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vehicles/mechanical equipment but may be required for other establishments based on characteristics of the wastewater. Interceptors are usually located outside a building but may be located inside in some instances when approved by the utility.

Interceptor wastes. Wastes removed from grease, oil, sand and other interceptors.

Interference. ~~The inhibition or disruption of the POTW treatment processes or operations which is the cause of and significantly contributes to a violation of any requirement of the City's NPDES permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Clean Water Act (Title 33 USC § 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state or local criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of the SWDA) applicable to the method of disposal or use employed by the POTW.~~ A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Limited food service establishments and/or facilities. Any food service operation, so limited by the type and quantity of foods prepared and the equipment utilized, that the discharge of fats, oils, or grease into the City's wastewater collection system is expected to be minimal. Food is served only with disposable plates, bowls, and utensils and plumbing fixtures do not include a garbage grinder or dishwashing machine. The term may include, but is not limited to, small seasonally operated concession stands at schools and parks, satellite kitchens that only dispense catered meals, establishments that primarily prepare and serve beverages such as coffee, tea, and smoothies, and shops that sell premixed yogurt or ice cream.

Laundry. A commercial, industrial or institutional establishment with washing machines for cleaning clothes, bed sheets, mattress covers, towels and other similar articles.

Local Limit. Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Mains. Refers to pipes which are installed to convey water, wastewater or reclaimed water service to individual service lines or to other mains.

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Master meter. A single water meter serving a multi-family residential or a multi-unit nonresidential facility. This term includes, but is not limited to, master meters serving condominiums, apartments, mobile home parks, hotels, motels, travel trailer parks, shopping centers, and office buildings.

Medical Waste. 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.

Meter. A device used to measure water, wastewater or reclaimed water use.

Mobile food unit. Any food service unit which is self-propelled or otherwise moveable from place to place and is self-sufficient for utilities, such as gas, water, electricity and liquid waste disposal, whose main kitchen or commissary is a Florida Department of Health regulated food service establishment.

Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

Monthly Average Limit. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

mg/l. Milligrams per liter.

NSCIU. Non-Significant Categorical Industrial User.

National Pollution Discharge Elimination System or NPDES permit. A permit issued pursuant to Section 402 of the Clean Water Act (Title 33 USC § 1342).

Natural outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

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 proposed Pretreatment Standards under section 307(c) of the Act that 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 are 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.

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 Section (1) b or c above but otherwise alters, replaces, or adds to existing process or production equipment.

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Construction of a New Source as defined under this paragraph has commenced if the owner or operator has: (a) Begun, or caused to begin, as part of a continuous onsite construction program any placement, assembly, or installation of facilities or equipment; or 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 (b) 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.

Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Nonresidential activity. Any activity occurring on any described parcel of land, whether or not within a structure, with the exception of residential activity as defined herein.

Off-site Facilities. Water, wastewater and/or reclaimed water facilities including water distribution system, wastewater collection system, transmission mains, and/or reclaimed water facilities constructed to connect on-site facilities to the nearest utility facilities with adequate capacity to provide water, wastewater or reclaimed water service.

On-site Facilities. The service lines, water distribution system, wastewater collection system, and/or reclaimed water facilities, installed within a residential, commercial or industrial development; including those facilities in peripheral streets and easements constructed wholly or in part for use by such development.

Oversized line. An oversized line is a line larger than the size line deemed appropriate by the City to serve the property.

Pass Through. A discharge which exits the POTW into waters of the United States 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 permit, including an increase in the magnitude or duration of a violation.

Parcel of land. Any contiguous quantity of land capable of being described with such definiteness that it is located and boundaries may be established, that is designated by its owner(s) or developer(s) as land to be used or developed as a unit.

Person. Any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever or any combination of such, jointly or severally, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

pH. A symbol for expressing the degree of acidity or alkalinity, meaning the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

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Pharmaceutical. Any drug or dietary supplement for use by humans or other animal; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g. pre-filled cartridges or vials). This definition includes, but is not limited to, dietary supplements, as defined by the Federal Food, Drug and Cosmetic Act; prescription drugs, as defined by Title 21 of the Code of Federal Regulations part 203.3(v); over-the-counter drugs; homeopathic drugs; compounded drugs; investigational new drugs; pharmaceuticals remaining in non-empty containers; personal protective equipment contaminated with pharmaceuticals; and clean-up material from spills of pharmaceutical. Pharmaceutical does not include dental amalgam or sharps.

Point of service. The designated point at which a property is connected to the City's water facilities, wastewater facilities, or reclaimed water facilities. Generally, the point of service for water service is the discharge side of the backflow prevention assembly.

Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock sand, cellar dirt, municipal, agricultural and industrial wastes and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pollution. The presence in the waters of the state of any substances, contaminants or man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water in quantities or levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, including outdoor recreation.

Potable water. Water that is satisfactory for drinking, culinary, and domestic purposes, meeting current state and federal drinking water standards.

POTW treatment plant. That portion of a POTW designed to provide treatment to wastewater.

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or by other means, except as prohibited by Title 40 CFR § 403.6(d).

Pretreatment requirements. Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on ~~an industrial~~ a user.

Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

Private fire protection. The existence of separate fire connections, standpipes with hose attachments, fire hydrants, and automatic fire sprinkler systems which are located on the premises and are not the responsibility of the City.

Private sewage disposal system. A sewage collection, treatment, and disposal facility installed, maintained and owned by persons other than the City and not connected to the public sewer.

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Prohibited Discharge Standards. All industrial users—regardless of whether they are subject to any other national, state, or local pretreatment requirements—are subject to the general and specific prohibitions identified in 40 CFR 403.5(a) and (b), respectively.

Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 64.04 of this ordinance.

~~*Program director.*~~ City of Port St. Lucie Utility Systems Director or designee.

Property. The real property owned or controlled by an Applicant for which water service capacity, wastewater service capacity, or reclaimed water service capacity is requested or allocated.

Property Owner. The person or entity also identified as the legal owner of record that is responsible for all water, wastewater, and/or reclaimed water bills unless another person or entity has entered into an agreement for service for said property.

Proportional Composite Sample. A sample consisting of several effluent portions collected during a 24-hour period in which the portions of sample are proportionate to the flow and combined to form a representative sample.

Public sewer. A sanitary sewer, other than a building sewer, that is owned and/or controlled by the eCity.

Public water supply well. Wells withdrawing water from the surficial aquifer or Floridan Aquifer for use as potable water that have a minimum permitted withdrawal capacity of 100,000 gallons per day.

Publicly-owned treatment works (POTW). A treatment works as defined by Section 212 of the Clean Water Act (Title 33 USC § 1292) which is owned in this instance by the eCity. This definition includes any sewers, effluent transmission and disposal facilities, that convey wastewater to a POTW treatment plant or convey effluent from a POTW treatment plant, but does not include pipes, sewer or other conveyances not connected to a facility providing treatment. For purposes of this chapter, POTW shall also include any sewers that convey sewage or wastewaters to the POTW from persons who are, by contract or agreement with the eCity, users of the City's POTW's.

Rates. The City's applicable schedules of rates and charges for water, wastewater, and/or reclaimed water, including, but not limited to, connection fees, capital charges, meter installation charges, and any and all other fees or charges which may be in effect from time-to-time adopted by the City. The schedules of service rates shall be of general and uniform application within the City's water, wastewater, and reclaimed water system.

Reclaimed water. Wastewater that has been treated and disinfected in accordance with FDEP regulations and is suitable for direct beneficial uses or a controlled use by and for public, agricultural, commercial, residential, industrial, or institutional projects or developments, or purposes including, but not limited to, irrigation of landscape areas.

Reclaimed water capital charge. A fee or charge paid to the City by an applicant for the purpose of obtaining reclaimed water service capacity, the purpose of which is to finance capital

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expenditures and the payment of City indebtedness associated with the expansion of the City's reclaimed water supply and treatment systems.

Reclaimed water facilities. All reclaimed water distribution, transmission, treatment, storage and production facilities, including all pipes, lines, meter, couplings, pumps, mains, and appurtenant equipment necessary to provide reclaimed water service capacity.

Regulated area. That area within the zone of protection surrounding each public water supply well.

