

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "WATER, WASTEWATER AND STORMWATER" BY AMENDING SECTION 28-26 THROUGH 28-257 TO IMPLEMENT THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S MANDATED COMPLIANCE REQUIREMENTS FOR INDUSTRIAL PRETREATMENT PROGRAMS; PROVIDE FOR AN INCREASE TO THE FINES FOR THOSE WHO VIOLATE THE SEWER USE ORDINANCE AND AN INCREASE TO OTHER SEWER FINES TO MAKE THEM CONSISTENT WITH OTHER MUNICIPALITIES; PROVIDE FOR A MODIFICATION TO THE REGIONAL ADVISORY BOARD MEMBERSHIP REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

SEE ATTACHED FOR CHANGES.

ARTICLE II. - SEWERS AND SEWAGE DISPOSAL ^[93]

⁽⁹³⁾ **Cross reference**— Sewage disposal for floating homes, § 9-219 et seq.; emptying waste, oil, etc., into streets, waters, etc., § 13-52; obstructing sewers and gutters, § 25-14.

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DIVISION 2. - BUILDING SEWERS AND CONNECTIONS
DIVISION 3. - RATES AND CHARGES

• DIVISION 1. - GENERALLY

- Sec. 28-26. - Definitions and abbreviations.
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- Sec. 28-28. - Control and supervision of wastewater division.
- Sec. 28-29. - Regional advisory board for the central wastewater region.
- Sec. 28-30. - Provisions made part of contract for services.
- Sec. 28-31. - Sanitary method of disposal of wastewater required.
- Sec. 28-32. - Septic tanks.
- Sec. 28-33. - Connection to sanitary sewer required.
- Sec. 28-34. - Use of other sanitary disposal prohibited after city sewer service available.
- Sec. 28-35. - Correction of unsanitary condition of sanitary sewer facilities.
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- Sec. 28-37. - Sewer maintenance.
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Sec. 28-26. - Definitions and abbreviations.

(a) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Act or "the act."* The Federal Water Pollution Control Act, also known as the Clean Water Act, as existing or as amended from time to time, 33 USC 1251 et seq. (1987).
- (2) *Approval authority.* The Florida Department of Environmental Protection, or its successor agencies.
- (3) *Authorized representative of the industrial user.* An authorized representative of an industrial user shall mean any of the following: means:

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- a. A responsible corporate officer, as defined in section 28-26, if the user is a corporation;
- b. A general partner or proprietor, if the user is a partnership or sole proprietor, respectively;
- c. A duly authorized representative of the individual designated in paragraph a and b above if:
 - 1. The authorization is made in writing by the individual designated in paragraph a and b above,
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, (such as the position of plant manager, operator of a well, or a well field superintendent, or a position of equivalent responsibility) or having overall responsibility for environmental matters for the company, and
 - 3. The written authorization is submitted to the city.

—A duly authorized municipal official, if the user is a municipal department.

- a. ~~If the user is a corporation:~~
 - 1. ~~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~~
 - 2. ~~The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.~~
- b. ~~If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.~~
- c. ~~If the user is a federal, state, or local governmental facility: a principal executive officer or director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee having responsibility for the overall operation of the discharging facility.~~
- a.d. d. ~~The individuals described in subsections a. through c., above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.~~

(4) *Batch discharge.* A discharge from a holding tank to the sewer system after treatment at a

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noncontinuous or random frequency.

(5) Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to ~~implement~~ implementing prohibitions listed in section 28-204 of this chapter. Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, industrial sludge or waste disposal, or drainage from raw materials storage.

(56) BOD (denoting biochemical oxygen demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days of twenty degrees Celsius (20 C), expressed in milligrams per liter.

(67) Building drain. In plumbing, that part of the lowest horizontal piping of a drainage system ~~which system that~~ receives the discharge from soil, waste, and other allowable drainage pipes inside the walls of the building and conveys it to the building sewer beginning five (5) feet outside the building wall.

(78) Building sewer. In plumbing, the extension from the building drain to the public sewer or other place of disposal and is also called "house connection," "service connection," "service lateral" or "house sewer."

(89) Bypass. The intentional diversion of wastewater streams from any portion of an industrial user's pretreatment facility.

(910) C. Celsius degrees.

(11) Categorical Industrial User (CIU). A user subject to categorical pretreatment standards under Rule 62-625 F.A.C.

(4012) Categorical pretreatment standard or categorical standard or national categorical pretreatment standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with the act which apply to existing or new industrial users in specific subcategories and which appear in F.A.C. ch. 62-625, as existing or as may be amended from time to time.

(4113) City. The City of Fort Lauderdale.

(4214) COD (denoting chemical oxygen demand). A measure of the oxygen required to oxidize organic matter and oxidizable compounds in water, expressed in milligrams per liter (mg/l).

(4315) Combined wastestream formula (CWF). A procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream from an industrial user is combined with other allowable wastestreams prior to treatment or discharge as provided for in F.A.C. ch. 62-625, as existing or as may be amended from time to time.

(4416) Completion date. The date of completion of a new sanitary sewer collection system as certified by the city engineer.

(4517) Connection fee. The connection fee is a one-time, mandatory lump sum charge that represents a portion of the cost of the development of the sanitary sewer collection system attributable to a property and is required to be paid in order to connect to newly constructed

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sanitary sewer facilities constructed as part of WaterWorks 2011.

(4618) *Control manhole.* A structure that is accessible for the purpose of maintaining a building sewer. A control manhole may be used as an inspection chamber.

(4719) *Cooling water.* The water discharge from any system of condensation, air conditioning, cooling, refrigeration, or other sources. It shall contain no polluting substances which would produce BOD or suspended solids each in excess of ten (10) milligrams per liter by weight, or toxic substances as limited in this chapter or other polluting substances which may be limited in this chapter. No cooling water is permitted to be discharge to sanitary sewer without a variance. [LT1]

(4820) *Customer or consumer.* An individual, corporation, partnership, firm or association furnished sewage disposal service by the city.

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

(22) Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar 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.

(4923) *Developer.* Any individual, corporation, partnership, firm or association developing a property or properties for resale, rental or lease, at or to which sewage disposal service is to be rendered by the city, and who shall have the legal right to negotiate for such service. Where applicable, the word means any individual, corporation, partnership, firm or association applying for the extension of sewers or force mains in order to serve a certain property.

(2024) *Director.* The person designated by the city to head the department responsible for the operation of the wastewater treatment facilities or his or her duly authorized representative.

(2425) *Discharge.* The introduction of pollutants into a WWF from any ~~non~~domestic source.

(2226) *Discharge of pollutant.* Any release of effluent which causes an impairment of water quality to a degree that has an adverse effect on the beneficial use of the water, or is in violation of federal, state or local regulations.

(2327) *Domestic user.* All users of sewage treatment facilities not classified as industrial users.

(2428) *Effluent.* Sewage, water or other allowed liquid, discharging from any treatment device or facilities.

(2529) *Environmental Protection Agency or EPA.* The United States Environmental Protection Agency or, where appropriate, the regional water management division director, or other duly authorized official of said agency.

(2630) *Equivalent residential connection (ERC).* The factor used to calculate the connection fee to be charged to all properties.

(2731) *Existing source.* ~~Any source of discharge, the construction or operation of which~~

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~~commenced prior to the publication by EPA of proposed categorical pretreatment standards. Any source of discharge that is not a new source.~~

(2832) *Force main.* A pressure sewer pipe line for the transmission of sewage. Such pipe cannot receive sewage, except under pressure by pumping.

(2933) *Garbage.* Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food including, but not limited to, the handling, storage, and sale of produce.

(34) *Grab Sample.* An individual, discrete sample collected at a specific time. A grab sample includes all sub samples or aliquots, sample fractions, and all applicable field quality control samples collected at the same locations within a time not exceeding 15 minutes.

(3035) *Ground garbage.* Solid wastes from the preparation, cooking and dispensing of food that has been shredded or comminuted to such a degree that all particles will be carried freely in suspension in public sewers, with no particle greater than one-half inch ($\frac{1}{2}$ ") in any dimension.

(36) *Indirect Discharge or Discharge.* The introduction of pollutants into the WWF from any nondomestic source.

(3137) *Industrial cost recovery.* Recovery by the grantee of the grant amount allocable to the treatment and/or transmission of wastes from industrial users of a treatment works.

(3238) *Industrial user or User.* Any nondomestic user of the WWF identified in the Standard Industrial Classification Manual of the U.S. Office of Management and Budget, as existing or as may be amended and supplemented from time to time.

(3339) *Industrial waste.* Any liquid, solid or gaseous substance or form of energy or combination thereof resulting from any process of industrial, commercial, governmental and institutional concerns, manufacturing, business, trade, or research, including the development, recovery, or processing of natural resources, or from sources identified in the Standard Industrial Classification Manual of the United States Office of Management and Budget, as existing or as amended (excluding well cooling water).

(3440) *Influent.* Sewage, raw or partly treated, flowing into any sewage treatment device pumping station or related facilities.

(3541) *Inspection chamber.* An accessible structure through which sewage from a building sewer flows and from which samples of such sewage may be collected for the purpose of being tested.

(3642) *Instantaneous maximum allowable discharge 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.

(3743) *Interceptor.* A large size gravity flow sewer or force main for the transmission of sewage which has been designed to receive sewage from one (1) or more collecting sewers or pumping stations.

(3844) *Interference.* A discharge which, alone or in conjunction with a discharge or discharges

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from other sources, both:

- a. Inhibits or disrupts the WWF, its treatment processes or operations or its domestic wastewater residuals processes, use or disposal; and
- b. Is a cause of a violation of any requirement of the WWF permit (including an increase in the magnitude or duration of a violation) or prevents use or disposal of domestic wastewater residuals in compliance with local regulations or rules of the FDEP and Chapter 403, F.S.

~~A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WWF, its treatment processes or operations or its sludge processes, use or disposal; and is a cause of violation of any requirement of the WWF'S permit (including an increase in the magnitude or duration of a violation) or prevents use or disposal of domestic wastewater residuals in compliance with local regulations or rules or those of federal or state regulations and requirements.~~

(3945) *Laboratory determination.* The measurements, tests, and analyses of the characteristics of waters and wastes in accordance with the provisions of 40 CFR 136 — Guidelines Establishing Test Procedures for the Analysis of Pollutants, as existing or as may be amended from time to time.

(46) *Local Limit.* Specific discharge limits developed and enforced by the Director upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in section 28-204 of Article V.

(4047) *Main sewer line.* The major gravity sewer line to which one (1) or more lateral sewers may be tributary.

(4148) *Medical waste.* Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding or other materials, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

(4249) *Meter measurement.* The act of or result of determining the quantity of water supplied or being discharged by a user and determined by an instrument or device used for such measurements and approved by the director.

(4950) —*Method Detection Limit.* An estimate of the minimum amount of a substance that an analyte process can reliably detect. An MDL is analyte- and matrix-specific and is laboratory dependent.

(51) *Monthly Average.* The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(52) *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.

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Monthly Average

Monthly Average Limit

(4353) *New source.*

a. 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 the act and F.A.C. ch. 62-625, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that:

a1. The building, structure, facility or installation is constructed at a site at which no other source is located.

b2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.

c3. The production of 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 engaged in the same general type of activity as the existing source should be considered.

b. 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 2b or 3c above but otherwise alters, replaces, or adds to existing process or production equipment.

c. Construction of a new source, as defined in this article, has commenced if the owner or operator has 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 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 section.

(4454) *Noncontact cooling water.* Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(4555) *Nonpolar oil and grease.* Oil and grease which originates from petroleum products including light hydrocarbons and heavy hydrocarbons such as, but not limited to, jet fuels, crude oils, diesel fuel, asphalt, lubricants and cutting fluids.

(56) —Non-significant Categorical Industrial User (NSCIU). A user that discharges 100 gallons per day (gpd) or less of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and;

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a. Has consistently complied with all applicable categorical pretreatment standards and requirements;

b. Annually submits the certification statement required in Section 28-232(b)(2), together with any additional information necessary to support the certification statement; and

c. Never discharges any untreated categorical process wastewater.

(4657) *Operation and maintenance.* The process and act of keeping all facilities for collecting, pumping, treating and disposing of sewage in normal operation and in a good state of repair, including the replacement of such facilities when necessary.

(4758) *Pass through.* A discharge that exits the WWF 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 WWF's permit, (including an increase in the magnitude or duration of a violation).

(4859) *Permit.* An industrial waste discharge permit, including a no discharge permit issued to an industrial user by the city.

(4960) *Person.* Any individual, partnership, co-partnership, firm, company, corporation, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns.

(5061) *pH.* A measure of the acidity or alkalinity of a solution, expressed in standard units.

(5462) *Plumbing.* All pipes, fittings, and appurtenances on the property owner's side of the property line or outside easement areas. This includes the property owner's extension from the sewer lateral up to and including the house plumbing.

(5263) *Point source.* Any discernible, confined and discrete conveyance including but not limited to a pipe, ditch, channel, tunnel, conduit, well, discrete fissure container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged.