Regulated substances:

- (1) Substances which are:
 - a. Known to have hazardous and toxic properties such as those listed by the EPA in federal regulations set forth in 40 CFR 302; or
 - b. Listed as a priority toxic pollutant by the EPA in federal regulations in 40 CFR 122.21; or
 - c. A toxic degradation product, which includes petroleum-based products; or
 - d. On the restricted use pesticide list promulgated pursuant to F.S. 487, set forth in Chapter 5E-2 and 5E-9, Florida Administrative Code.
- (2) Regulated substances by generic designation shall include, but are not limited to, those set forth in the list entitled "Public Water Supply Well Generic Substance List", which is included in this Title.
- (3) Regulated substances do not include those that are used in the quantities exempt as set out in subsection 67.06(b)

RCRA – Resource Conservation and Recovery Act. Found in 42 U.S.C. §6901 et seq.

Residential activity. Any building or structure or portion thereof that is designed for or used for residential purposes and any activity involving the use or occupancy of a described parcel of land for residential purposes. Residential activity shall include those customary and accessory residential activities associated with the principal permitted use of the parcel of land for residential purposes as set out in the zoning code. Residential activity shall not include any activity or business requiring an occupational license or other form of authorization to conduct a business.

Reuse. The deliberate application of reclaimed water in compliance with the Florida Department of Environmental Protection and Water Management District rules, for a beneficial purpose.

Reverse Distributor. Any person that receives and accumulates prescription pharmaceutical that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit. Any person, including forward distributors, third-party logistics providers, and pharmaceutical manufacturer, that possesses prescription pharmaceuticals for facilitation or verification of manufacturer credit is considered a reverse distributor.

Sanitary sewer. A pipe primarily designed to carry sewage, but may contain such ground, surface and storm waters as may be present due to infiltration and inflow.

Septic system. A private sewage disposal system consisting of:

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(1) A watertight tank installed below the ground surface to promote separation of solids and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal; and

(2) A subsurface soil absorption system of trenches, piping and other materials constructed to provide treatment and disposal of the clarified effluent from the tank.

Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Service area. Those areas, both within and outside the corporate limits of the City, as indicated in Section 63.24, where water, wastewater, and reclaimed water services are, or will be, exclusively provided by the City to its utilities customers.

Service lines. Pipes which are connected from the City's mains to a "point of service."

Sewerage System. All pipelines or conduits, pumping station, and force mains and other structures, devices, appurtenances, and facilities used for collecting and conducting wastes to an ultimate point for treatment and disposal.

Sewage or Wastewater. The terms "sewage" and "wastewater", when used by itself in the City's Code of Ordinances, shall mean domestic sewage or wastewater. Human excrement and gray water (household showers, dishwashing operations, etc.).

SFWMD. The South Florida Water Management District.

Shall. When used, means that it is mandatory, but the term "may" when used means that it is permissive.

SNC. Significant Noncompliance. The criteria for determining SNC is set forth in 40 CFR Chapter 1 Subchapter N, Part 403.8(f)(2)(vii)(A-H).

Significant Industrial User (SIU). An Industrial User subject to categorical Pretreatment Standards; or

(1) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(2) Contributes a process wastestream which makes up five (5%) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(3) 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.

~~(1) A user subject to categorical pretreatment standards; or~~

~~(2) A user that:~~

~~a. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (Excluding sanitary, noncontact cooling, and boiler blowdown wastewater);~~

~~b. Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or~~

~~c. 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.~~

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The Department may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(a) The Industrial User, prior to City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(b) The Industrial User annually submits the certification statement required in Section 64.14 (n) (2) [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and

(c) The Industrial User never discharges any untreated concentrated wastewater.

- (3) Upon a finding that a user meeting the criteria in subsections (1), (2) or (3) 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 203.8(f)(6), determine that such user should not be considered a significant industrial user.

~~Slug. Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds more than five times the average 24-hour concentration or quantity of flow during normal operation.~~

Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 64.05 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

Standard residential meter. A meter that is 5/8" by 3/4" in size.

Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the Office of Management and Budget.

Standard methods. The current edition of "Standard Methods for the Examination of Water and Wastewater" as published or republished from time to time by the American Public Health Association.

Storm Drain or Storm Sewer. A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Storm water. Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

State. The State of Florida.

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Surface Water. Water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

System. The City of Port St. Lucie Water, Wastewater, and Reclaimed Water System.

Total Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquid, and which is removable by various filtering and settling techniques.

Toxic pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the USEPA under the provision of Section 307(a) of the Clean Water Act, or other Acts.

Under the sink grease trap. A device, located under or in close proximity to sinks in a food service facility, which is used to separate, trap or contain grease/oil from the wastewater before its discharge in the building drain.

Unpolluted water. Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to any person having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters of the state.

U.S.C. United States Code.

User — as related to potable water. Any person or entity that makes use of potable water from the City's potable water system.

User — as related to reclaimed water. Any person or entity that makes use of reclaimed water from the City's reclaimed water system.

User — as related to wastewater. Any person or entity that contributes, causes, or permits the contribution of sewage or wastewater into the City's wastewater system.

User — as related to industrial Use. A source of indirect discharge. The Significant Industrial User or Categorical commercial (non residential) Customer or source of discharge of industrial sewage.

USEPA. The United States Environmental Protection Agency.

Utility. The Port St. Lucie Utility Systems Department.

Utility facilities, systems or installations. By way of illustration and not limitation, all equipment, fixtures, pumps, lines, mains, manholes, lift stations, pumping stations, laterals, service connections, and all appurtenances thereto together with all real property, easements and rights-of-way necessary to provide water, wastewater, and reclaimed water service to property whether located on-site or off-site.

Utility Service Agreement. A written agreement between the City and an Applicant or property owner which establishes the terms and conditions pursuant to which the City will provide water, wastewater, or reclaimed water service.

Utility Systems Director. The person in charge of the Utility systems Department or designee.

Waste hauler. A business which collects and transports interceptor waste to an approved disposal or recycling facility. Waste Haulers servicing grease interceptors must be registered with the Florida Department of Health.

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Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater capital charge. A fee or charge paid to the City by an Applicant for the purpose of obtaining wastewater service capacity, the purpose of which is to finance capital expenditures deemed necessary by the eCity to furnish wastewater service capacity and related service to the property and for the payment of eCity indebtedness associated with the expansion of the eCity's wastewater treatment and effluent disposal systems.

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.

Wastewater facilities. All wastewater collection, transmission, treatment, and effluent disposal facilities, including lines, pipes, meters, couplings, pumps, force mains, and appurtenant equipment necessary to provide wastewater service capacity.

Wastewater service capacity. The rate of wastewater flow on an average daily basis measured in gallons per day, which can be treated and disposed of according to a wastewater facilities design.

Wastewater treatment facilities. Those facilities used to treat and filter sewage prior to effluent disposal. Wastewater treatment facilities may also be used to produce reclaimed water. Wastewater treatment facilities do not include any portions of the collection facilities, wastewater transmission facilities, or effluent disposal facilities.

Water capital charge. A fee or charge paid to the City by an Applicant for the purpose of obtaining water service capacity, the purpose of which is to finance capital expenditures and the payment of City indebtedness associated with the expansion of the City's water supply and treatment systems

Water facilities. All water distribution, transmission, treatment, storage, and production facilities, including all pipes, lines, meters, couplings, pumps, force mains, and appurtenant equipment necessary to provide water service capacity.

Water—Nonpotable. Water that is not safe for human consumption or that is of questionable quality.

Water resource. Any and all water on or beneath the surface of the ground, including natural or artificial water courses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

Water service capacity. The amount of potable water which can be pumped, treated, transmitted and distributed on an average daily basis, where such amount is measured in gallons per day and may include fire flows.

Water shortage. That situation when insufficient water is available to meet the present or anticipated needs of the users, or when conditions are such as to require temporary reduction in total use to protect water resources from serious harm.

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Water shortage emergency. That situation when the regulations and restrictions which are authorized for a water shortage are not sufficient to protect the public health, safety, or welfare, or the health of animals, fish or aquatic life, or a public water supply for commercial, industrial, agricultural, recreational, or other reasonable uses.

Water Supplier. As used herein the term water supplier, Utility, and City of Port St. Lucie Utility Systems Department are synonymous and may be used interchangeably herein.

Water Systems. The water systems shall be considered as made up of two parts: the City's water system and the customer's water system.

Water treatment facilities. Any water treatment and production facilities, including plants, pumps and appurtenant equipment necessary to treat raw water in order to produce potable water.

Water—Used. Any water supplied by the utility's potable water system to a customer's water system after it has passed through the point of service and is no longer under the sanitary control of the Utility.

Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

Waters of the state. Any surface or ground water located within the boundaries of the state on publicly owned land, including fresh, brackish, saline, tidal, surface or underground waters. Surface waters of the state include, but not limited to, rivers, lakes, streams, springs, and impoundments. Underground waters of the state include, but are not limited to, all underground waters passing through pores of rock or soils or flowing through in channels, whether manmade or natural.