(5364) *Polar oil and grease.* Oil and grease which originates from animals or vegetables and may include waxes, fatty acids, fats, oil and soaps.

(5465) *Pollutant.* Any waste that exceeds the limits for acceptable discharge to the WWF including but not limited to the following wastes: dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, dirt and industrial, municipal or agricultural waste or substance discharged into water.

(5566) *Pollution.* Any man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

(5667) *ppm.* Part per million by weight, or milligrams per liter.

(5768) *Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the WWF. The reduction or alteration can be obtained

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by physical, chemical, or biological processes, by process changes or by other means, except by diluting the concentration of the pollutants, as prohibited by F.A.C. ch. 62-625.

(5869) *Pretreatment facilities.* Structures, devices or equipment for the purpose of removing deleterious wastes from sewage generated from a premises prior to its discharge into a public sewer.

(5970) *Pretreatment requirements.* Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

(6071) *Pretreatment standard or standards.* Any regulation containing pollutant discharge limits to a WWF promulgated by the state, which applies to industrial users. This term includes prohibited discharge limits established in F.A.C. ch. 62-625.

(6472) *Prohibited discharge standards or prohibited discharges.* Absolute prohibitions against the discharge of certain substances, as set forth in section 28-204 of this chapter.

(6273) *Process wastewater.* Any water which, during manufacturing or processing comes into direct contact with or results from the production of or use of any raw material, intermediate product, byproduct, or waste product.

(6374) *Property owner.* The record title holder of a premises served or to be served with a sewer connection by the city.

(6475) *Public sewer.* A sewer which is owned or controlled by the city, or both.

(76) *Responsible Corporate Officer. Means:*

a. A president, secretary, treasurer, or 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.

b. A manager, provided the manager:

1. is authorized to make management decisions governing the operation of the regulated facility including having duty of making major capital investment recommendations;

2. is authorized to initiate comprehensive measures to assure compliance with laws;

3. can ensure that necessary systems are established or actions taken to gather complete and accurate information of control mechanism requirements; and

4. has been assigned or delegated the authority to sign documents in accordance with corporate procedures.

(6577) *Sample.* A representative part of a larger whole which can be presented as evidence of quality. Samples are recognized depending on the collection method as follows:

a. *Grab sample.* An individual sample collected from a wastestream in less than 15 minutes without regard for flow or time.

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b. *Time proportional composite sample.* A sample consisting of a minimum of eight equal volume, discrete sample aliquots collected at equal time intervals over the compositing period and combined to form a representative sample.

c. *Flow proportional composite sample.* A sample consisting of a minimum of eight discrete sample aliquots collected proportional to the flow rate of the liquid being sampled over the compositing period and combined to form a representative sample. Two methods may be used to collect this type of sample. One method collects equal volume aliquots at time intervals which vary based on the stream flow. The other method collects aliquots of varying volume, based on stream flow, at constant time intervals.

(6678) *Sanitary sewer.* A sewer which carries sewage (wastewater) and to which storm, surface, and ground waters are not intentionally admitted.

(6779) *Sanitary sewer collection system.* The system of sanitary sewers, laterals and manholes intended for the provision of sanitary sewer service to a single area defined by specific geographic boundaries.

(6880) *Septic tank waste.* Any sewage contained in holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(6981) *Service lateral.* A sewer connection extending from the collecting sewer in the street to a customer's property line or from the collecting sewer in an easement to the easement line, and the term is often referred to as a "house connection".

(7082) *Severe Property Damage.* Substantial physical damage to property, damage to a user's 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.

(7083) *Sewage.* A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such infiltration as may be present, and is often referred to as "wastewater."

(7184) *Sewage flow meter.* A device that measures and records the flow of sewage (wastewater). It may, also, measure the rate of flow.

(7285) *Sewer (also known as collection sewer).* The gravity flow sloping pipe facility installed in public streets, rights-of-way, and easements for the collection of sewage.

(7386) *Sewer system of the city.* The sanitary sewer collection system within the corporate limits of the city.

(7487) *Sewerage system.* All facilities for collecting, pumping, transmission, treatment, and disposal of sewage.

(7588) *Significant industrial user (SIU).* Means, except as provided in paragraphs c and d below, the following:

a. CIUs; and

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b. Any other user that discharges an average of 25,000 gpd or more of process wastewater to the WWF (excluding sanitary, noncontact cooling and boiler blowdown wastewater^(b2)); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the WWF; or is designated as such by the Director on the basis that the user has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement in accordance with paragraph 62-625 F.A.C.

c. The Director may determine that a user subject to categorical pretreatment standards is a NSCIU in accordance with section 28-26(a).

d. Upon finding that a user meeting criteria in paragraph b above has no reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement, the Director may at any time, on its own initiative or in response to a petition received from a user, and in accordance with paragraph 62-625.500(2)(e), F.A.C., determine that such user is not an SIU.

~~(769) — Significant noncompliance or SNC. A SIU may be in SNC when any one or more of the following criteria are met:~~

~~a. — Chronic violations of wastewater discharge limits when sixty-six percent (66%) or more of the measurements taken during a six (6) month period exceed (by any magnitude) the maximum limit or average limit (if applicable) for the same pollutant parameter; or~~

~~b. — Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, total oil and grease and 1.2 for all other pollutants except pH); or~~

~~c. — When the SIU fails to respond within the specified time stated on the notice of violation issued by the director; or~~

~~d. — When the SIU fails to accurately report noncompliance; or~~

~~e. — When the SIU reports false "information"; or~~

~~f. — When the SIU intentionally or negligently violates a permit condition or requirement; or~~

~~g. — When the SIU refuses to permit entry to the director for inspection; or~~

~~h. — When any violation occurs that the director reasonably believes has caused, alone or in combination with other discharges, interference or pass through; or endangered the health of the WWF employees or the general public; or~~

~~i. — When any discharge occurs which causes imminent endangerment to human health, welfare, safety or to the environment or results in the WWF use of its emergency authority to halt or prevent such a discharge; or~~

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~~j. When violations of IDP or other required compliance schedules occur such as, but not limited to, failure to start or complete construction, or failure to attain final compliance by the compliance schedule date; or~~

~~k. When periodic compliance reports, baseline monitoring reports or other required reports are not received by the director within thirty (30) days after the due date; or~~

~~l. When any violation or group of violations occurs which, in the judgment of the director, may reasonably be expected to have a significant adverse impact on the operation or implementation of the pretreatment program, the wastewater treatment system, the quality of sludge, the system's reclaimed water quality or air emissions generated by the system, or has the potential to endanger the WWF employees.~~

(7789) *Sludge*. Accumulated solids, residues, and precipitates generated as a result of waste treatment or processing, including wastewater treatment, water supply treatment, or operation of an air pollution control facility, and mixed liquids and solids pumped from septic tanks, grease traps, privies, or similar waste disposal appurtenances.

(7890) *Slug load or slug Discharge*. Any discharge of nonroutine, episodic nature, which has a reasonable potential to cause interference or pass through or in any other way violate the WWF's regulations, local limits or permit conditions.

(7991) *Standard industrial classification code (SIC)*. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

(8092) *Storm water*. Any flow occurring during or following rainfall resulting from such precipitation.

(93) *Technical Review Criteria violations*. Violations defined as those which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable technical review criteria. The technical review criteria 1.4 for BOD, TSS, total oil and grease, and 1.2 for all other pollutants except pH.

(84943) *Testing*. The analysis of samples of sewage.

(82954) *Total suspended solids*. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

(83965) *Total toxic organics (TTO)*. The summation of all quantifiable values, greater than 0.01 mg/l, of toxic organic substances identified by the EPA for electroplating point source categories listed in 40 CFR 413.02(i) and for metal finishing subcategories listed in 40 CFR 433.11(e).

(84976) *Toxic substance*. Any substance, whether gaseous, liquid, or solid, which when discharged to the sewer system in sufficient quantities may tend to interfere with any sewage treatment process or to constitute a hazard to human beings or animals or inhibit aquatic life or create a hazard to recreation in the receiving waters of the effluent from the sewage treatment plant.

(85987) *Unpolluted water*. Water discharged in its original state or water discharged which, after use for any purpose, is at least equal chemically, physically, and biologically to the water from its

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original source, i.e., potable water, groundwater, river and canal water.

(86998) *Upset*. An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user.

(8799100) *User or industrial user*. Any person who directly or indirectly discharges, causes or permits the discharge of wastewater into the WWF.

(881010) *User charge*. Charges assigned to each user which defray a proportionate share of the cost of operation and maintenance of the sewerage system and is often referred to as "sewage disposal service charge."

(89991024) *Wastewater*. Liquid and water-carried wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the WWF.

(901032) *Wastewater rate (also known as sewer charge or user charge)*. The charge established for the collection, treatment and disposal of sewage (wastewater) based upon volume discharged into a sewer and a fixed charge based on meter size and customer costs.

(911043) *Wastewater treatment facilities facility or WWF*. Any facility which can be reasonably be expected to be a source of water pollution and include Any or all of the following: the collection/ transmission system, the treatment plant, and the reuse or disposal system, and the residuals management facility.

(921054) *Wastewater treatment plant or treatment plant*. That portion of the WWF which is designed to provide treatment of municipal sewage and industrial waste.

(931065) *WaterWorks 2011*. A ten (10) year program approved by the commission on December 10, 2002 for the implementation of water and wastewater capital improvements.

(b) *Abbreviations*. The following abbreviations, when used in this chapter, shall have the following designated meanings:

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|--------|---|
| BOD | Biochemical oxygen demand |
| BMP | Best management practice |
| BMR | Baseline monitoring report |
| CFR | Code of Federal Regulations |
| CIU | Categorical industrial user |
| COD | Chemical oxygen demand |
| EPA | United States Environmental Protection Agency (federal) |
| ERC | Equivalent Residential Connection |
| F.A.C. | Florida Administrative Code |
| FDEP | Florida Department of Environmental Protection |
| F.S. | Florida Statutes |
| GPD | gallons per day |
| IWDP | Industrial waste discharge permit |
| IU | Industrial user |

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|-------|---|
| MDL | Method Detection Limit |
| MG/L | milligrams per liter |
| NPDES | National pollutant discharge elimination system |
| NSCIU | Non-Significant categorical industrial user |
| O & M | Operation and maintenance |
| RCRA | Resource Conservation and Recovery Act |
| SIC | Standard industrial classification |
| SIU | Significant industrial user |
| SNC | Significant noncompliance |
| TRC | Technical Review Criteria |
| TSS | Total suspended solids |
| TTO | Total toxic organics |
| USC | United States Code |
| WWF | City of Fort Lauderdale wastewater treatment facilities |

(Code 1953, § 37-1; Ord. No. C-77-91, § 1, 7-19-77; Ord. No. C-83-65, § 1, 5-17-83; Ord. No. C-98-61, § 1, 10-20-98; Ord. No. C-02-39, § 1, 12-17-02; Ord. No. C-08-26, § 1, 6-17-08)

Sec. 28-27. - Penalty for nonconformance.

(a) This subsection applies to residential and commercial service connections transporting only sanitary sewage. Any owner, architect, engineer, plumber, sewer contractor, foreman or employee who shall violate or assist in violating any provision of this article or who shall fail, neglect or refuse to comply with any and all provisions of this article shall, upon conviction thereof, be punished by a fine not to exceed ~~two hundred fiftyone thousand dollars (\$1,000,250.00)~~ ^(\$1,000) by imprisonment not to exceed thirty (30) days, in the discretion of the judge of the county court.

(b) This subsection applies to service connections from an establishment producing industrial wastes. Any corporation, customer, consumer, developer or industrial user who shall violate or assist in violating any provision of this article or who shall fail, neglect or refuse to comply with any and all provisions of this article shall, upon conviction, cease and desist discharging industrial waste to the city sewerage system until all provisions of this article are met, shall be liable for any damage to the city's sewerage system as a result of the industrial waste discharge produced by the establishment, and/or shall be imprisoned not to exceed sixty (60) days, in the discretion of the judge of the county court.

(c) This subsection applies to service connections from an establishment producing industrial wastes. Any architect, engineer, plumber, sewer contractor, foreman or employee who shall violate or assist in violating any provision of this article or who shall fail, neglect or refuse to comply with any and all provisions of this article shall, upon conviction thereof, be punished by a fine not to exceed ~~two thousand five hundredten thousand dollars (\$10,0002,500.00)~~ ^(\$10,000) by imprisonment not to exceed sixty (60) days, in the discretion of the judge of the county court.

(Code 1953, § 37-21; Ord. No. C-77-91, § 1, 7-19-77)

Sec. 28-28. - Control and supervision of wastewater division.

The wastewater division collecting, treating and disposing wastewater in the city and the city's wastewater region shall be under the control and supervision of the director. The director reports

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directly to the city manager.

(Code 1953, § 37-2; Ord. No. C-77-91, § 1, 7-19-77)

Sec. 28-29. - Regional advisory board for the central wastewater region.

(a) There is hereby established a regional advisory board (the board) for the central wastewater region, which region consists of several geographical areas centrally located within the county which are serviced by the George T. Lohmeyer Regional Wastewater Treatment Plant. Such areas lie within the boundaries of this city, the City of Oakland Park, the City of Wilton Manors, a portion of the City of Tamarac, a portion of the City of Davie, and the Port Everglades Authority. Each of those governmental entities are considered as large users of the treatment plant identified in this subsection. The board shall serve in an advisory capacity to the city commission and the central wastewater region and shall make recommendations to each regarding rates and modifications to wastewater facilities. The board shall also perform other duties and functions as may be assigned to it by provisions which appear in large user wastewater agreements executed between the city and other governmental agencies in the central wastewater region, including the agencies identified in this subsection.

(b) The board shall be composed of representatives from each large user agency which receives wastewater transmission, treatment and disposal services from the city. There shall be one (1) voting representative appointed by each large user agency which is projected by the city to generate an average wastewater flow of one (1) to five (5) million gallons daily (MGD). Each such large user agency shall also be entitled to appoint one (1) additional voting representative for each five-million-gallon-daily increment projected by the city to be generated by the agency in excess of the basic five (5) MGD described above. Each large user agency which is projected by the city to generate an average wastewater flow of less than one (1) MGD shall be entitled to appoint one (1) ex officio nonvoting representative to serve on the board.

(c) The city's representatives on the board shall consist of:

- (1) The director or his designee.
- (2) A member of the city commission.
- (3) A member of the city attorney's office.
- (4) A member of the distribution and collection division
- (~~5~~) A member of the engineering department treatment division.
- (~~6~~) A member of the finance department.

(d) The director or his designee shall be the chairman of the board. The board shall meet quarterly on dates to be fixed by the director. All meetings of the board shall be open to the public. Minutes shall be taken at each meeting and shall be made available to the public by the city clerk's office. A board quorum shall consist of a majority of the number of representatives entitled to vote. All actions of the board shall be taken by an affirmative majority vote.

(e) The board shall recommend to the city commission the rates and other costs or fees to be charged to customers within the central wastewater region for each fiscal year. Any other matter related to the operations and functions of the central wastewater region may be agendaed for discussion at a

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board meeting by any representative.

(Code 1953, § 37-51.1; Ord. No. C-86-115, § 1, 12-5-86)

Cross reference— Boards and commissions generally, § 2-216 et seq.

Sec. 28-30. - Provisions made part of contract for services.

This article is hereby made a part of the contract between the wastewater division of the city's utilities department and every water consumer of or applicant for wastewater collection from such department.

(Code 1953, § 37-3; Ord. No. C-77-91, § 1, 7-19-77)

Sec. 28-31. - Sanitary method of disposal of wastewater required.

Every residence and building in which human beings reside or are employed or congregated shall be required to have a sanitary method of disposing of human wastewater, namely a sanitary water closet that is connected with the city sewer or an approved- type septic tank. Any person who shall violate any of the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than ~~one hundred~~two hundred fifty dollars (~~\$250~~400.00) ^(b7) nor more than ~~two five~~ hundred dollars (~~\$200~~500.00) for each such offense.

(Code 1953, §§ 37-4, 37-8; Ord. No. C-77-91, § 1, 7-19-77)

Sec. 28-32. - Septic tanks.

(a) No septic tank for sewage shall be constructed in any part of the city where a city sanitary sewer is accessible or available, nor shall it be lawful to continue use of a septic tank on any lot, piece or parcel of ground abutting on or contiguous to any city sanitary sewer for a period longer than ninety (90) days after sewers have been installed and placed into use.

(b) Where a city sanitary sewer is not accessible or available, it shall be unlawful to construct a septic tank within the corporate limits of the city without first securing a permit from the city building department. A plot plan of the property with shape, size and description of the septic tank and drain field shall be submitted at the time of the application for such permit. Such plan shall be approved by the county health department.

(c) Any person who shall violate any of the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than ~~one hundred~~two hundred fifty dollars (~~\$250~~400.00) nor more than ~~two five~~ hundred dollars (~~\$200~~500.00) ^(b8) for each such offense.

(Code 1953, §§ 37-5, 37-8; Ord. No. C-77-91, § 1, 7-19-77)

Sec. 28-33. - Connection to sanitary sewer required.

(a) Except as provided herein, every owner of a lot or parcel of property in the city which abuts upon any street or public way containing a sewer line, upon which lot or parcel of property a building shall have been constructed for residential, commercial or industrial use, must cause such building to be connected with the sanitary sewer system within ninety (90) days from the completion date as certified by the city engineer.

(b) (1) Every owner of a lot or parcel of property in the area described below upon which lot or

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parcel of property a building shall have been constructed for residential, commercial or industrial use, must cause such building to be connected with the sanitary sewer system within sixty (60) days of the date that any one of the following events occur:

- (i) Transfer of fee simple ownership or lease of greater than fifty (50) years of the property on which a building is located which transfer or lease occurs after the completion date as defined in subsection (2);
 - (ii) A determination is made by the state department of health or any public authority with jurisdiction over waste disposal that hook up to the sanitary sewer system is required.
 - (iii) Any new construction which creates or increases floor area that is enclosed by building materials, screening or like materials and such area is usable for purposes other than a sole storage use. As an example, new construction which triggers the requirement for sewer connection shall include, but not be limited to, a screened-in porch or enclosed garage. It shall not include a carport or storage shed used solely for storage.
 - (iv) Alteration or new construction of a building which results in the enclosure of existing floor area, and such area is usable for purposes other than a sole storage use.
 - (v) A building is altered or rebuilt by more than twenty-five (25) percent of the total area of the building or twenty-five (25) percent of the building's replacement value.
 - (vi) A permit is required to be obtained in order to repair, relocate or replace part or all of an existing waste disposal system.
 - (vii) Nineteen (19) years and two hundred seventy-five (275) days after the assessment date, as defined in subsection (2), of the sanitary sewer system has passed.
- (2) For purposes of this subsection (b), the "assessment date" as such term is used herein shall be the date a resolution is adopted by the city commission approving the final assessment roll and the special assessments for the installation of the sanitary sewer system in the Tarpon River Neighborhood. "Completion date" as such term is used herein shall be the date provided in a resolution adopted by the city commission when the installation of the sanitary sewer system in the Tarpon River Neighborhood is complete.
- (3) This subsection (b) of this section shall apply to the property within the Tarpon River Neighborhood, more particularly described as follows:

Parcels of land lying in section 10 of township 50 south, range 42 east described as follows:

Lots 1 through 9 of "Seawanna" according to the plat thereof recorded in plat book 7, page 37 of the public records of Broward County, Florida,

Together with;

Lots 10 through 42, block 35, and lots 37 through 60, block 63 of "Seawanna" according to the plat thereof recorded in plat book 3, page 25 of the public records of Broward County, Florida,

Together with;

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Lot 3, less the east 25 feet thereof, lots 4 and 5, lots 7 through 42 inclusive; together with lots 43 and 44 less the east 125 feet thereof, of "resubdivision of block 36, Fort Lauderdale, Florida" according to the plat thereof recorded in plat book 2, page 11, of the public records of Broward County, Florida;

Together with;

Lot 4 of "Reichenbach's Subdivision" according to the plat thereof recorded in plat book 23, page 3 of the public records of Broward County, Florida,

Together with;

Lots 1 through 8 of block 48, and lots 4 through 12 of block 50, of "Town of Fort Lauderdale" according to the plat thereof recorded in plat book "b", page 40, of the public records of Dade County, Florida,

Together with;

Lots 4 through 48 of "Elva A. Truax subdivision of block 49 of Town of Fort Lauderdale" according to the plat thereof recorded in plat book 3, page 23 of the public records of Dade County, Florida,

Together with;

Lots 1 through 10 of block 1, and lots 1 through 8 of block 2 of "Seawanna Park" according to the plat thereof recorded in plat book 21, page 1 of the public records of Broward County, Florida,

Together with;

Lots 1 through 24, block 1 and lots 1 through 24, block 2 of "Pinewood Place" according to the plat thereof recorded in plat book 7, page 20 of the public records of Broward County, Florida,

Together with;

Lots 1 through 4 and lots 10 through 13 of block 1 and lot 13 of block 2 of "Alden's subdivision of lots 1 & 2 block 62 of the Town of Fort Lauderdale" according to the plat thereof recorded in plat book 2, page 26 of the public records of Broward County, Florida,

Together with;

Lots 12 through 21 of block "b" of "Fort Lauderdale Land & Development Company subdivision of lots 2 & 3, block 61 of the Town of Fort Lauderdale" according to the plat thereof recorded in plat book 1, page 57 of the public records of Dade County, Florida,

Together with;

Lots 27 through 35, block 11, lots 14, 15, 17, 19, 21, 23 and 25, block 10, lots 15, 17, 19, 21, 23, 25 and 27, block 9, lots 17, 19, 21, 23, 25, 27 and 29, block 8, lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 24, 25, 27, 29, 31, 33, 35, 37, 39, 41 and 43, block 13, lots 3, 5, 7, 9, 11, 13, 15, 31, 33, 35, 37, 39, 41, 43 and 45, block 15, lots 1, 3, 5, 7, 9, 11, 13, 15, 17 and 29

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through 37, block 18, lots 5, 7, 9, 11, 13, 15, 17, 19, 21 and 24 through 32, block 19, lots 4 through 8, block 20, lots 1 through 25, block 24 and lots 1 through 12 block 25 of "river section of Croissant Park" according to the plat thereof recorded in plat book 7, page 50 of the public records of Broward County, Florida,

Together with;

Lot 9, of "the resubdivision of a portion of block 20 of river section of Croissant Park" according to the plat thereof recorded in plat book 26, page 18 of the public records of Broward County, Florida, and

Together with;

Lots 1 through 5, block 11, lots 1 through 13 and 27 through 36, block 10, lots 5 through 12 and 28 through 35, block 9, lots 1 through 15 and 30 through 34, block 8, lots 1 through 6 and that portion of lots 7, 47 and 48 lying northeast of the Tarpon River, block 12, lots 1 through 46, block 14, lots 16 through 30, block 15, lots 1, 2 and 3, block 20, lots 1 through 4 and lots 33 through 37, block 19, lots 18 through 28, block 18, "Lauderdale", according to the plat thereof recorded in plat book 2, page 9 of the public records of Dade County, Florida.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida.

(Code 1953, § 37-6; Ord. No. C-77-91, § 1, 7-19-77; Ord. No. C-98-54, § 1, 9-15-98; Ord. No. C-02-39, § 2, 12-17-02)

Sec. 28-34. - Use of other sanitary disposal prohibited after city sewer service available.

All occupants of any building constructed for residential, commercial or industrial use and to which the sanitary sewer facilities of the city are available are prohibited from using any method other than the sanitary sewer system of the city for the disposal of sewage waste or other polluting matter.

(Code 1953, § 37-7; Ord. No. C-77-91, § 1, 7-19-77)

Sec. 28-35. - Correction of unsanitary condition of sanitary sewer facilities.

(a) The city shall, upon evidence of any improper operation or unsanitary condition of sanitary sewer facilities, immediately notify, in writing, the owner or agent of such premises wherein such conditions exist to correct such conditions within fifteen (15) days after receiving notice thereof. Any person failing to correct such unsanitary conditions or improper operations as instructed by the city within the fifteen-day period shall be in violation of this article and subject to prosecution hereunder.

(b) In the event operating or unsanitary conditions create, in the opinion of the city, an emergency condition detrimental to the health, safety and welfare of the people of the city, the city may notify the owner or agent to correct the situation within a shorter period than fifteen (15) days, and such correction shall be made within such shorter period.

(Code 1953, § 37-9; Ord. No. C-77-91, § 1, 7-19-77)

Sec. 28-36. - Special assessment revolving fund.

(a) A special assessment revolving fund for a sanitary sewer is hereby created.

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(b) As the sanitary sewer system is extended within the corporate limits of the city, the total cost of installation of laterals, trunk lines, pumping stations and force mains, as well as the cost of increasing the capacity of any of the existing facilities, with the exception of the sewage treatment plant and outfall sewer, shall be advanced from the special assessment revolving fund created, and all special assessments received from the owners of the property especially benefitted thereby shall be deposited in such fund.

(Code 1953, § 37-10; Ord. No. C-77-91, § 1, 7-19-77)

Sec. 28-37. - Sewer maintenance.

(a) *Extent of city maintenance.* The city shall not be responsible for the repair and maintenance of house sewers from the service connections nor for privately owned pumping stations, force mains and sewers. The city shall be responsible only for the repair and maintenance of all public sewers, pumping stations, and force mains in the city's system and shall make a diligent effort to inspect and keep these facilities in good repair.

(b) *Customer's maintenance.* The customer shall be responsible for the maintenance of the plumbing from the service connection at the house sewer into and including the house plumbing. The customer shall be responsible for keeping the house sewer, in addition to the plumbing, free from obstructions. The city shall have the right to inspect the service connection and plumbing and to discontinue water service to any customer or property owner who fails to maintain the plumbing to the extent that it may or does cause harm to the sewer facilities.