Well. Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is to conduct groundwater from a source bed to the surface, by pumping or natural flow.

Wellfield. An area where one or more public water supply wells are located.

Zone of protection. That area within a radial distance of 1,000 feet of a public water supply well.

Section 2. That Chapter 64, “Wastewater System User Rules” is hereby amended to read as follows:

Sec. 64.01. - Council findings.

- (a) This chapter is enacted pursuant to all general and special law authority of the eCity including its Home Rule Powers, for the purpose of providing for the necessary regulations for the use of public and private sewers and drains in the interest of the public health, safety and welfare of the citizens and residents of the eCity. This chapter shall apply and be enforced in all areas of the City and to persons who are, by contract or agreement with the City, users of the wastewater system.
- (b) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater system and enables the eCity to comply with all applicable state and federal laws and requirements set forth by the Clean Water Act of 1977, as amended, and the United States

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Environmental Protection Agency (EPA) general pretreatment regulations, Title 40 Code of Federal Regulations (CFR), Part 403.

- (c) The objectives of this chapter are:
- (1) To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate resulting sludge;
 - (2) To prevent the introduction of pollutants into the wastewater system which will pass through the system, inadequately treated, into receiving surface or ground waters, land application and other reuse systems, or the atmosphere or otherwise be incompatible with the system;
 - (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater system; and
 - (4) To provide for equitable distribution of the cost of the wastewater system; and
 - (5) To protect both wastewater facility personnel who may be affected by wastewater and sludge in the course of their employment and the general public; and
 - (6) To enable the City to comply with National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the wastewater facility is subject.
- (d) This chapter provides for the regulation of direct and indirect contributors to the wastewater system through the issuance of the permits to certain nondomestic users, authorizes monitoring and enforcement activities, requires user reporting, and provides authority and guidelines for setting fees that equitably distribute the costs resulting from the industrial pretreatment program established herein.
- (e) Except as otherwise provided herein, the ~~utilities~~ Director of the city shall administer, implement, and enforce the provisions of this chapter.

Sec. 64.02. - ~~Short title.~~ Wastewater System User Rules.

This chapter shall be known and may be cited as the Wastewater System User Rules.

Sec. 64.03. - ~~Reserved.~~ Administration. Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Director may be delegated by the Director to a duly authorized City employee.

Sec. 64.04. - Prohibitions and limitations on discharge into the wastewater system.

This section establishes limitations and prohibitions on the quantity and quality of sewage or wastewater which may be lawfully discharged into the wastewater system or any of its publicly-owned treatment works. Pretreatment of some sewage discharge will be required to achieve the goals established by this chapter and the Act. The specific limitations set forth herein, and other prohibitions and limitations of this chapter, are subject to change as necessary to enable the City

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to provide efficient wastewater treatment, to protect the public health and the environment, and to enable the City to meet requirements contained in its various regulatory permits.

- (a) No persons, including, but not limited to, IU, SIU and CIU, shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, swimming pool drainage, or process waters to any sanitary sewer.
- (b) Unless authorized by the City, no person shall discharge into any dumpster drain or any natural outlet within the City's Water, Wastewater and Reclaimed Water Utility Service Area, any sanitary sewage, industrial wastes, residues from the pretreatment of industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this chapter.
- (c) Unless authorized by permit, no person shall discharge into any storm water system within the eCity any sanitary sewage, industrial wastes, or other polluted waters.
- (d) No persons shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage or wastewater, except as authorized by the St. Lucie County Health Department or as provided herein provided.
- (e) No persons shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a permit from the City.
- (f) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or sewage which will cause pass through or interfere with the operation or performance of the wastewater system or any of its POTWs. The general prohibitions apply to all such users of the wastewater system or any POTW which is a part of that system, whether or not the user is subject to the National Categorical Pretreatment Standards or any other national, state, or local pretreatment standards or requirements. A user shall not contribute the following substances to any public sewer:
 - (1) Any liquids, solids, gases, ~~or~~ pollutants which result in the presence of toxic gases, vapors, or fumes which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater system, to the operation of said system, or will cause acute worker health and safety problems. At no time shall two successive readings on an explosion hazard meter at the point of discharge into said system (or at any point in the system) be more than five percent, nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, fuel oil, naphtha, benzene, toluene, xylene, ethers, alcohols, solvents, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which the City, the FDEP, the USEPA, or any other local, regional, state, or federal agency having jurisdiction has notified the user as a fire hazard or a hazard to the system, and any other flammable or explosive liquids, solids, or gases not mentioned or as otherwise prohibited by the Director.

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- (2) Any solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to,
- Animal guts, entrails, or tissues
 - Asphalt residues
 - Ashes
 - Bones
 - Cinders
 - Contraceptive condoms
 - Feathers
 - Feminine hygiene products
 - Gas
 - Glass or glass grinding and polishing wastes
 - Grass clippings
 - Garbage with particles greater than on-half inch in any dimension
 - Grease
 - Hair
 - Hides or fleshings
 - Manure
 - Medicines
 - Metal
 - Mud
 - Needles of any kind
 - Plastics
 - Rags
 - Residues from Refining, or the processing of fuel or lubricating oil
 - Sand
 - Shavings
 - Spent grain or hops
 - Split lime
 - Stone or marble dust
 - Straw
 - Tar
 - Wastepaper or ground paper
 - Whole Blood
 - Wipes (baby or Cleaning)
 - Wood
- (3) Any sewage having a pH lower than 6.0 or higher than 8.5, unless the individual POTW is specifically designed to accommodate such sewage or wastewater, or sewage having any

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other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the wastewater system.

- (4) Any sewage or wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of any eCity POTW, or to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.
 - (5) 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 maintenance and repair.
 - (6) Any substances which may cause any eCity POTW's effluent or any other product of said POTW, such as residues, sludges, screenings, ~~or~~ scums, or other residues from the pretreatment of industrial wastes to be unsuitable for reclamation and reuse, or to interfere with the reclamation process. In no case shall substance discharged to any eCity POTW cause said POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge 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 sludge management method being used.
 - (7) Any substance which will cause any eCity POTW to violate any of its regulatory permits or the receiving water quality standards.
 - (8) Any sewage or wastewater with objectionable color, which cannot be removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
 - (9) Unauthorized emptying of travel trailer or camping trailer wastewater is prohibited.
 - (10) Unauthorized dumping of any material from vehicles, tanks, or trailers operated by a septic or waste hauler, or any other trucked or hauled pollutants is prohibited.
 - (11) Any hazardous waste pharmaceuticals from healthcare facilities and reverse distributors.
- (g) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the ~~Utility Systems Director or his/her designee~~ that such wastes could harm either the eCity 's wastewater collection system, wastewater treatment process or equipment, have an adverse effect on the receiving stream or other effluent disposal facilities or systems, or can otherwise endanger life, limb, public property or constitute a nuisance. The ~~Utility Systems Director or his/her designee~~ will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
- (1) Any sewage or wastewater having a temperature which will inhibit biological activity in any eCity POTW treatment plant resulting in interference, but in no case heat in such

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quantities that the temperature at the treatment works influent exceeds 40°C (104°F) at waste water facility, unless the POTW treatment plant is designed to accommodate such temperature.

- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32°F and 100°F.
- (3) Any garbage ~~that has not been properly shredded.~~
- (4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
- (5) Any waters or wastes containing phenols or other wastes or odiferous ash producing substances, in such concentrations exceeding limits which may be established by the ~~Utility Systems Director or his/her designee~~, as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies or jurisdiction for such discharge to the waters of the state or nation.
- (6) Any radioactive wastes or isotopes.
- (7) Any pollutants, including oxygen demand pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to any eCity POTW. In no case shall a slug load be discharged to the eCity's wastewater system.
- (8) Waters or wastes containing substances, including non-biodegradable detergents, which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to the degree that the sewage treatment plant effluent cannot meet the requirement of other agencies having jurisdiction over discharge to the waters of the state or nation or violates any contract, resolution, law, rule, regulation, permit, or approval applicable to the industrial, commercial, or agricultural reuse of reclaimed water.
- (9) Any concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
- (10) When the ~~Utility Systems Director or his/her designee~~ determines that a user is contributing to any portion of the wastewater system, any of the above-enumerated substances in such amounts as to cause a pass through, cause a violation of any applicable permit or contract, or otherwise interfere with the operation of the system, the ~~Utility Systems Director or his/her designee~~ shall:
 - a. Advise the user of the impact of the contribution on said POTW; and
 - b. Develop effluent limitations for such user to correct the interference with said POTW.
- (11) Medical wastes, except as specifically authorized by the Director in a permit.
- (h) To prevent against pass through and interference ~~No~~ persons shall discharge sewage or wastewater in excess of the concentration set forth in the ~~table below~~ local limits unless an exception has been granted ~~to~~ the user under the provisions of Section 64.101; or the wastewater discharge permit of the user provides as a special permit condition a higher interim

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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 ~~table~~ local limits within a fixed period of time.