(c) *Liability for clogged house sewer.* In the event of a clogged house sewer, the customer should obtain the services of a plumber. If the customer requests the utilities department services to unclog a house sewer line and it is determined that the stoppage is located between the service connection and house plumbing, then the expense of uncovering the service cleanout and/or cleaning the house sewer line shall be borne by the customer. The utilities department shall not be obliged to clean the house sewer line located on the customer's property. Should it be determined that the stoppage is located between the service connection and the city sanitary collection system, then no charge is made to the customer.

(Code 1953, § 37-56; Ord. No. C-77-91, § 1, 7-19-77)

Secs. 28-38—28-50. - Reserved.

DIVISION 2. - BUILDING SEWERS AND CONNECTIONS

Sec. 28-51. - Permit classifications, application.

Sec. 28-52. - Approval of plans.

Sec. 28-53. - Work to be done by qualified licensee.

Sec. 28-54. - Prerequisites for licensed plumbers performing sewer installations.

Sec. 28-55. - Inspection by city.

Sec. 28-56. - Maintenance by property owner.

Sec. 28-57. - Location of service connection.

Sec. 28-58. - Making connections to sewers.

Sec. 28-59. - Connections to existing house sewers.

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Secs. 28-60—28-75. - Reserved.

Sec. 28-51. - Permit classifications, application.

- (a) There shall be two (2) classes of building sewer permits for outside sanitary sewer service:
- (1) For residential and commercial service producing only sanitary sewage; and
 - (2) For service to establishments producing industrial wastes.
- (b) In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information required by the city. A permit and inspection fee for either class of building sewer permit shall be paid to the city at the time the application is filed.

(Code 1953, § 37-16; Ord. No. C-77-91, § 1, 7-19-77)

Sec. 28-52. - Approval of plans.

- (a) For residential and commercial sanitary sewer service, a stamp of approval will be placed on the plans and specifications therefor when deemed satisfactory and the building sewer permit issued.
- (b) For establishments producing industrial wastes, a discharge permit must be secured from the director of the utilities department. After the discharge permit is obtained, a stamp of approval will be placed on such plans and specifications when deemed satisfactory and the building sewer permit issued.
- (c) No work of any kind or nature shall commence prior to the submission of plans and specifications and the securing of approval and the permit therefor.

(Code 1953, § 37-17; Ord. No. C-77-91, § 1, 7-19-77)

Sec. 28-53. - Work to be done by qualified licensee.

- (a) The work of connecting existing building sewers to new city sanitary sewers in conformance with plans filed in accordance with the terms of this division must be performed by a duly licensed and certified plumber or licensed sewer installer.
- (b) These provisions shall apply to any and all districts or sections of the city at such times as they are provided with city sanitary sewers.

(Code 1953, § 37-18; Ord. No. C-77-91, § 1, 7-19-77)

Sec. 28-54. - Prerequisites for licensed plumbers performing sewer installations.

It shall be required of every licensed plumber in the county who seeks to perform sewer installation to file with the director of the building and zoning department a certificate of competency and insurance certificate.

(Code 1953, § 37-19; Ord. No. C-77-91, § 1, 7-19-77)

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Sec. 28-55. - Inspection by city.

(a) The applicant for a building sewer permit shall notify the building department when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the plumbing inspector.

(b) The connection of the building sewer into the public sewer shall conform to the requirements of the building department or other applicable rules and regulations of the city. All such connections shall be made gastight, watertight, and rootproof. Any deviation from the prescribed procedures and materials must be approved by the building department before installation.

(Code 1953, § 37-20; Ord. No. C-77-91, § 1, 7-19-77)

Sec. 28-56. - Maintenance by property owner.

It is the property owner's responsibility to maintain the sanitary sewer service upon and from his property to the city main sewer in the adjacent public right-of-way; provided, however, that the city shall be responsible for repairing or replacing defective materials or portions of the line from the property line to the main sewer damaged by vehicular traffic driving over such line.

(Code 1953, § 37-22; Ord. No. C-77-91, § 1, 7-19-77)

Sec. 28-57. - Location of service connection.

In addition to the permit required by this division, the applicant shall be provided with engineering drawings, distance and dimension and other instructions for locating the service connection in the sewer nearest to the desired point of connection.

(Code 1953, § 37-23; Ord. No. C-77-91, § 1, 7-19-77; Ord. No. C-89-116, § 1, 11-7-89)

Sec. 28-58. - Making connections to sewers.

(a) House sewers from buildings shall be connected to the public sewers only at such service connections as may be designated in the permit. No person other than designated city employees shall tap, cut into, or break open any main sewer other than the service connection provided therefor.

(b) All connections of the building sewers to public sewers shall be made by using a cast-iron or schedule 40 PVC sweep combination (depending on material construction of lateral) with a four-inch cleanout extended to grade and a threaded metal cleanout plug located within three (3) feet of the property line. The owner shall supply the approved sweep and extended cleanout. There shall be a spigot end at the public sewer entrance which shall be suitable for connection to the hub of either a cast-iron lateral with virgin lead joints, or vitrified clay or PVC sewer pipe lateral with factory-fabricated joints. All cleanouts in paved areas to be protected by approved cleanout "sewer box." At the building sewer end, the tee shall be a hub type with dimension and contour suitable for connection to a cast-iron lateral or a vitrified clay pipe lateral with factory-fabricated joints.

(c) Should an additional service connection be required and should such requirement necessitate a tap, cut-in or insertion into the main sewer, such tap, cut-in or insertion shall be made only by city employees at a cost of thirty-five hundred dollars (\$3,500.00) for a six-inch lateral and thirty-five hundred dollars (\$3,500.00) for an eight-inch lateral. All tapping and service charges shall be paid in full before the lateral is installed.

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(d) All wye connections to an existing sewer lateral shall be made by city employees at a cost of nineteen hundred dollars (\$1,900.00)^[b10]. All service charges shall be paid in full before the wye is installed.

(Code 1953, § 37-24; Ord. No. C-77-91, § 1, 7-19-77; Ord. No. C-85-87, § 1, 9-17-85; Ord. No. C-89-116, § 1, 11-7-89; Ord. No. C-05-19, § 1, 9-7-05)

Sec. 28-59. - Connections to existing house sewers.

Where connections are to be made to existing house sewers, such house sewers shall be carefully examined by the city. If found in good condition and free from infiltration, it may be connected to the main sewer from the house. If, however, in the judgment of the city, the existing house sewer is not in good condition or free from infiltration, it shall be relaid and approved before connection is made.

(Code 1953, § 37-25; Ord. No. C-77-91, § 1, 7-19-77)

Secs. 28-60—28-75. - Reserved.

DIVISION 3. - RATES AND CHARGES ^[94]

⁽⁹⁴⁾ **Cross reference**— Fee for furnishing information about unpaid utility bill, § 2-150.

⁽⁹⁴⁾ **State Law reference**— User fees authorized, F.S. § 166.201.

Sec. 28-76. - Wastewater user rates.

Sec. 28-77. - User agreements.

Sec. 28-78. - Industrial user charges.

Sec. 28-79. - Exemptions from wastewater commodity charges.

Sec. 28-80. - When bills due and payable.

Secs. 28-81—28-135. - Reserved.

Sec. 28-76. - Wastewater user rates.

(a) There is hereby established and levied a schedule or system of wastewater user rates and charges for wastewater disposal service against each and every person owning or using any buildings in the city or outside the city, inhabited or used by human beings as a place of residence, business or otherwise, that shall be connected with or available for connection with any line of the sanitary sewerage system.

(b) The following schedule of rates and charges shall be imposed for consumers located within the corporate limits that are supplied water by the city and are either receiving wastewater disposal service or have it available for connection from their property to the city sanitary sewer system.

(1) A fixed monthly charge per water meter supplied by a connection service to a single-family

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residence, multifamily residential dwelling unit, cooperative or condominium apartment, commercial, industrial, institutional, or similar unit, building or complex and each separate municipal or other governmental agency or special type unit, shall be as follows:

Meter Sizes

(inches)

| | |
|--|---|
| | Wastewater Fixed Monthly Charges |
| | 28-76(b)(1) |

Effective

8/1/2009

Effective 8/1/2010

| | | |
|-------|------------|------------|
| | | |
| 5/8? | \$6.92 | \$7.27 |
| 3/4 | \$9.86 | \$10.35 |
| 1 | \$15.75 | \$16.54 |
| 1 1/2 | \$30.45 | \$31.97 |
| 2 | \$48.10 | \$50.51 |
| 3 | \$89.28 | \$93.74 |
| 4 | \$148.11 | \$155.52 |
| 6 | \$295.17 | \$309.93 |
| 8 | \$471.65 | \$495.23 |
| 10 | \$677.54 | \$711.42 |
| 12 | \$1,265.80 | \$1,329.09 |
| 16 | \$2,059.96 | \$2,162.96 |

(2) Single-family residences, and multifamily residential dwelling units that have separately metered units, shall be charged a wastewater commodity charge for each one thousand (1,000) gallons or fraction thereof of water consumed up to a total of and including twenty thousand (20,000) gallons per month, per unit as follows:

Wastewater Commodity Charges

28-76(b)(2)

| |
|--|
| |
|--|

Block Ranges

Water (per unit)

Wastewater Monthly Usage Charges

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[]

(1,000 gallons per month

× number of
 dwelling units)

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| | | | |
|---------|--------------|--------|--------|
| [] | | | |
| Block 1 | 0—3,000 | \$2.55 | \$2.68 |
| Block 2 | 4,000—20,000 | \$5.65 | \$5.93 |

Blo >2
 ck 0,0
 3 00
 N/A

N/A

[]

Single-family residences will not be charged a commodity charge for usage in excess of twenty thousand (20,000) gallons per month.

(3) Multifamily residential dwelling units that do not have separately metered units, shall be charged a wastewater commodity charge for each one thousand (1,000) gallons or fraction thereof of water consumed up to and including a total of eight thousand (8,000) gallons consumed per month, per unit as follows:

Wastewater Commodity Charges

28-76(b)(3)

[]

Block Ranges

Water (per unit)

Wastewater Monthly Usage Charges

[]

(1,000 gallons per month

× number of dwelling units)

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Effective 8/1/2010

| | | | |
|---------|-------------|--------|--------|
| Block 1 | 0—1,000 | \$2.55 | \$2.68 |
| Block 2 | 2,000—8,000 | \$5.65 | \$5.93 |

Block >8,
 class 00
 3 0
 N/A

N/A

Multifamily residences will not be charged a commodity charge for usage in excess of eight thousand (8,000) gallons per month per unit.

(4) The commodity charge for all other consumers for each one thousand (1,000) gallons or fraction thereof of water consumed shall be as follows:

Wastewater Commodity Charges

28-76(b)(4)

Effective 8/1/2009

Effective 8/1/2010

| | | |
|-----------|--------|--------|
| All Usage | \$4.54 | \$4.77 |
|-----------|--------|--------|

(5) Except as provided herein, for properties required to connect to new sanitary sewer collection facilities constructed under WaterWorks 2011, in addition to the other rates and charges provided herein, the following schedule or rates and charges shall be imposed:

a. Every owner of property required to connect to the sanitary sewer system subsequent to completion of construction of sewer facilities under Waterworks 2011 shall pay a connection fee of one thousand dollars (\$1,000.00) per ERC as determined for the present use of the property.

b. The connection fee for residential properties is based upon theoretical flow projections. A standard single-family detached home is expected to contribute flows to the system based upon an estimated maximum daily water usage of three hundred (300) gallons per day (GPD), and shall be charged one (1) ERC with an associated connection fee of one thousand dollars (\$1,000.00). A two-family dwelling, duplex or triplex shall be charged one (1) ERC per dwelling unit, with associated connection fees of two thousand dollars (\$2,000.00) and three thousand dollars (\$3,000.00) respectively. The connection fee for multi-family residential

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properties with more than three (3) dwelling units will be on 0.805 per ERC per dwelling unit, with associated connection fees computed as follows - (0.805 per Dwelling Unit) × (Number of Dwelling Units) × (\$1,000.00).

c. The connection fee for nonresidential properties shall be based upon each customers' actual water usage for the preceding thirty-six (36) months where available, and if it is determined that it is a reasonable basis of estimating current water use. The associated connection fee for a nonresidential property with available water use records will be based upon the highest three (3) individual months consumption out of the preceding thirty-six (36) consecutive months computed as follows — (average daily consumption of the highest three (3) individual months for the property in GPD) ÷ (300) × (\$1,000.00).

d. The connection fee for nonresidential properties where records of past water usage are not available or are not a reasonable basis for estimating current water use shall be based on flow projections and in accordance with the provisions contained in the "Guidelines for the Calculation of Sanitary Sewer Connection Fees" as amended from time to time. The associated connection fee for a nonresidential property without adequate water use records will utilize the promulgated ERC factor times (\$1,000.00/ERC).

e. The basis of these determinations are contained in the "Guidelines for the Calculation of Sanitary Sewer Connection Fees" developed by the department of public services and adopted by resolution of the city commission.