- (1) These limits are known as local limits, are subject to change and shall be modified as needed based on regulatory requirements, standards, wastewater system operation, performance and processes, the industrial user (IU) base and any other factors the Director deems necessary.
- (2) The local limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances below are for total metal unless otherwise indicated.
- (3) The Director may develop BMPs by ordinance or by individual wastewater discharge permits or may impose any changes in addition to or in place of the concentration-based limitations. The Director may develop BMPs, in addition to, or, in lieu of local limits by ordinance or in wastewater discharge permits. A copy of the approved local limits is available upon request at the wastewater treatment facility. The local limits shall apply to the total discharge from an industrial customer, including domestic wastewater and uncontaminated non-contact cooling water, and are daily maximum allowable discharge limits based upon a composite sample for metals and conventional pollutants with the exception of grab samples for, cyanide, hydrogen sulfide, oil and grease and pH.

Parameter	Maximum Concentration mg/l (24-hour flow Proportional Composite Sample)	Maximum Instantaneous Concentration mg/l (Grab Sample)
Biochemical oxygen demand	300*	—
Total suspended solids	300*	—
Arsenic (As)	1.0	2.0
Boron (B)	1.0	2.0
Cadmium (Cd)	1.0	2.0
Chlorides	1,500 mgL	6,000 mgL
Chromium Total (Cr)	1.0	2.0
Chromium Hexavalent (Cr+6)	0.05	0.10
Conductivity	4,000 μ S/cm**	16,000 μ S/cm**
Copper (Cu)	2.0	4.0

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Cyanide (CN)	0.1	0.2
Lead (Pb)	0.05	0.1
Mercury (Hg)	0.005	0.01
Nickel (Ni)	0.2	0.4
Phenol	0.5	1.0
Selenium (Se)	1.0	2.0
Silver (Ag)	1.0	2.0
Zinc (Zn)	5.0	10.0
Oil & grease *** (petroleum and/or mineral)	100.0	200.0
Total nitrogen	50.0	100.0
Total dissolved solids	2,500.0	10,000.0
Total phosphorus	10.0*	—
Fluoride	8.0	16.0

~~* Concentrations above this amount are subject to a surcharge in accordance with all city rate resolutions and ordinances.~~

~~** Microsiemens per centimeter.~~

(i) Certain users are now or hereafter shall become subject to National Categorical Pretreatment Standards found in chapter 40 Code of Federal Regulations (CFR) Chapter I, Subchapter N, Parts 405-471 promulgated by the USEPA specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into a eCity POTW. All users subject to a national pretreatment standard shall comply with all requirements of such standard, and shall also comply with any additional or more stringent limitations contained in this chapter. These users will be called Categorical Industrial Users (CIU).

(1) A CIU may obtain a net gross adjustment to a categorical pretreatment standard in accordance with Rule 62-625.820, FAC and 40 CFR 403.15. Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the City. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of this ordinance are met. Either:

a. The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or

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b. The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.

Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The City may waive this requirement if it finds that no environmental degradation will result.

(2) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent mass or concentration limits in accordance with Rule 62-625.410(4), FAC. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined wastestream formula set forth in Rule 62-625.410(6), FAC. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions set forth in 40 CFR 403.13 and Rule 62-625.700, FAC that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the categorical pretreatment standard. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth below.

a. To be eligible for equivalent mass limits, the Industrial User must:

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- (i) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
- (ii) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
- (iii) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- (iv) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge;
and
- (v) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

b. An Industrial User subject to equivalent mass limits must:

- (i) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- (ii) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- (iii) Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in this Section. Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- (iv) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to this section so long as it discharges under an equivalent mass limit.

c. When developing equivalent mass limits, the Director:

- (i) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
- (ii) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility;
and

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(iii) May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment. The Industrial User must also be in compliance with the section regarding the prohibition of bypass.

The Director may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director.

Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical Standards from which the equivalent limitations were derived. Note: See 40 CFR 403.6(c)(7)

Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation. Note: See 40 CFR 403.6(c)(8)

Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate. Note: See 40 CFR 403.6(c)(9).

- (j) Where the wastewater system achieves consistent removal of pollutants limited by national pretreatment standards, the City may apply to the approval authority for modification of specific limits in the national pretreatment standards. The City may modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in Title 40 CFR § 403.7 are fulfilled and prior approval from the approval authority is obtained.
- (k) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements in limitations, or those contained in this chapter. The City reserves the right to establish by ordinance more stringent limitations or requirements from dischargers to the wastewater system if deemed necessary to comply with the objectives stated at the beginning of this chapter.

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(l) Dangerous discharge prevention and notification requirements.

(1) *Plan for accidental discharges.* Each Applicant or user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Applicant's or user's own costs and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the Applicant or user from the responsibility to maintain the facility as necessary to meet the requirements of this chapter. An accidental discharge/slugg discharge control plan shall address, at a minimum, the following:

a. Description of discharge practices, including nonroutine batch discharges;

b. Description of stored chemicals;

c. Procedures for immediately notifying the Director of any accidental or Slugg Discharge, as required by this ordinance; and

d. Procedures to prevent adverse impact from any accidental or Slugg Discharge. Such procedures 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/or measures and equipment for emergency response.

(2) *Telephone notification.* Any person causing or suffering any discharge whether accidental or not, which presents or may present an imminent or substantial endangerment to the health and welfare of persons, to the environment, or which is likely to cause interference with any cCity POTW or the wastewater system as a whole, shall notify the ~~Utility Systems Director or his/her designee~~ immediately by calling (772) 873-6400.

(3) *Written report.* Within 5 calendar days following such occurrence, the user shall provide the ~~Utility Systems Director or his/her designee~~ with a detailed written report describing the cause of the dangerous discharge and measures taken or 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, all or any portion of the wastewater system, fishkills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(4) *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous

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discharge. Employers shall ensure that all employees who make calls or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(m) Except where expressly authorized by a pretreatment standard or requirement, no IU shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The Director shall impose mass limitations on IUs which are using dilutions to meet applicable pretreatment standards or requirements.

Sec. 64.05. - Discharge of unpolluted drainage in accordance with regulations. Stormwater and all other drainage shall be discharged to such facilities as are specifically designated as storm drainage facilities, or to a natural outlet in accordance with applicable eCity regulations.

Sec. 64.06. - Specifications of private systems; discharges prohibited; sanitary operation. The type, capacities, location and layout of a private sewage disposal system shall comply with all state and eCity regulations. No septic tank or cesspool shall be permitted to discharge to any storm drainage facility, open drain, ditch, stream, well penetrating water bearing formations, or natural outlet. When private ownership of a sewage disposal system is retained by the applicant, the facilities shall be operated and maintained in a sanitary manner at all times, as determined by the St. Lucie County Health Dept. or FDEP, at no expense to the City.

Sec. 64.07. – Fees. Reserved.

- ~~(a) It is the purpose of this chapter to provide for the recovery of costs from users of the wastewater system for the implementation of the program established herein. The applicable charges or fees shall be set forth and adopted in accordance with applicable state law.~~
- ~~(b) The City may adopt the charges and fees which may include:~~
- ~~(1) Fees for reimbursement of costs of setting up and operating the eCity's pretreatment program;~~
 - ~~(2) Fees for monitoring, inspections and surveillance procedures;~~
 - ~~(3) Fees for reviewing accidental discharge procedures and construction;~~
 - ~~(4) Fees for permit applications;~~
 - ~~(5) Fees for filing appeals;~~
 - ~~(6) Fees for consistent removal (by the City) of pollutants otherwise subject to federal pretreatment standards; and~~
 - ~~(7) Other fees as the City may deem necessary to carry out the requirements contained herein.~~
- ~~(c) These fees relate solely to the matters covered herein, and are separate from all other fees chargeable or charged by the City pursuant to City rate resolutions and ordinances.~~

Sec. 64.08. - Rejection or required remedial measures for certain wastes.

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- (a) If any sewage, waters, or wastes are discharged, or are proposed to be discharged to the wastewater system, which waters contain the substances or possess the characteristics enumerated in Section 64.064, and which, in the judgment of the Director, may have a deleterious effect upon the wastewater system, processes, equipment, receiving waters or effluent disposal systems, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:
- (1) Reject the wastewater;
 - (2) Require pretreatment to an acceptable condition for discharge to the wastewater system;
 - (3) Require control over the quantities and rates of discharges; and
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by the existing taxes or sewer charges.
- (b) If the Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director, and subject to the requirements of all applicable codes, ordinances, ~~and~~ laws, categorical pretreatment standards, local limits, and the prohibitions set forth in this ordinance within the time limits specified by the EPA, the State, or the Director, whichever is more stringent. Where preliminary treatment or flow-equalizing facilities are provided for any sewage, waters, or wastes, they shall be maintained continuously in satisfactory and effective operation by the Applicant or user at his or her expense.
- (1) Whenever deemed necessary, the Director may 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 sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.
 - (2) The Director may 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 individual wastewater discharge permit may be issued solely for flow equalization.
 - (3) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Section 64.09. Interceptors.

- (a) *Purpose.* The purpose of this section is to establish requirements governing the installation and use of grease, fats, oils, hair, lint, sand and other types of interceptors; regulate commercial, industrial, and institutional establishments that have the potential to cause operation and maintenance problems in the city's wastewater facilities; and provide for inspections, monitoring and enforcement procedures to ensure compliance with this section.
- (b) *Applicability.*

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- (1) Food service establishments and/or facilities: Interceptors are required for, but are not limited to, establishments meeting the definition of food service establishments and/or facilities.
- (2) Limited food service establishments and/or facilities: The ~~Utility Systems~~ Director ~~or his/her designee~~ shall be responsible for determining whether an interceptor is required for an establishment meeting the definition of limited food service establishments and/or facilities. Such determination shall be on a case-by-case basis.
- (3) Other facilities: Interceptors are also required for laundries, vehicle washes, businesses providing services for the repair/maintenance of vehicles/mechanical equipment, veterinarians and other animal care facilities, barber shops, and beauty/hair salons.
- (4) Interceptors may also be required for other establishments based on the characteristics of the wastewater generated by the establishment and when, in the opinion of the ~~Utility Systems~~ Director ~~or his/her designee~~, they are necessary to prevent the discharge of liquid wastes containing grease, fats, oils, hair, lint, sand and other substances or materials that may be harmful to the operation and maintenance of the city's wastewater facilities.

(c) *General Provisions.*

- (1) Separate plumbing shall be provided for the wastewater to be treated through an interceptor.
- (2) Liquid wastes containing grease, fats, oils, hair, lint, sand and other substances or materials that may be harmful to the operation and maintenance of the city's wastewater facilities and generated by an establishment subject to the provisions of this section shall be directed to the interceptor.
- (3) Discharge of wastes from toilets, urinals, washbasins, and other fixtures to sewer lines intended to service interceptors, or discharge of wastes from or which are required to be directed to interceptors to sewer lines intended to service toilets, urinals or washbasins, is prohibited.
- (4) All interceptors shall be located where it is readily and easily accessible for cleaning, inspection, maintenance or repair.
- (5) In all cases, the type and size of interceptor required shall be determined by the ~~Utility Systems~~ Director ~~or his/her designee~~. Where applicable, interceptor sizing shall be in accordance with 64E-6 of the Florida Administrative Code and the Florida Building Code - Plumbing, as amended.

(d) *Maintenance.*

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- (1) All interceptors shall be maintained by the user, at no cost to the city, in compliance with this section at all times.
- (2) All facilities regulated under this section are required to utilize a waste hauler authorized by the Florida Department of Health and/or Florida Department of Environmental Protection to pump out an interceptor.
- (3) The user shall sign a service record provided by the waste hauler, verifying that the interceptor was serviced in accordance with the requirements of this section. The service record will also document the subject interceptor's condition.
- (4) Interceptor cleaning and maintenance shall include pumping the unit until empty, and cleaning the sidewalls, baffle walls, cross-pipes, inlet and outlet pipes. Should any damage occur as the result of cleaning and maintenance, such damage shall be immediately repaired at no cost to the city.
- (5) Interceptors shall be maintained in effective operating condition at all times. Each user shall be responsible for the cost and scheduling of all repairs to its interceptor(s). The city may require an establishment to install, operate and maintain a new interceptor; modify any non-compliant plumbing; or repair/upgrade an existing interceptor if the establishment has an undersized, non-functioning or defective interceptor.
- (6) The interceptor area shall be maintained free and clear of debris and stored material, and it shall be accessible to city personnel, agents, contractors or authorized designees at all times.
- (7) If multiple interceptors are installed, all units in the series must be pumped according to the maintenance schedule below.
- (8) Each establishment shall pump its interceptor at a minimum frequency of 2 times per calendar year. However, the facility may be required to pump out the interceptor at an additional frequency if any of the following conditions exist:
 - a. The floatable grease or oil layer exceeds 6" in depth.
 - b. The solids layer at the bottom of the interceptor exceeds 8" in depth. The measurement point for determination of the grease and solids layer shall be adjacent to the outlet pipe.
 - c. The interceptor's floating grease layer combined with the bottom solids layer equals or exceeds 25 percent of the total volume of the device.
- (9) Decanting, back flushing or discharging of removed wastes back into the interceptor, from which the waste was removed for the purpose of reducing the volume to be hauled and disposed is prohibited.

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- (10) Skimming or removing only the top or bottom layers of water or waste and/or partial contents of the interceptor is prohibited.
- (11) Emulsifiers, grease cutters or other chemicals, which could cause grease to pass through the interceptor may not be used in the maintenance of any unit or its drain lines. Such additives shall include, but not be limited to, enzymes, or other additives designed to absorb, purge, treat or otherwise eliminate grease and oils.
- (12) When required by the utility, the user shall establish an ongoing contract with an authorized waste hauler. A copy of the contract shall be provided to the Department ~~utility~~ upon execution.

(e) *Waste disposal.*

- (1) Wastes removed by haulers from interceptors must be disposed at private or public facilities permitted by the Florida Department of Environmental Protection or the Florida Department of Health for treating or recycling the wastes.
- (2) Improper disposal of any waste which is required to be disposed of through an interceptor prior to entering any portion of the city's wastewater facilities shall constitute a violation and shall be prosecuted to the fullest extent of the law.
- (3) The waste hauler shall be responsible for all clean-up activities for any spill resulting from servicing the interceptor. Cleanup activities shall be performed in a manner approved by State and local agencies having jurisdiction.
- (4) The waste hauler shall not dispose of grease or any other interceptor waste into any portion of the city's wastewater facilities.

(f) *Record keeping.* The user subject to the requirements of this section shall maintain, and make available to city personnel for inspection and copying during reasonable hours, all records of information related to interceptor maintenance and waste disposal.

- (1) These records shall remain available for a period of at least 3 years from the date they are created.
- (2) The user shall submit a copy of service records to the utility within 10 days of service.

(g) *Enforcement.*

- (1) Any user found in violation of any provision of this section may be served with a written notice of violation by personal delivery by an authorized city employee or by registered or certified mail that states the nature of the violation and provides a reasonable time limit for satisfactory correction of the violation. The user shall permanently cease all violations within the time period specified in the notice.
- (2) If a user continues to violate the provisions set forth in this section or fails to initiate/complete corrective action in response to a notice of violation the city may pursue one or more of the following options:

Additions to text are indicated by underline; deletions by ~~strikeout~~.

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- a. Pump the interceptor and place the appropriate charge on the monthly water/sewer bill.
 - b. Collect a sample and assess the appropriate surcharge(s) for compatible wastes in accordance with the provisions of section 64.04 of this Code.
 - c. Revoke the city's business tax receipt.
 - d. Terminate water and/or sewer service until the violations are remedied and any outstanding fees, penalties and other utility charges are paid.
- (3) In addition to, or in lieu of, the notice and enforcement methods provided in this section, the city may enforce the provisions of this section by any, all, or any combination of means available to the city under this Code, state law or other applicable law, including but not limited to, Chapters 37 and 40 of this Code and Chapter 162, Florida Statutes, as amended.