f. A property owner who is also the occupant ("owner-occupant") of a residential single family, duplex, triplex or other residential property, as defined by Chapter 47 of the Code of Ordinances, has the option to pay the connection fee under this subsection (6) prior to expiration of the time required for connection as provided in section 28-33 or may finance the connection fee, over a period of five (5) years at an annual interest rate of six (6) percent compounded monthly. An owner-occupant of a residential property that is more than one (1) dwelling unit may only finance a pro-rata share of the connection fee representative of the number of dwelling units occupied by the owner. A property owner electing to finance the connection fee or portion thereof will repay the fee as part of the regular utility bill and will be subject to collection actions authorized by Code or Florida Statute. Those property owners' homes will be subject to a "voluntary lien," which must be paid in full prior to transfer or sale of property to another owner. Owner-occupants who elect to finance the connection fee pursuant to this subsection (5), shall be required to execute a promissory note secured by a lien on the property prior to connecting to the system or within ninety (90) days from the completion date, whichever comes first. An owner who does not make payments as provided in the promissory note shall pay a penalty for each month the payment is not made.

g. Every owner of a lot or parcel of property in the Riverland Annexed Area described herein shall be deemed to have paid the equivalent of the connection fee as an equivalent fee has been paid to the city by Broward County pursuant to that interlocal agreement between Broward County and the city and dated December 3, 2002. The legal description of the Riverland Annexed Area is described in Chapter 2001-322, Laws of Florida; said annexation taking effect on September 15, 2003. All other fees shall be paid in accordance with City Code.

h. Every owner of a lot or parcel of property in the Twin Lakes North Annexed Area described herein shall be deemed to have paid the equivalent of the Connection Fee as an

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equivalent fee has been paid to the city by Broward County pursuant to that Interlocal Agreement between Broward County and the City in effect on September 14, 2005. The legal description of the Twin Lakes North Annexed Area is described in Chapter 2004-442, Laws of Florida. All other fees shall be paid in accordance with City Code.

i. In addition to the connection fee, a ten (10) percent surcharge shall be added to the wastewater user charges imposed under this section 28-76. This surcharge shall continue for a period of twenty (20) years from the date a property is required to connect with the sanitary sewer system as provided in section 28-33(a) and shall continue to be charged to customers of a particular property regardless of the name on the customers account.

j. The city manager or his or her designee shall have the authority at any time, upon his or her initiative or in response to a properly filed petition from the property owner, to change the ERC for a property based on the presentation of competent and substantial evidence, and/or correct any error in applying or calculating the ERC for a particular lot or parcel of property. Any such correction shall be considered valid ab initio and shall in no way affect the enforcement of the connection fees imposed under this subsection (5). All requests from affected property owners for any such changes shall be referred to, and processed by the city manager or designee.

k. The connection fees collected by the city as provided in this subsection (5) shall be set apart and separately accounted for and used only for costs associated with the new sanitary sewer collection facilities constructed under Waterworks 2011.

(c) Retail consumers receiving water and wastewater service outside the corporate limits as described in paragraph (b)(2) shall be charged at a rate twenty-five (25) percent higher than the rate charged for like service and quantity of water used by consumers within the city limits.

(d) Consumers within the corporate limits who dispose of wastewater through the city's wastewater disposal system and are supplied with water from sources public or private, other than the city water system, shall be charged a commodity charge for each one thousand (1,000) gallons of wastewater discharged or fraction thereof. The commodity charge shall be levied in accordance with section 28-76(b)(4). The customer shall install at his own expense and subject to approval by the city a specially designed and constructed sewage meter for accurately measuring all sewage and wastewater discharged from the premises. A customer may install on the water line from private or public sources, other than the city system, at his own expense and subject to the approval and inspection of the city, a meter to measure the water consumption. The water meter may be used to calculate the commodity charge if the public works director or his designee determines that the water consumption is equivalent to the wastewater discharge. In addition to the commodity charge, the customer shall pay a monthly fixed charge based upon the equivalent water meter size. The equivalent water meter size shall be determined by the public works director or his designee.

(e) Retail customers receiving wastewater service outside the corporate limits as described in subsection (d) above shall be charged at a rate twenty-five (25) percent higher than the rate charged for like service by customers within the city limits.

(f) The city has established limitations on the wastewater strength characteristics discharged into the city's sewerage system which consists of either a five-day BOD concentration of mg/liter or a suspended solids concentration of mg/liter or both. In the event an industrial user exceeds these limits for wastewater as determined by monitoring the utility's effluent at the point of connection, the

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commodity charge(s) shall be multiplied by the following projected factor:

- (1) In the event that only the BOD⁵ limit is exceeded: $[0.7 + 0.00075 X (\text{concentration of BOD in mg/liter})]$
 - (2) In the event that only the SS is exceeded: $[0.7 + 0.00075 X (\text{concentration of SS in mg/liter})]$
 - (3) In the event that both SS and BOD are exceeded: $[0.4 + 0.00075 X (\text{concentration of BOD in mg/liter}) + 0.00075 X (\text{concentration of SS in mg/liter})]$.
- (g) Should water consumption of an unusually and inexplicably large volume be recorded by an accurate meter for a customer whose account shows no prior history of such high water consumption, the city manager or designee may, upon receipt of a sworn affidavit from the customer that the customer knows of no reason for such high consumption and a statement by a licensed plumber that there are no leaks in the customer's plumbing system, reduce the customer's wastewater commodity charge by one-half (½) the amount by which the charge exceeds the billing based upon the customer's average water consumption.
- (h) Should water consumption of an unusually large volume be recorded by an accurate meter, which consumption is the result of a leak in the consumer's water system, and such consumption results in a loss of water which does not enter the sewer system, the city manager or designee may, upon receipt of a sworn affidavit from the customer stating that the water did not enter the sewer system and a sworn affidavit from a licensed plumber that a leak in the customer's water system has been repaired, reduce or credit the customer's wastewater commodity charge by the amount determined by the city to be attributable to the leak.
- (i) When a signed statement by a contractor having a valid business tax receipt or property owner giving the dimensions and gallonage of a pool is filed with the city, reduction of sewerage charges attributable to the filling of the pool is authorized providing more than seventy-five (75) percent of the water is replaced.
- (j) To recover a portion of the costs the city incurs to maintain a readiness to serve properties that at one (1) time had active utility service but are currently inactive, on or after August 1, 2009 a service availability charge for both water and sewer will be billed to the property owner upon discontinuance of service.
- (1) The service availability charges will remain in effect until an active account is re-established to the property. Service availability charges shall be:

Meter Sizes

(inches)

| | Wastewater Service Availability Monthly Charges |
|--|--|
| | 28-76(j)(1) |

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Effective 8/1/2010

| | | |
|------------------|------------|------------|
| | | |
| 5/8 2 | \$6.92 | \$7.27 |
| 3/4 | \$9.86 | \$10.35 |
| 1 | \$15.75 | \$16.54 |
| 1 1/2 | \$30.45 | \$31.97 |
| 2 | \$48.10 | \$50.51 |
| 3 | \$89.28 | \$93.74 |
| 4 | \$148.11 | \$155.52 |
| 6 | \$295.17 | \$309.93 |
| 8 | \$471.65 | \$495.23 |
| 10 | \$677.54 | \$711.42 |
| 12 | \$1,265.80 | \$1,329.09 |
| 16 | \$2,059.96 | \$2,162.96 |

(2) In order for a structure or parts of a structure which have facilities for water and sewer service to be disconnected and excused from payment of water and sewer availability charges, the owner of said structure or parts of a structure shall:

- a. Remove all internal facilities which allow for the use of water and/or sewer service, including but not limited to: all sinks, toilets and spigots.
- b. Request that the water meter(s) involved be removed.
- c. Notify both the city building department and the city public works department that all water and sewer facilities have been removed and that the service availability charge should be terminated as to the subject structure or parts of a structure.
- d. Pay the service availability reconnection charge as follows when removing an account from inactive status and placing it on active status:

Service Availability Reconnection Charge

28-76(j)(2)

| |
|--|
| |
|--|

Effective 8/1/2009

Effective 8/1/2010

| | | |
|---|----------|----------|
| | | |
| To re-establish active service for both water and sewer for all size meters | \$150.00 | \$157.50 |

(Code 1953, § 37-50; Ord. No. C-77-91, § 1, 7-19-77; Ord. No. C-77-137, § 1, 9-20-77; Ord. No. C-78-52, § 3, 4-18-78; Ord. No. C-78-94, § 2, 10-3-78; Ord. No. C-80-108, § 1, 12-9-80; Ord. No. C-81-56, §

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1, 7-21-81; Ord. No. C-82-136, § 1, 1-4-83; Ord. No. C-83-129, § 1, 12-20-83; Ord. No. C-85-87, § 2, 9-17-85; Ord. No. C-86-76, § 1, 9-16-86; Ord. No. C-87-58, § 1, 9-9-87; Ord. No. C-88-55, § 1, 7-19-88; Ord. No. C-89-98, § 1, 9-26-89; Ord. No. C-90-33, § 1, 5-15-90; Ord. No. C-91-63, § 1, 9-19-91; Ord. No. C-92-41, § 1, 9-15-92; Ord. No. C-93-58, § 1, 9-21-93; Ord. No. C-94-34, § 1, 9-20-94; Ord. No. C-95-48, § 1, 9-19-95; Ord. No. C-95-71, § 1, 12-19-95; Ord. No. C-96-51, § 1, 9-17-96; Ord. No. C-97-9, § 5, 3-18-97; Ord. No. C-97-35, § 1, 9-16-97; Ord. No. C-98-55, § 1, 9-15-98; Ord. No. C-00-61, § 1, 10-17-00; Ord. No. C-01-42, § 1, 9-20-01; Ord. No. C-02-25, § 1, 9-17-02; Ord. No. C-02-39, § 3, 12-17-02; Ord. No. C-03-32, § 1, 9-16-03; Ord. No. C-03-36, § 1, 3-16-04; Ord. No. C-04-047, § 1, 9-21-04; Ord. No. C-05-26, § 1, 9-28-05; Ord. No. C-06-15, § 1, 6-20-06; Ord. No. C-06-29, § 1, 9-19-06; Ord. No. C-06-45, § 24, 1-4-07; Ord. No. C-07-89, § 1, 9-18-07; Ord. No. C-08-42, § 1, 9-16-08; Ord. No. C-09-21, § 2, 7-21-09)

State law reference— Limitation on rates charged outside city, F.S. § 180.191.

Sec. 28-77. - User agreements.

Municipalities, political subdivisions and privately owned utilities in the county that are financially responsible, as determined by the city commission, may enter into separate contracts with the city for wastewater transmission, treatment and disposal. In no event shall any wastewater users pay less than their equitable share of the capital and operating costs based upon wastewater quantities delivered to the city sewerage system.

(Code 1953, § 37-51; Ord. No. C-77-91, § 1, 7-19-77)

Sec. 28-78. - Industrial user charges.

(a) Industrial users shall be charged an applicable industrial user rate. The city may impose special user charges in addition to other charges set out in this article if a particular waste causes changes in expense to the city in its handling and treatment. To determine acceptability of any such waste and the charge for treatment thereof, the city shall require persons wishing to discharge such wastes to submit a written analysis of the quantities and characteristics of such wastes. Such analysis may be validated by the director.

(b) Where sampling and gauging of a specific industrial user is not practical for physical, economic, or other reasons, the city may establish industry-wide averages for volume and concentration of the wastes discharged into the sewer system for all users in the same industrial classification. These average allowances may be determined by sampling the waste discharges of one (1) or more typical firms in the industrial classification. The determined averages may be related to units of production or some other suitable basis for the computation of the industrial cost recovery charges and any special industrial user charges which may be justified. These average flow volumes and concentrations shall remain in effect until such time as the specific industrial user submits data which, in the judgment of the director, indicates that such averages are not applicable to the particular industrial user.

(c) Special industrial user charges have been established for the following industrial classifications:

| <i>Standard Industrial</i> | <i>Industry Description</i> |
|--|-----------------------------|
| <i>Classification No.</i> 7211/7213 | Commercial Laundry |

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| | |
|-----------------------------------|--|
| | Establishment engages in wholesale laundering operations equipped with high efficiency washers of a minimum six hundred (600) pounds' capacity. Billable wastewater flow shall be based upon eighty (80) percent of the total metered water consumption recorded during each billing period. |
| <i>Standard Industrial</i> | Bottled and Canned Soft Drinks |
| <i>Classification No.</i> 2086 | and Carbonated Water |
| | Establishment engaged in the bottling of water for retail sale and consumption off the premises. Billable wastewater flow shall be based upon seventy (70) percent of the total metered water consumption recorded during each billing period. |

(d) Special industrial user charges shall be applied to any qualified industrial user upon the written request of such user. Prior to applying a special industrial user charge to a particular industrial user, the director may require the user to provide sufficient information and documentation to the city demonstrating that the user is qualified to be included within the standard industrial classification to which such special industrial user charge applies.

(Code 1953, §§ 37-52, 37-64, 37-66; Ord. No. C-77-91, § 1, 7-19-77; Ord. No. C-81-94, §§ 1—3, 10-20-81; Ord. No. C-83-76, § 1, 7-6-83; Ord. No. C-86-97, § 1, 10-21-86)

Sec. 28-79. - Exemptions from wastewater commodity charges.