(h) *Variances.*

- (1) Variances from the requirements of this section may be applied for by written application to the ~~Utility Systems~~ Director. A variance may be granted by the ~~Utility Systems~~ Director if strict application of this section would lead to unreasonable or unfair results, provided that the variance applicant demonstrates with particularity, and the ~~Utility Systems~~ Director finds, that compliance will result in substantial economic, health, or other hardship on the variance applicant.
- (2) An approved variance will be null and void if the user fails to adhere to any requirements set forth as a condition of the variance or the ~~Utility System~~ Director determines that the justification supporting the variance no longer exists. Variances are not transferable.

(i) Fees.

(1) Interceptor Inspection Fees. A \$100.00 fee shall be applied to the customer's account per inspection for each interceptor. Inspections of each interceptor must occur, at a minimum, once per every 12-month period.

(2) Interceptor Re-Inspection Fees. A \$50.00 reinspection fee shall be applied to the applicable customer's account for each interceptor in service that fails any inspection.

Sec. 64.10. - Industrial wastewater discharge permits.

The City hereby establishes an industrial wastewater discharge permit. The City may include such provisions, terms, and conditions in the industrial wastewater discharge permit as it may determine reasonable and necessary. No such permit shall be issued until all applicable sewer charges, including but not limited to sewer connection fees and sewer environmental conservation

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fees, are paid to the City in accordance with eCity rate resolutions and ordinances. All wastewater discharge permit applications, user reports and certification statements must be signed by an Authorized Representative of the User and contain a certification statement. The application, issuance, duration, modification, enforcement, and revocation of such permits shall be controlled by the following provisions:

- (a) *Permits required.* All industries which discharge ~~10,000~~ 25,000 gallons of wastewater or more per day during any day of the calendar year, into the wastewater system or whose discharge otherwise may have significant impact on the said system, as determined by the City, shall first obtain a permit. Any User required to obtain an individual 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.
- (b) *Compliance required.* No permit holder shall discharge industrial sewage or wastewater in excess of the quantity, rate of discharge, or quality conditions specified in the permit. Any person desiring to modify ~~his~~any discharge which would violate conditions of his permit shall apply for an amended permit. A facility determined to be a Non-Significant Categorical Industrial User (NSCIU) by the Director must annually submit a signed certification statement pursuant to 40 CFR 403.3(v)(2).
- (c) *Permit applications.* The Director is authorized to prepare a permit application and may periodically require Users to update requested or requisite information. To issue or deny a permit, the Director may request information regarding the nature and characteristics of the User's wastewater. Persons seeking a permit shall complete and file with the City an application in form prescribed by the City by and through the Director. The Director shall return incomplete or inaccurate applications. The Applicant shall submit, where appropriate:
- (1) Name, address, telephone number, and location (if different from address) of Applicant, and owner of the premises from which industrial wastes are intended to be discharged;
 - (2) Standard Industrial Classification number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
 - (3) Average daily and peak hourly wastewater flow rates, including daily, monthly and seasonal variations if any, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e);
 - (4) Schedule of all industrial process waste flows produced before and after pretreatment, if any, at said premises, including the daily volume, and wastewater constituents and characteristics as determined by representative samples and analyses done by a qualified laboratory acceptable to the cCity and in accordance with "Standard Methods" and EPA regulations for sampling and analysis. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard;

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- (5) Estimated time and duration of discharge within a 20 percent tolerance;
 - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
 - (7) Each product produced by type, amount, process or processes and rate of production;
 - (8) Type and amount of raw materials processed (average and maximum per day);
 - (9) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and
 - (10) ~~Any other information as may be deemed by the City to be necessary to evaluate the permit application.~~ A list of any environmental control permits held by or for this facility;
 - (11) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on 40 CFR 403.12(e)(2).
 - (12) Any other information as may be deemed by the City to be necessary to evaluate the permit application.
 - (13) The location for monitoring all wastes covered by the permit.
- (d) ~~(e)~~ *Processing and issuance of permits.* The City will evaluate the data furnished by the applicant and may require additional information. A proposed permit may be issued within ~~60~~ 90 calendar days after all data has been furnished to and accepted by the cCity. The applicant shall then be allowed a 30 day comment period. Upon the expiration of the comment period, or upon the expiration of 90 days from the date the data has been furnished and accepted, the City shall issue or deny a permit; a permit may contain appropriate restrictions. Issuance of a permit shall not relieve the discharger from complying with all applicable permits, laws, regulations, and ordinances promulgated by the City or other governmental authorities, and any applicable sewer service allocation or connection rules, nor shall the issuance of a permit be construed as a representation by the City that the discharge permitted therein complies with all of such permits, laws, rules, regulations, and ordinances. Permits are issued solely to govern the discharge of wastewater into the wastewater system and effluent disposal system, as between the discharger and the City, and shall not be construed to benefit any third party. Notwithstanding anything contained herein to the contrary, no industrial wastewater discharge permit shall be issued to any person who has not yet obtained a wastewater disposal permit pursuant to applicable sewer service allocation or connection rules. Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 90 days, apply to the Director for an individual wastewater discharge permit in accordance with this ordinance, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit issued by the Director.
- (e) *Permit restrictions.* An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker

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health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. The restrictions in permits shall be uniformly enforced by the City, ~~and may include, but shall not be limited to, the following:~~

(1) The permit restrictions must include:

- a. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- b. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- c. Effluent limits, including BMP, based on applicable Pretreatment Standards;
- d. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- e. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge.
- f. 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.
- g. Requirements to control Slug Discharge, if determined by the Director to be necessary.
- h. Any grant of the monitoring waiver by the Director must be included as a condition in the user's permit.

(2) The permit restrictions may include the following:

- a. The maximum permissible concentration of wastewater constituents.
- b. Limits on rate and time of discharge, or requirements for flow regulation and equalization.
- c. Requirements for inspection, flow metering and sampling facilities, and alternative sampling methods.
- d. Pretreatment of industrial wastewater before discharge.
- e. Compliance schedules.
- f. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, flow metering, number, types and standards for tests and reporting schedule.
- g. Prohibition of discharge or certain wastewater constituents.
- h. Requirement for submission of periodic discharge reports to include information concerning volume, rate of flow, constituent concentrations, peak flow rates, hours of operation, number of employees, or other information.

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- i. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto.
- j. Requirements for notification of the City for any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- k. Requirements for notification of slug or accidental discharges.
- l. Other conditions as deemed appropriate by the City to ensure compliance with this chapter.

(f) *Pretreatment requirements.* 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 or modify the user's wastewater constituency to achieve compliance with the limitations in wastewater strength set forth in Section 64.064, to meet applicable national pretreatment standards, or to meet any other wastewater condition or limitation contained in the user's wastewater discharge permit. Plans, specifications, and operating procedures for such wastewater pretreatment facilities shall be prepared by a registered engineer, and shall be submitted to the ~~Utility Systems~~ Director or his/her designee for review in accordance with accepted engineering practices. The ~~Utility Systems~~ Director ~~or his/her designee~~ shall review said plans within 45 days and shall recommend to the user any appropriate changes or approve or reject plans. Prior to beginning construction of said pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the Utility Systems Director or his/her designee. Prior to beginning construction the user shall also secure such building, plumbing, or other permits that may be required by the cCity code. The user shall construct said pretreatment facility within the time provided in the user's wastewater discharge permit. Following completion of construction, the user shall provide the ~~Utility Systems~~ Director or his/her designee with "as built" drawings to be maintained by the ~~Utility Systems~~ Director or his/her designee. Neither filing of the plans nor the issuance of a permit shall be construed to indicate that the City in any way vouches for or warrants the capabilities of any such plans, specifications, or data in any manner. Subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without prior notice to the City.

(g) *Duration of permits.* Permits shall be issued for any specified period of time, not to exceed five years. A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with this ordinance, a minimum of 90 days prior to the expiration of the user's existing individual wastewater discharge permit.

(h) *Modification of permits.* The terms and conditions of any permit may be subject to modification and change by the City during the life of the permit ~~to accommodate changed conditions and as~~

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~~local, state, and federal laws, rules, and regulations are modified or amended or in event of variation in reported data as provided in this section~~ including, but not limited to:

- (1) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the POTW, personnel, or the receiving waters;
- (5) Violation of any terms or conditions of the individual wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the individual wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested.

Permit holders shall be informed of any proposed changes in their respective permits at least 60 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 30 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. Nothing in these regulations is intended to preclude the City from taking immediate action to temporarily modify a permit when there is imminent risk of injury to the wastewater system or to the health and welfare of the public or to the environment.

(i) *Permits not transferable.* A separate permit shall be required for each wastewater connection discharging into the sewerage system. For each discharger having multiple connections at a single plant or facility, a single permit shall be required which may set forth specific effluent limitations and conditions for discharge from each separate connection. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, or for different premises, unless approved by the Director. If the permit is allowed to be transferred, the new owner or operator must state that they have no intention to change the facility's operations or processes, identify the date on which the transfer is to occur, and acknowledge full responsibility for complying with the existing individual wastewater discharge permit. Failure to ask permission for a transfer or provide

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notice of the transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

(j) *Enforcement.* The Director may suspend the wastewater service and/or a permit when such suspension is necessary, in the opinion of the ~~Utility Systems Director or his/her designee~~, in order to stop an actual or threatened discharge which represents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the City to violate any condition of its NPDES permit.

(1) Any person notified of a suspension of the wastewater service and/or the permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater system or endangerment to any individuals. The City shall reinstate the permit and/or the wastewater service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within five calendar days of the date of occurrence.

(2) Revocation of permit. Any user who violates any of the following conditions of this chapter, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures outlined in this chapter:

a. ~~Failure of a user to factually report the wastewater constituents and characteristics of his discharge; Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;~~

b. ~~Failure of the user to report significant changes in operations, or wastewater constituents and characteristics; Failure to provide prior notification to Director of changed conditions pursuant to this ordinance;~~

c. ~~Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;~~

d. ~~Obtaining of a permit by misrepresentation or failure to disclose fully all relevant facts; Falsifying self-monitoring reports and certification statements;~~

e. ~~A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; or Tampering with monitoring equipment;~~

f. ~~Violation of conditions of the permit. Refusing to allow Director timely access to the facility premises and records;~~

g. Failure to meet effluent limitations;

h. Failure to pay fines;

i. Failure to pay sewer charges;

j. Failure to meet compliance schedules;

k. Failure to complete a wastewater survey or the wastewater discharge permit application;

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l. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

m. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

(3) Whenever the City finds that any user has violated or is violating this chapter, permit, or any prohibition, limitation of requirements contained herein, the City may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(4) Show cause hearing. The City may order any user who causes or allows an unauthorized discharge to show cause before the City why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation. The City may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the eCity to:

- a. Issue in the name of the City notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- b. Take the evidence;
- c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City for action thereon;
- d. After the City has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the wastewater service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(5) Cease and Desist Orders

When the Director, in his sole discretion, finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to reoccur, the Director may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- a. Immediately comply with all requirements; and

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- b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User. Users desiring to dispute or appeal the cease and desist order may file a written request to the City Manager or his/her designee to reconsider the order.

(6) Administrative fines

- a. If, in the Director's sole discretion, the Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director shall notify the violator and provide an opportunity to come into compliance. If the violation continues, the City may set a hearing and, after notice and due process, fine such User in an amount not to exceed the statutory limits set forth in Section 162.09, Florida Statutes. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- b. Unpaid charges, fines, and penalties shall assess an additional penalty to be added to the unpaid balance, and interest shall accrue thereafter at the amount set forth by Florida law. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
- c. Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- d. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

(7) Injunctive Relief. If, in the Director's sole discretion, the Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may petition the appropriate court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The Director 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.

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(8) Civil Penalties.

- a. The Director 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.
- b. 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, 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. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

(9) Criminal prosecution. The City authorizes the Director to pursue criminal prosecution for violation of any law to the greatest extent allowed by law.

(10) Publication of users in Significant Noncompliance

The Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the 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 (or any other Industrial User that violates paragraphs (c), (d) or (h) of this Section) and shall mean:

- a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits;
- b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- c. Any other violation of a Pretreatment Standard or Requirement as defined by the Daily Maximum, long-term average, Instantaneous Limit, or narrative standard that the Director determines 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 a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of its 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 individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide within forty-five (45) 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;

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- g. Failure to accurately report noncompliance; or
- h. Any other violation(s), which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

(11) Consent Order

The Director may enter into Consent Orders, assurances of 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 and shall be judicially enforceable.

(12) Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the Utility Systems Department enforcement response plan. However, the Director may take other action against any User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant User.

(13) Affirmative defenses to discharge violations

a. Upset

- (i) For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (ii) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (iii), below, are met.
- (iii) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1) An upset occurred and the User can identify the cause(s) of the upset
 - 2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - 3) The User has submitted the following information to [the Superintendent] 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.
- (iv) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

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(v) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

(vi) 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.

b. Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 64.05 of this ordinance if it 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:

(i) A Local 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

(ii) No Local 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 permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

c. Bypass

(i) For the purposes of this Section,

1) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.

2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(ii) 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 (iii) and (iv) of this Section.

(iii) Bypass Notifications

1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass, if possible.

2) A User shall submit oral notice to [the Superintendent] of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it 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 steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

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(iv) Bypass

- 1) Bypass is prohibited, and the Director may take an enforcement action against a User for a bypass, unless
 - a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b) 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
 - c) The User submitted notices as required under paragraph (iii) of this section.
- 2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in paragraph (iv).1) of this Section.

(k) Regulation of waste received from other jurisdictions.

(1) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Director shall enter into an interlocal agreement with the contributing entity.

(2) Prior to entering into an agreement required above, the Director shall request description of the quality and volume of wastewater discharged to the POTW by the contributing municipality; An inventory of all users located within the contributing municipality that are discharging to the POTW; and such other information as the Director may deem necessary.

(3) An interlocal agreement shall contain the following conditions:

- a. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or local limits;
- b. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
- c. A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing entity; which of these activities will be conducted by the Director; and which of these activities will be conducted jointly by the contributing entity and the Director;
- d. A requirement for the contributing entity to provide the Director with access to all information that the contributing entity obtains as part of its pretreatment activities;
- e. Limits on the nature, quality, and volume of the contributing entity's wastewater at the point where it discharges to the POTW;
- f. Requirements for monitoring the contributing entity's discharge;
- g. A provision ensuring the Director access to the facilities of users located within the contributing entity's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director; and

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h. A provision specifying remedies available for breach of the terms of the interlocal agreement.

(1) Special agreement variance. The City may grant a variance from the permitting requirements of this section only for those industrial users with which the City executes an agreement providing for the City to construct and operate, at the cost of the industrial user, a pretreatment facility which is capable of achieving compliance with the limitations in wastewater strength set forth in Section 64.04, the national categorical pretreatment standards, and applicable state treatment requirements. The City may agree to share the costs of operation and construction of the pretreatment facility if it receives, in its opinion, benefits to the wastewater system. Notwithstanding anything to the contrary contained in this chapter, no industrial user shall add into the wastewater system any toxic pollutant as set forth in Appendix "B," of 40 C.F.R., Part 403, or any pollutant that may interfere, pass through, or otherwise be incompatible with the wastewater system.

(m) Industrial Wastewater Discharge Permit Fees.

(1) It is the purpose of this section to provide for the recovery of costs from Industrial Pre-Treatment users of the wastewater system for the implementation of the program established herein.

<u>Industrial Pre-Treatment Users</u>	<u>Fees</u>
<u>Initial Permit</u>	<u>\$1,100.00</u>
<u>Renewal Permit</u>	<u>\$900.00 per year</u>
<u>Fine Amount for pH, CBOD, BOD, TSS Violations</u>	<u>\$250.00 for each violation</u>
<u>Analytical Fees (Subcontract Laboratory Fees)</u>	<u>On a permit by permit basis</u>
<u>Plus applicable fees by other control agencies on a pass-through basis.</u>	

(2) Surcharge for exceeding established limits. An industrial discharge with concentrations of specified pollutants in excess of established limits, which can be treated by conventional processes but at higher cost will be surcharged as follows:

(a) Wastewater with a CBOD or BOD concentration in excess of 250 mg/1: \$0.74 per pound;

(b) Wastewater with total TSS concentration in excess of 250 mg/1: \$0.98 per pound;

(c) Wastewater with a CBOD or BOD concentration exceeding that of the CBOD or BOD concentration multiplied by one and sixty-seven one hundredths (1.67): \$0.47 per pound; and

(d) These surcharges are in addition to any other established fines, charges or rates.

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Sec. 64.11. - Confidential information.

(a) Consistent with the requirements of F.S.S. [F.S. ch.] 119, or as it may be amended from time to time, information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this chapter, the NPDES permit, FDEP permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state, City or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(c) Information accepted by the City as confidential, shall not be transmitted to any governmental agency or to the general public by the City until and unless a 10-day notification is given to the user.

Sec. 64.12. - Control manhole.