Where water used for lawn sprinkling, gardening or commercial-industrial purposes does not enter the sanitary sewer system, relief from payment of the wastewater commodity charge on the presently metered total water consumption is provided as follows:

(1) A customer may have installed by the department, as stipulated in section 28-141 and approved by the building department, a separate metered connection with the water mains to measure the water so used.

(2) A customer may apply for a meter, as stipulated in section 28-141 to have the meter installed at his expense and with the approval of the building department, to measure the water which does not enter the sewer system. The sewerage service charge will be billed on the difference in consumption between the two (2) meters; provided, however, that the credit to be given shall not reduce the total wastewater charge to an amount less than the fixed monthly charge.

(Code 1953, § 37-54; Ord. No. C-77-91, § 1, 7-19-77)

Sec. 28-80. - When bills due and payable.

The city will bill as a unit for water and wastewater user charges, and the wastewater user charges must be paid at the time of payment of the charge for water service. If such wastewater user charges are not paid within ten (10) days, after the same shall become due and payable, the city manager or his designee is hereby authorized and may disconnect such consumer's water supply in accordance with section 28-190.

(Code 1953, § 37-55; Ord. No. C-77-91, § 1, 7-19-77)

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Secs. 28-81—28-135. - Reserved.

ARTICLE V. - SEWER USE REGULATIONS

DIVISION 1. - PURPOSE; SCOPE; APPLICABILITY; FEES
DIVISION 2. - GENERAL SEWER USE REQUIREMENTS
DIVISION 3. - PRETREATMENT OF WASTEWATER
DIVISION 4. - WASTEWATER DISCHARGE PERMIT REQUIREMENTS
DIVISION 5. - REPORTING REQUIREMENTS
DIVISION 6. - ENFORCEMENT REMEDIES
DIVISION 7. - CHARGES AND FEES

DIVISION 1. - PURPOSE; SCOPE; APPLICABILITY; FEES

Sec. 28-201. - Purpose.
Sec. 28-202. - Applicability.
Sec. 28-203. - Administrative.

Sec. 28-201. - Purpose.

It is the purpose of this article to:

- (a) Establish limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged into the WWF.
- (b) Establish uniform rules and regulations pertaining to users of the WWF.
- (c) Prevent the introduction of pollutants into the WWF that will interfere with its operation.
- (d) Prevent the introduction of pollutants into the WWF that will pass through the WWF, inadequately treated, or otherwise be incompatible with operation of the WWF.
- (e) Protect both WWF personnel and the general public who may be affected by wastewater and sludge.
- (f) Enable the city to comply with its national pollutant discharge elimination system permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the wastewater treatment facilities are subject, including but not limited to the Clean Water Act of 1987, F.S. ch. 403, and F.A.C. ch. 62-625.
- (g) Improve the opportunity to reuse reclaimed water, residuals recycle and reclaim municipal and industrial wastewaters and sludges.

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(h) Provide for equitable distribution of the cost of operation, maintenance and improvement of the WWF.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-202. - Applicability.

This article shall apply to all users of the WWF. This article authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; provides for permitting; and provides for the authority for the setting of fees.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-203. - Administrative.

Except as otherwise provided herein, the director shall administer, implement, and enforce the provisions of this article. Any powers granted to the director or duties imposed upon the director may be delegated by the director to his or her duly authorized representative.

(Ord. No. C-98-61, § 3, 10-20-98)

DIVISION 2. - GENERAL SEWER USE REQUIREMENTS

Sec. 28-204. - Prohibited discharges.

Sec. 28-205. - National categorical pretreatment standards.

Sec. 28-206. - State requirements.

Sec. 28-207. - Local limits.

Sec. 28-208. - Dilution prohibited.

Sec. 28-204. - Prohibited discharges.

(a) *General prohibition.* No user shall introduce or cause to be introduced into the WWF any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the WWF whether or not they are subject to a categorical pretreatment standard or any other national, state, or local pretreatment standards.

(b) *Specific prohibitions.* No user shall introduce or cause to be introduced into the WWF the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the WWF;

including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (140 F) or sixty degrees Celsius (60 C) using the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH of less than 5.5 or more than 11.0, or otherwise causing corrosive

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structural damage to the WWF or equipment;

(3) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow of the sewers or interference with the operation of, or which cause injury to the WWF including, but not limited to, uncomminuted garbage or food waste with particles greater than one-half inch (~~1/2?~~ 1/2") in any direction, animal processing waste, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;

(4) Pollutants, including oxygen-demanding pollutants (such as BOD by way of example), released in a discharge at a flow rate, pollutant concentration, or both, which, either singly or by interaction with other pollutants, will cause interference with the WWF;

(5) Wastewater having a temperature greater than one hundred fifty degrees Fahrenheit (150 F) or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (104 F);

(6) Petroleum oil or products of mineral oil origin;

(7) Trucked or hauled pollutants, except by the establishment of a special agreement by the director;

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

(9) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(10) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the director;

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

(12) Detergents, surface-active agents, or other substances which may cause excessive foaming to such a degree as to interfere with the operation of the WWF or which affects the health or safety of the employees of the WWF;

(13) Any water or waste containing fats, wax, grease, oils or related substances, whether or not emulsified, in excess of four hundred (400) parts per million by weight or which may solidify or become viscous at temperatures between four and five-tenths degrees Celsius (4.5 C), forty degrees Fahrenheit (40 F) and sixty-five and five-tenths degrees Celsius (65.5 C), one hundred fifty degrees Fahrenheit (150 F). Specifically prohibited is the heating of the contents of grease traps and subsequent discharge to the sewer system;

(14) Any concentrated dye wastes or other wastes which are highly colored to the extent as to cause undue expense or affect operation of or interfere with the WWF;

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(15) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that will cause acute worker health and safety problems.

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

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-205. - National categorical pretreatment standards.

(a) The categorical pretreatment standards found at F.A.C. ch. 62-660, as existing or as may be amended from time to time, are hereby incorporated by reference herein. Industrial users who are now or who hereafter (as determined by the EPA) may become subject to national categorical pretreatment standards promulgated by the EPA specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the WWF shall comply with all requirements of such standards, and shall also comply with any additional or more stringent limitations contained in this article. Upon the promulgation of new national categorical pretreatment standards, if more stringent than limitations imposed under this article for sources in that subcategory, such standards shall immediately supersede the limitations imposed under this article. The director shall notify all known affected users of the applicable reporting requirements. Compliance with national categorical pretreatment standards for new sources shall be required upon promulgation of the standard or prior to connection to the WWF.

~~(1) 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 concentration or mass limits in accordance with F.A.C. 62-625.410.~~

~~(21) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director may impose an alternate limit using the combined wastestream formula in F.A.C. 62-625.410.~~

~~(32) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provision in F.A.C. 62-625.410, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.~~

~~(43) A user may obtain a net gross adjustment to a categorical standard in accordance with F.A.C. 62-625.440820.~~

The Director reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent pretreatment standards or requirements on discharges to the WWF consistent with the purpose of this Article.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-206. - State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than either federal requirements and limitations or those requirements contained in this article.

(Ord. No. C-98-61, § 3, 10-20-98)

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Sec. 28-207. - Local limits.

(a) No person shall discharge wastewater containing pollutants in excess of the local limits for those pollutants which have been established for City's WWFs using standard procedures, calculations and methods acceptable to FDEP to protect against pass through, interference, protection of WWF employees, and adverse affects on wastewater residuals disposal. No user shall discharge process waste streams, unregulated waste streams, or dilute waste streams in excess of the concentrations set forth by the Director. Local limits shall be included as permit conditions and attached to each SIU wastewater permit issued.

(b) The established local limits are subject to change and shall be modified as needed based on regulatory requirements and standards, WWF operation, performance and processes, the user base, potable water quality and domestic wastewater characteristics. Modifications to the established local limits must be reviewed and approved by FDEP prior to implementation. Implementation shall be effective 30 days from notice of acceptance of the modified limits by FDEP. Permitted SIUs shall also be issued an addendum to their wastewater discharge permit containing the new local limits.

(c) The established local limits apply at the point where the wastewater is discharged to the WWF. All concentrations for metallic substances are for total metal unless indicated otherwise.

A copy of the approved local limits is available upon request at the following location:

City of Fort Lauderdale
949 NW 38 Street
Fort Lauderdale, FL 33309
Attn: Environmental Services

(d) The Director may develop BMPs, by ordinance or in individual wastewater discharge permits to implement local limits and the requirements of section 28-204.

~~(a) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable limits:-~~

| <i>Parameter</i> | <i>Milligrams per Liter</i> |
|-------------------------|-----------------------------|
| Arsenic | 0.81 |
| BOD ⁵ | 400 |
| Boron | 1.0 |
| Cadmium | 0.65 |
| Chromium | 7.0 |
| Copper | 4.5 |
| Cyanide | 1.0 |
| Lead | 0.6 |
| Mercury | 0.43 |
| Nickel | 4.1 |
| Nonpolar oil and grease | 100 |

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| | |
|------------------------------|------|
| Polar oil and grease | 400- |
| Phenols | 0.05 |
| Selenium | 1.0 |
| Silver | 1.2 |
| Total suspended solids (TSS) | 400- |
| Zinc | 4.2 |

| | |
|-------------------|---------------|
| <i>Parameter-</i> | <i>Units-</i> |
| pH | 5.5 to 11.0 |

~~(b) The above limits apply at the point where the wastewater is discharged to the WWF. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The director may impose mass limitations in addition to, or in place of, the concentration-based limitation above.~~

(Ord. No. C-98-61, § 3, 10-20-98; Ord. No. C-08-26, § 2, 6-17-08)

Sec. 28-208. - Dilution prohibited.

No user shall increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitation is appropriate.

(Ord. No. C-98-61, § 3, 10-20-98)

DIVISION 3. - PRETREATMENT OF WASTEWATER

Sec. 28-209. - Pretreatment facilities requirements.

Sec. 28-210. - Accidental or slug discharge control plan requirements.

Sec. 28-211. - Hauled wastewater procedures.

Sec. 28-209. - Pretreatment facilities requirements.

(a) Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and prohibitions set out in division 2 of this article within the time limitations specified by EPA, the state, or the director, whichever is more stringent.

(b) Plans, specifications and operating procedures for such wastewater pretreatment facilities shall be prepared in accordance with accepted engineering practices and signed by a professional engineer registered in the state and shall be submitted to the director for review. The director shall review said plans within sixty (60) days and shall make appropriate comments to the user. Prior to beginning

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construction of said pretreatment facility, the user shall also secure such building, plumbing or other permits that may be required by the city or any other regulatory authority having jurisdiction.

(c) An industrial user shall, at its own expense, design, construct, operate, and maintain such wastewater pretreatment facilities whenever necessary to reduce or modify the user's wastewater strength set forth in this article, to meet applicable pretreatment standards, or to meet any other wastewater condition or limitation contained in this article.

(d) The director may require users to restrict their discharge during peak flow period, designate that certain wastewater be discharged only into specific sewers, relocate, consolidate, or both, points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the WWF, or to protect the health and safety of employees of the WWF and determine the user's compliance with the requirements of this article.

(e) The director may require grease traps, oil traps, or sand traps, separators, or both, when deemed necessary. The interceptors shall be installed by the industrial users when they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients. All traps, separators, or both shall be of a type and capacity approved by the director based on industry standards, and shall be located as to be readily and easily accessible for cleaning and inspection.

(1) All traps, separators, or both, shall be cleaned by a licensed liquid waste hauler as often as necessary to maintain at least fifty percent (50%) of the retention capacity.

(2) No bacterial or enzymatic treatment that improves the discharge flow shall be a partial or complete substitute for adequate maintenance.

(f) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-210. - Accidental or slug discharge control plan requirements.

At least once every two (2) years, the director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan where the slug discharge may affect or interfere with the operation of the WWF or the health, safety and welfare of the employees of the WWF. New SIUs must be evaluated within 1 year of being designated an SIU. The director may require any user to develop, submit for approval, and implement such a plan. An accidental discharge/slug 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 slug discharges, including any discharge that would violate a prohibition in section 28-204 of this article, with procedures for follow-up written notification within five days, in accordance with Section 28-225 of this article as required by this article.

(d) Procedures to prevent adverse impact from any accidental or slug discharges/pills. Such

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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, or measures and equipment for emergency response.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-211. - Hauled wastewater procedures.

All liquid waste haulers shall be licensed by the Broward County Department of Natural Resources Protection and comply with all operating requirements specified in ~~section 27-356(d)(4) and section 27-355(a)(4)~~ Chapter 27 of the Broward County Code.

(Ord. No. C-98-61, § 3, 10-20-98)

DIVISION 4. - WASTEWATER DISCHARGE PERMIT REQUIREMENTS

- Sec. 28-212. - Wastewater discharge permit application.
- Sec. 28-213. - Wastewater discharge permit issuance process.
- Sec. 28-214. - Wastewater discharge permit appeals.
- Sec. 28-215. - Wastewater discharge permit modification.
- Sec. 28-216. - Wastewater discharge permit transfer.
- Sec. 28-217. - Wastewater discharge permit revocation.
- Sec. 28-218. - Wastewater discharge permit reissuance.
- Sec. 28-219. - Regulation of waste received from other jurisdictions.

Sec. 28-212. - Wastewater discharge permit application.

(a) *Wastewater survey.* When requested by the director, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The director is authorized to prepare a form for this purpose and may periodically require users to update this information. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this article.

(b) *Wastewater discharge permit requirement.*

(1) No significant industrial user shall discharge wastewater into the WWF without first obtaining a wastewater discharge permit from the director, except that a significant industrial user that has filed a timely application pursuant to section 28-212(c) of this article may continue to discharge for the time period specified therein.

(2) The director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this article.

(3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out in Division 6 of this article. Obtaining a wastewater discharge permit does not relieve a permittee

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of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(c) Wastewater discharge permitting: existing connections. Any user required to obtain a wastewater discharge permit who was discharging wastewater into the WWF prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the director for an individual wastewater discharge permit in accordance with section 28-212(e) of this article and shall not cause or allow discharges to the WWF to continue after one hundred and eighty (180) days of the effective date of this ordinance except in accordance with an individual wastewater permit issued by the Director.

(d) Wastewater discharge permitting: new connections. Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the WWF must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with section 28-212(e) of this article, must be filed at least one hundred eighty (180) days prior to the date upon which any discharge will begin or recommence.

(e) Wastewater discharge permit application contents. All users required to obtain a wastewater discharge permit must submit a permit application. The director may require all users to submit as part of an application the following information:

(1) Identifying Information. The user shall submit the name and address of the facility, including the name or the operator and owners.

(2) Permits. The user shall submit a list of any pollution control permits held by or for this facility.

(3) Description of Operations.

a. The user shall submit a brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classification (SIC) codes of the operations carried out by such user. This description shall include a schematic process diagram which indicates points of discharge to the WWF from the regulated processes;

b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the WWF;

c. Number and type of employees, hours of operation, and proposed or actual hours of operation;

d. Type and amount of raw materials processed (average and maximum per day);

e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers,

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floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

(4) Time and duration of discharges.

(5) The location for monitoring all wastes covered by the permit.

(6) Flow measurement. The user shall submit information showing the measured average daily and maximum daily flow (in gpd), to the WWF from each of the following:

a. Regulated process streams; and

b. Other streams as necessary to allow for the use of the combined waste stream formula of Chapter 62-625.410, F.A.C. Verifiable estimates of these flows are permitted, where justified by cost or feasibility considerations.

(7) Measurement of pollutants.

a. The user shall identify the pretreatment standards applicable to each regulated process.

b. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the pretreatment standard or City) of regulated pollutants in the discharge from each regulated process.

c. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.

d. In cases where the pretreatment 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;

e. Sampling and analysis must be performed in accordance with procedure set out in sections 28-230 and 28-231 of this article.

(8) 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 section 28-223 of this article.

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- ~~(1) All information required by section 28-220(b) of this article;~~
- ~~(2) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the WWF;~~
- ~~(3) Number and type of employees, hours of operation, and proposed or actual hours of operation;~~
- ~~(4) Each product produced by type, amount, process or processes, and rate of production;~~
- ~~(5) Type and amount of raw materials processed (average and maximum per day);~~
- ~~(6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;~~
- ~~(7) Time and duration of discharges; and~~
- (89) Any other information as may be deemed necessary by the director to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(f) *Application signatories and certification.*

(1) All wastewater discharge permit applications must be signed by an authorized representative of the user, as defined in section 28-26, and contain the certification statement in Section 28-232.

(2) If the designation of an authorized representative of the user is no longer accurate because of a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the Director prior to or together with any application signed by an authorized representative of the user.

(3) A facility determined to be a nonsignificant categorical industrial user by the Director pursuant to section 28-26 must annually submit the signed certification statement in section 28-232.

~~All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:~~

~~"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."~~

(g) *Wastewater discharge permit decisions.* The director will evaluate the data furnished by the user

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and may require additional information. Within one hundred twenty (120) days of receipt of a complete wastewater discharge permit application, the director will determine whether or not to issue a wastewater discharge permit. The director may deny any application for a wastewater discharge permit.

(Ord. No. C-98-61, § 3, 10-20-98; Ord. No. C-08-26, § 3, 6-17-08)

Sec. 28-213. - Wastewater discharge permit issuance process.

(a) *Wastewater discharge permit duration.* A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(b) *Wastewater discharge permit contents.* A 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 health and safety, facilitate sludge management and disposal, and protect against damage to the WWF.

(1) Wastewater discharge permits must contain:

a. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;

b. A statement that the wastewater discharge permit is nontransferable without prior notification to the city and without providing a copy of the existing permit to the new owner or operator in accordance with section 28-216 of this article and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

c. Effluent limits, including BMPs based, based on applicable general pretreatment standards found in FAC Chapter 62-625, categorical pretreatment standards, local limits, and State and local law;

d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on the applicable pretreatment standards found in FAC Chapter 62-625, categorical pretreatment standards, local limits, and federal, state, and local law; and

e. The process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with Section 28-223 of this article or a specific waived pollutant in the case of an individual permit.

ef. 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 discharges, if determined by the Director to be necessary.

h. Any grant of the monitoring waiver by the director must be included as a condition of the

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user's permit.

(2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the WWF;
- e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the WWF;
- f. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- g. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- h. Other conditions as deemed appropriate by the director to ensure compliance with this article, and state and federal laws, rules, and regulations.

(Ord. No. C-98-61, § 3, 10-20-98; Ord. No. C-08-26, § 3, 6-17-08)

Sec. 28-214. - Wastewater discharge permit appeals.

The director shall provide public notice of the issuance of a wastewater discharge permit. An applicant may petition the director to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

- (a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (b) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to and the reasons for this objection and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (c) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (d) If the director or city manager fails to act within ninety (90) days of the petition, a request for

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reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(e) Any industrial user whose discharge has been determined by the director to be unacceptable may appeal to the city manager for a further review within thirty (30) days of the director's decision and subsections (a), (b), (c) and (d) above shall apply.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-215. - Wastewater discharge permit modification.

The director may modify a wastewater discharge permit for good cause, including but not limited to the following reasons:

- (a) To incorporate any new or revised federal, state or local pretreatment standards or requirements.
- (b) To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance.
- (c) There is a change in the WWF that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- (d) There is information indicating that the permitted discharge poses a threat to the city's WWF, city personnel, ~~or the receiving waters,~~ or the WWF beneficial sludge use.
- (e) There is a violation of any terms or conditions of the wastewater discharge permit.
- (f) There is a misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
- (g) There is a revision of or a grant of a variance from categorical pretreatment standards pursuant to 40 CFR 403.13.
- (h) To correct typographical or other errors in the individual wastewater discharge permit.
- (hi) To reflect a transfer of the facility ownership or operation to a new owner or operator.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-216. - Wastewater discharge permit transfer.

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance written notice to the director and the director approves the wastewater discharge permit transfer. The notice to the director must include a written certification by the new owner or operator which:

- (a) States that the new owner, operator, or both, has no immediate intent to change the facility's operations and processes.
- (b) Identifies the specific date on which the transfer is to occur.

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- (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

The director will respond to the request in writing. In the event the director denies the request, the new owner/operator must submit a new permit application in accordance with this article. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-217. - Wastewater discharge permit revocation.

The director may revoke a wastewater discharge permit for good cause, including but not limited to the following reasons:

- (a) Failure to notify the director of significant changes to the wastewater prior to the changed discharge.
- (b) Failure to provide prior notification to the director of changed conditions pursuant to this article.
- (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
- (d) Falsifying self-monitoring reports.
- (e) Tampering with monitoring equipment.
- (f) Refusing to allow city inspectors timely access to the facility premises and records.
- (g) Failure to meet effluent limitations.
- (h) Failure to pay fines.
- (i) Failure to pay municipal service charges.
- (j) Failure to meet compliance schedules.
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application.
- (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility.
- (m) Failure to comply with any pretreatment standard or requirement or any terms of the wastewater discharge permit or this article.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-218. - Wastewater discharge permit reissuance.

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with this article, a minimum of thirty (30) days prior to the expiration of the user's existing wastewater discharge permit.

(Ord. No. C-98-61, § 3, 10-20-98)

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Sec. 28-219. - Regulation of waste received from other jurisdictions.

No waste shall be accepted from other jurisdictions, unless it meets the terms agreed upon in the large user agreement with the appropriate government agencies.

- (a) If another municipality or user located within another municipality contributes wastewater to the WWF, the director shall enter into an agreement with the contributing municipality.
- (b) Prior to entering into an agreement required above, the director shall request the following information from the contributing municipality:
 - (1) A description of the quality and volume of wastewater discharged to the WWF by the contributing municipality.
 - (2) An inventory of all users located within the contributing municipality that are discharging to the WWF.
 - (3) Such other information as the director may deem necessary.
- (c) An agreement as required by subsection (a) above shall contain the following conditions:
 - (1) A requirement for the contributing municipality to adopt an ordinance containing the provisions of the City of Fort Lauderdale's municipal sewer use ordinance or one which is at least as stringent as this article. 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.
 - (2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis.
 - (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the director ; and which of these activities will be conducted jointly by the contributing municipality and the director.
 - (4) A requirement for the contributing municipality to provide the director with access to all information that the contributing municipality obtains as part of its pretreatment activities.
 - (5) Limits on the nature, quality and volume of the contributing municipality's wastewater at the point where it discharges to the WWF.
 - (6) Requirements for monitoring the contributing municipality's discharge, if requested by the director.
 - (7) A provision ensuring city inspectors access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling and any other duties deemed necessary by the director.
 - (8) A provision specifying remedies available for breach of the terms of the agreement.

(Ord. No. C-98-61, § 3, 10-20-98)

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DIVISION 5. - REPORTING REQUIREMENTS

- Sec. 28-220. - Baseline monitoring reports.
- Sec. 28-221. - Compliance schedule progress reports.
- Sec. 28-222. - Reports on compliance with categorical pretreatment standard deadline.
- Sec. 28-223. - Periodic compliance reports.
- Sec. 28-224. - Reports of changed conditions.
- Sec. 28-225. - Reports of accidental discharges.
- Sec. 28-226. - Reports from unpermitted users.
- Sec. 28-227. - Special agreements.
- Sec. 28-228. - Notice of violation/repeat sampling and reporting.
- Sec. 28-229. - Notification of hazardous waste discharge.
- Sec. 28-230. - Analytical requirements.
- Sec. 28-231. - Sample collection.
- Sec. 28-232. - Recordkeeping.
- Sec. 28-233. - Report due dates.
- Sec. 28-234. - Right of entry; inspection and sampling.
- Sec. 28-235. - Search warrants.
- Sec. 28-236. - Confidential information.

Sec. 28-220. - Baseline monitoring reports.

(a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to, or scheduled to discharge to, the WWF shall submit to the director a report which contains the information listed in subsection (b) of this section. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report which contains the information listed in subsection (b) of this section. 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 their discharge.

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

(1) *Identifying information.* The name and address of the facility, including the name of the operator and owner.

(2) *Environmental ~~p~~Permits.* A list of any environmental-pollution control permits held by or for the facility.

(3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operations carried out by such user. This description shall include a schematic process diagram which indicates points of discharge to the WWF from the regulated process.

(4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the WWF from regulated process streams and other streams, as

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necessary, to allow use of the combined wastestream formula set out in ~~40 CFR 403.6(e)62-625.410 F.A.C.~~.

(5) *Measurement of pollutants.*

a. The user shall identify the categorical pretreatment standards applicable to each regulated process.

b. The results of sampling and analysis identifying the nature and concentration, mass, or both, where required by the standard or by the director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in this article.

c. Both daily maximum and average concentration shall be reported. The sample shall be representative of daily operations.

d. In cases where the pretreatment 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.

e. The user shall take a minimum of one representative sample to demonstrate data is in compliance with these requirements.

f. Samples shall 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 shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of subsection 62-624.410(6), F.A.C., in order to evaluate compliance with the pretreatment standards.

eg. Sampling must be performed in accordance with procedures set out in this article.

h. The user may submit a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

ih. The BMR shall indicate the time, date and place of sampling, methods of analysis, and test results for each component and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the WWF.

(6) *Certification.* A statement, reviewed by an authorized representative of the user indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional O&M or additional pretreatment is required for the user to meet the pretreatment standards and requirements.

(7) *Compliance schedule.* If additional pretreatment or operations and maintenance (O&M) will be required to meet the pretreatment standards, the user shall provide such additional pretreatment or O&M as specified in a compliance schedule. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A

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~~compliance schedule pursuant to this section must meet the requirements set out in section 28-221 of this article. operation and maintenance (O&M) or both will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment, O&M, or both. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.~~

(8) Signature and report certification. All BMRs must be certified in accordance with section 28-232 of this article and signed by an authorized representative of the user as defined in section 28-26.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-221. - Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by this article:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. No increment referred to above shall exceed nine (9) months.