When required by the City, the owner of any property serviced by a building sewer carrying (or reasonably believed to be carrying) waters and wastes containing prohibited substances or industrial wastes in excessive concentrations or quantities shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Sec. 64.13. - Measurements, tests and analyses.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the FDEP and USEPA regulations for sampling and analysis, and shall be determined at the control manhole provided in Section 64.12, or upon suitable samples taken at such control manhole. In the event that no special manhole

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has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Sec. 64.14. - ~~Reserved.~~ Reporting Requirements.

(a) Baseline Monitoring Reports.

(1) 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 under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Director a report which contains the information listed 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.

(2) Categorical Industrial Users shall submit the following information:

- a. All information required in 64.10(c)(1) and (3) through (9). [Note: See 40 CFR 403.12(b)(1)-(7)]; and
- b. Measurement of pollutants:
 - (i) The User shall provide the information required in Section 64.10(c)(2) and (4).
 - (ii) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - (iii) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the City;
 - (iv) Sampling and analysis shall be performed in accordance with Section 64.14(j);
 - (v) The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures; and

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(vi) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 64.03(c) 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.

(4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must 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 64.14(b) of this ordinance.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 64.14(a) of this ordinance and signed by an Authorized Representative as defined in Section 64.03(c).

(b) Compliance Schedule Progress Reports. The following condition shall apply to the compliance schedule required by Section 64.14 (a)(4) of this ordinance.

(1) 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);

(2) No increment referred to above shall exceed nine months;

(3) The User shall submit a progress report to the Director 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

(4) In no event shall more than nine months elapse between such progress reports to the Director.

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(c) Reports on Compliance with Categorical Pretreatment Standard Deadline. 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 a report containing the information described in Section 64.13(c)(3) and (4) and 64.14(a)(2)(b) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 64.06(i) [Note: See 40 CFR 403.6(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 64.14(n) of this ordinance. All sampling will be done in conformance with Section 64.14(k).

(d) Periodic Compliance Reports.

(1) Except as specified in Section 64.14(d)(3), all Users must, at a frequency determined by the Director submit no less than twice per year (June and December) reports indicating the nature, 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. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User.

(2) The City may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [see 40 CFR 403.12(e)(2)] This authorization is subject to the following conditions:

- a. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
- b. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five years. The User

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must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 64.13(c)(11).

- c. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
- d. The request for a monitoring waiver must be signed in accordance with Section 64.05(c) and include the certification statement in 64.14(n)(1) (40 CFR 403.6(a)(2)(ii)).
- e. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
- f. Any grant of the monitoring waiver by the Director must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Director for three years after expiration of the waiver.
- g. Upon approval of the monitoring waiver and revision of the User's permit by the Director, the Industrial User must certify on each report with the statement in Section 64.14(n)(3) below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
- h. If a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately notify the Director and comply with the monitoring requirements of Section 64.14(d)(1), or other more frequent monitoring requirements imposed by the Director.
- i. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

(3) The City may reduce the requirement for periodic compliance reports [see Section 64.14(d)(1) (40 CFR 403.12(e)(1))] to a requirement to report no less frequently than once per calendar year, unless required more frequently in the Pretreatment Standard or by the EPA or the State of Florida, where the Industrial User's total categorical wastewater flow does not exceed any of the following:

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- a. The POTW's value for 0.01 percent of the POTW's design dry-weather *hydraulic capacity*, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches.
- b. The POTW's value for 0.01 percent of the design dry-weather *organic treatment capacity* of the POTW; and
- c. The POTW's value for 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed in accordance with Section 64.06(h) of this ordinance. Note: For example, if the POTW's maximum allowable headworks loading for copper is 5 pounds, then 0.01 percent would be 0.0005 pounds; the POTW would need to do this calculation for each pollutant for which it has approved Local Limits.

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 64.06 of this ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Director, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

- (4) All periodic compliance reports must be signed and certified in accordance with Section 64.14(n)(1) of this ordinance.
- (5) All wastewater samples must 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 its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- (6) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director using the procedures prescribed in Section 64.14(k) of this ordinance, the results of this monitoring shall be included in the report. [Note: See 40 CFR 403.12(g)(6)]

(e) Reports of changed conditions. Each User must notify the Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least 90 days before the change.

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- (1) The Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 64.13(c) of this ordinance.
- (2) The Director may issue an individual wastewater discharge permit under Section 64.13(g) of this ordinance or modify an existing wastewater discharge permit under Section 64.13(h) of this ordinance in response to changed conditions or anticipated changed conditions.

(f) Reports of potential problems.

- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Director 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.
- (2) Within five (5) days following such discharge, the User shall, unless waived by the Director, 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 might 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 ordinance.
- (3) 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 (1), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- (4) Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

(f) Reports from unpermitted users. All users not required to obtain an individual wastewater permit shall provide appropriate reports to the Director as required.

(g) Notice of violation/ repeat sampling and reporting. If sampling performed by a User indicates a violation, the User must notify the Director within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation.

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Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.

- (h) Notification of the discharge of hazardous waste. The discharge of hazardous waste is prohibited.
- (i) Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods.
- (j) Sample collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

 - (1) Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
 - (2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

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(3) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 64.14(a) and 64.14(c) [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by paragraphs Section 64.14(d) (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements. [40 CFR 403.12(g)(4)]

(k) Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(l) Recordkeeping. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 64.056(h)(3). 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. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Director.

(m) Certification Statements.

(1) Certification of Permit Applications, User Reports and Initial Monitoring Waiver. The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 64.13; Users submitting baseline monitoring reports under Section 64.14(a)(5) [Note: See 40 CFR 403.12 (l)]; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 64.14(c) [Note: See 40 CFR 403.12(d)]; Users submitting periodic compliance reports required by Section 64.14(d)(1) through (4) [Note: See 40 CFR 403.12(e) and (h)], and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 64.14(d)(2)[Note: See 40 CFR 403.12(e)(2)(iii)]. The following certification statement must be signed by an Authorized Representative as defined in Section 64.05(c):

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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.

(2) Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to 64.05(jj)(3) and 64.13(b) [Note: See 40 CFR 403.3(v)(2)] must annually submit the following certification statement signed in accordance with the signatory requirements in 64.05(c) [Note: See 40 CFR 403.120(l)]. This certification must accompany an alternative report required by the Director:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

- a. The facility described as [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 64.05(jj)(3); [Note: See 40 CFR 403.3(v)(2)]
- b. The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- c. The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.
- d. This compliance certification is based on the following information.

(3) Certification of pollutants not present. Users that have an approved monitoring waiver based on Section 64.14(d)(2) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User. [Note: See 40 CFR 403.12(e)(2)(v)]

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 64.14(d)(1).

Sec. 64.15. - Special agreements and arrangements.

Additions to text are indicated by underline; deletions by ~~strikeout~~.

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No statement contained in this chapter shall be construed as preventing any special agreement or arrangement by and between the City and any user concern whereby an industrial waste of unusual strength or character may be accepted by the city, subject to payment therefore by the user.

Sec. 64.16. – ~~Reserved~~ Compliance Monitoring.

(a) Right of Entry: Inspection and Sampling

Subject to the United States Constitution and the laws of the State of Florida, the Director shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Director 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.

- (1) 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 shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The Director 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.
- (3) The Director may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated per manufacturers recommendations to ensure their accuracy.
- (4) 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 and shall not be replaced. The costs of clearing such access shall be borne by the User.
- (5) Unreasonable delays in allowing the Director access to the User's premises shall be a violation of this ordinance.

(b) Search or Inspection warrants.

If the Director 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 ordinance, 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 ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Director may seek issuance of a warrant from the St. Lucie County, Florida.

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Sec. 64.17. Hauled Waste.

Septic tank waste may be introduced into the POTW only at locations designated by and at such times as are established by the Director. Such waste shall not violate Section 64.06 of this ordinance, or any other requirements established by the City. The Director may require septic tank waste haulers to obtain individual wastewater discharge permits.

- (a) The Director may require haulers of industrial waste to obtain individual wastewater discharge permits. The Director may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
- (b) Industrial waste haulers may discharge loads only at locations designated by the Director. No load may be discharged without prior consent of the Director. The Director may collect samples of each hauled load to ensure compliance with applicable Standards. The Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Section 3. Conflict. If any ordinances, or parts of ordinances, are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions.

Section 4. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 5. Codification. The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intent; the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

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Section 6. Effective Date. This Ordinance shall become effective ten (10) days after final adoption on second reading.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2024.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

Rich Berrios, City Attorney