(b) Within fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director following each date in the schedule and the final date of compliance, including, at a minimum, whether or not it met with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the director.

(Ord. No. C-98-61, § 3, 10-20-98; Ord. No. C-08-26, § 4, 6-17-08)

Sec. 28-222. - 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 WWF, any user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in this article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 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 by an authorized representative of the user and certified in accordance with this article.

Sampling and analysis shall be performed in accordance with sections 28-230 and 28-231 of this article.

(Ord. No. C-98-61, § 3, 10-20-98)

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Sec. 28-223. - Periodic compliance reports.

(a) Any categorical industrial user, except an NSCIU, after the compliance date of such pretreatment standard, or, in the case of a new source, after the commencement of the discharge into the WWF, shall submit to the director during the months of June and December, unless required more frequently in the pretreatment standard or by the Director, in accordance with this article, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in section 28-220(b) of this article. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation required by the director or the pretreatment standard necessary to determine the compliance status of the user. the user may request submission of this report in months other than June and December, if based on such factors as local high or low flow rates, holidays, or budget cycles, the alternate dates more accurately represent actual operating conditions. All significant industrial users shall, at a frequency determined by the director, but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period.

(b) The City may authorize a user to waive sampling of a pollutant regulated by a categorical pretreatment standard if the user demonstrates the following through sampling and other technical factors:

1. The pollutant is neither present nor expected to be present in the discharge, or the pollutant is present only at background levels from intake water and without any increase in the pollutant due to activities of the user; and
2. The 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.

(c) The authorization of the monitoring waiver is subject to the following conditions and does not supersede certification processes and requirements established in categorical pretreatment standards, except as specified in the categorical pretreatment standard:

1. 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 5 years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit;
2. In making a demonstration that a pollutant is not present, the 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. Non-detectable sample results may only be used as a demonstration that a pollutant is not present if FDEP's approved method from Rule 62-4.246, F.A.C., with the lowest MDL for that pollutant was used in the analysis;
3. The request for a monitoring waiver must be certified in accordance with this article and signed by an authorized representative of the user as defined in section 28-26;

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4. The authorization 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 3 years after expiration of the waiver;
5. Upon approval of the monitoring waiver and revision of the user's individual wastewater discharge permit by the director, the user must certify on each report the statement in section 28-232(b) of this article;
6. In the event that a waived pollutant is found to be present, or is expected to be present based on changes that occur in the user's operations, the user must immediately notify the director and comply with the monitoring requirements of section 28-223 of this article or other more frequent monitoring requirements imposed by the director.

(d) All periodic compliance reports must be certified in accordance with this article and signed by an authorized representative of the user as defined in section 28-26.

(e) Sampling and analysis shall be performed in accordance with this article.

(f) For this report, the user will be required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

(bg) 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.

(eh) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the director, using the procedures prescribed by this article, the results of this monitoring shall be included in the report.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-224. - Reports of changed conditions.

(a) Each user must notify the director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

(b) 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.

(c) The director may modify an existing wastewater discharge permit in response to changed conditions or to include the changed conditions as an addendum until the issuance of a scheduled permit renewal.

(d) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

(Ord. No. C-98-61, § 3, 10-20-98)

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Sec. 28-225. - Reports of accidental discharges.

(a) In the case of an accidental discharge or slug discharge by a user, it is the responsibility of that user to immediately inform the WWF of the incident no later than one (1) hour after the discharge. Notification should inform the WWF of the exact location of the discharge, type of waste, concentration, volume and corrective action taken.

(b) Costs incurred by the city to correct any damage resulting from such a discharge shall be charged to the user, and failure to report such a discharge shall be a violation and result in an additional charge of one thousand five hundred dollars (\$1,500.00) in addition to costs of correction. Each such discharge shall be considered separately and costs and charges levied accordingly. Each day on which there is such a discharge shall be considered a separate discharge and charges shall be levied accordingly.

(c) A notice shall be posted on the premises advising employees whom to call in the event of an accidental discharge. Employers shall ensure that all employees who may be present when such accidental or slug discharges may occur are advised of the emergency procedures.

(d) Within five (5) days following an accidental or slug discharge, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken to prevent similar future occurrences and requesting a hearing on such discharge and fine should the user desire.

(e) All users are required to notify the Director immediately of any changes at its facility affecting the potential for a slug discharge.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-226. - Reports from unpermitted users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the director as the director may require for the purpose of monitoring compliance with pretreatment standards and requirements and the prevention of any potential harm to health, safety or welfare of the citizens of the city and the employees of the WWF.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-227. - Special agreements.

Whenever necessary or expedient in order to carry out the provisions of this article, the city may enter into special agreements with the users of the city's facilities setting forth terms under which the discharge of such users will be acceptable to the city.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-228. - Notice of violation/repeat sampling and reporting.

If sampling performed by a user indicates a violation, the user shall notify the director within twenty-four (24) hours of becoming aware of the violation by calling (954) 828-8000. 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. Where the City has performed the sampling and analysis in lieu of the user, the City will perform the repeat sampling and analysis, unless the user is notified and required to perform the repeat analysis. Resampling is not required if the City performs

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sampling at the user's facility at a frequency of at least once per month, or if the City performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the City receives the results of this sampling.

~~If sampling performed by a user indicates a violation of this article, the user shall notify the director within twenty-four (24) hours of becoming aware of the violation. The user shall repeat the sampling immediately and at fifteen (15) and thirty (30) day intervals from the date of the violation. The results of the repeat analyses shall be submitted to the director within thirty (30) days. The permittee may request of the director that city inspectors re-sample after the violation to ensure compliance.~~

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-229. - Notification of hazardous waste discharge.

(a) The industrial user shall notify the director in writing of any discharge into the WWF of a substance regulated under F.A.C. ch. 62-730. Such notification shall include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the WWF, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. Industrial users who commence discharging after the effective date of the ordinance from which this article is derived shall provide the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection needs to be submitted only once for each hazardous waste discharged. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of this article.

(b) Discharges are exempt from the requirements of subsection (a) of this section, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in F.A.C. ch. 62-730. Discharges of more than fifteen (15) kilograms of nonacute hazardous waste in a calendar month, or of any quantity of acute hazardous wastes as specified in F.A.C. ch. 62-730, require a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the director of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined such to be economically practical.

(e) This provision does not create the right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

(Ord. No. C-98-61, § 3, 10-20-98)

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Sec. 28-230. - Analytical requirements.

Analytical tests shall be performed in accordance with applicable test procedures identified in 40 CFR Part 136, as of July 1, 2009. If a test for a specific component is not listed in 40 CFR Part 136, or if the test procedure has been determined to be inappropriate for the analyte in question (e.g., insufficient sensitivity) the laboratory, with the approval of the user and the City, shall identify and propose a method for use in accordance with Rules 62-160.300 and 62-160.330, F.A.C. If a sampling procedure is not available or none of the approved procedures are appropriate for collecting the samples, the sampling organization, with the approval of the user and the City, shall identify and propose a method for use in accordance with Rule 62-160.220, F.A.C.

All pollutant analyses, including sample techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in F.A.C. ch. 62-160, unless otherwise specified in an applicable categorical pretreatment standard. If F.A.C. ch. 62-160 does not contain sampling of analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-231. - Sample collection.

(a) Except in the case of NSCIUs, the reports required in sections 28-220, 28-222 and 28-223 of this article shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the director, of pollutants contained therein which are limited by the applicable pretreatment standards. This sampling and analysis may be performed by the City in lieu of the user. Where the City performs the required sampling and analysis in lieu of the user, the user is not required to submit the compliance certification required in section 28-220(b)(6) and 28-222 of this article. In addition, where the City collects all the information required for the report, including flow data, the user is not required to submit the report. All laboratory analytical reports shall comply with Rule 62-160.340 F.A.C.

(b) The reports required in sections 28-220, 28-222 and 28-223 shall be based upon data obtained through sampling and analysis performed during the period covered by the report. These data shall be representative of conditions occurring during the reporting period. The director will indicate the frequency of monitoring necessary to assess and assure compliance by the user with applicable pretreatment standards and requirements.

(c) For all sampling required by this ordinance, grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through 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 director, the sample must be representative of the discharge and the decision to allow the alternative sampling will be documented in the user's file. Using protocols (including appropriate preservation) specified in Chapter 62-160, F.A.C., and DEP-SOP-001/01, multiple grabs collected during a 24-hour period may be composited prior to analysis as follows:

1. Samples for cyanide, total phenols, and sulfides may be composited in the laboratory or in the field;

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2. Samples for volatile organics and oil and grease may be composited in the laboratory; and

3. Composite samples for other parameters unaffected by the compositing procedures as allowed in FDEP's approved sampling procedures and laboratory methodologies may be authorized by the Director, as appropriate.

(d) Oil and grease samples shall be collected in accordance with paragraph (c) above unless the sampling location or point cannot be physically accessed to perform a direct collection of a grab sample. In these instances, the sample shall be pumped from the sampling location or point into the sample container using a peristaltic-type pump. All pump tubing used for sample collection must be new or pre-cleaned and must be changed between sample containers and sample points. The pump tubing shall not be pre-rinsed or flushed with sample prior to collecting the sample. The report of analysis shall indicate that a peristaltic pump was used to collect the oil and grease sample. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(e) Sampling required in support of the BMR and 90-day compliance report required in this article shall be conducted as follows:

1. For users where historical sampling data do not exist, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds.

2. For users where historical sampling data are available, the director may authorize a lower minimum.

~~(a) Except as indicated in subsection (b) of this section, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the director may authorize the use of time proportional sampling or a minimum of four (4) grab samples of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.~~

~~(b) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.~~

(Ord. No. C-98-61, § 3, 10-20-98; Ord. No. C-08-26, § 4, 6-17-08)

Sec. 28-232. -- Recordkeeping and Certification Statements.

(a) Recordkeeping

1. Any user subject to the reporting requirements of this ordinance shall:

a. Maintain records of all information resulting from any monitoring activities required by this ordinance, including documentation associated with BMPs. All sampling and analysis activities shall be subject to the record-keeping requirements specified in Chapter 62-160, F.A.C.; and

b. Maintain for a minimum of three (3) years any records of monitoring results (whether or not such monitoring activities are required by this ordinance), including documentation associated with BMPs and shall make such records available for inspection and copying by the director and FDEP. This period of retention shall be extended during the course of any unresolved litigation

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regarding the user or the City where the user has been specifically notified of a longer retention period by the director.

2. 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.

(b) Certification Statements

1. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with section 28-212(f); users submitting BMRs in accordance with section 28-220(b)(8); users submitting reports on compliance with the categorical pretreatment standard deadlines in accordance with section 28-222; users submitting periodic compliance reports in accordance with section 28-223(f); and users submitting an initial request to forego sampling of a pollutant on the basis of section 28-223(c)(3). The following certification statement must be signed by an authorized representative of the user as defined in section 28-26:

"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. NSCIU Certification Statements

Annual Certification for NSCIUs—A user determined to be a NSCIU by the director in accordance with section 28-26 must annually submit the following certification statement, signed by an authorized representative of the user as defined in section 28-26. This certification must accompany any 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 [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief that during the period from [month, day, year] to [month, day, year]:

- (a) The facility described as [user name] met the definition of a NSCIU as described in paragraph 62-625.200(25)(c), F.A.C.;
- (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. This compliance certification is based on the following information: [documentation of basis to continue exemption]."

3. Certification of Pollutants Not Present.

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Upon approval of the monitoring waiver and revision of the user's individual wastewater discharge permit, the user must certify each report with the following statement in accordance with section 28-223(c) of this article

"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 paragraph 62-625.600(4)(a), F.A.C."

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

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-233. - Report due dates.

Written reports will be deemed to have been submitted on the date postmarked. The reports required in this article shall be based upon data obtained through sampling and analysis performed during the period covered by the report. The data shall be representative of conditions occurring during the reporting period. The director shall require frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-234. - Right of entry; inspection and sampling.

City inspectors shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this article and any wastewater discharge permit or order issued hereunder. Users shall allow city inspectors reasonable access to all parts of the premises for the purposes of inspection, sampling, related records examination and copying, and the performance of any additional duties.

- (a) 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, city inspectors will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (b) The director shall have the right to place on the user's property, or require installation of, such devices as are necessary to conduct sampling, metering, or both of the user's operations.
- (c) The director may require the user to install monitoring equipment as necessary. The facility's

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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 prior to the renewal of the annual permit to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected, sampled, or both 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.

(e) Unreasonable delays in allowing the Director access to the user's premises shall be a violation of this article.

(f) If the monitoring facility is constructed in the public right-of-way or easement, the location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis. If constructed on public or private property, the monitoring facilities should be provided in accordance with the owner's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the owner to perform independent monitoring activities.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-235. - Search warrants.

If city inspectors have been refused access to a building, structure, or property, or any part thereof, and are able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect, sample, or both, as part of a routine inspection and sampling program of the city designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the director may seek issuance of a search warrant from the appropriate court.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-236. - Confidential information.

In accordance with Chapter 119, F.S., all information and documents submitted to the City are considered to be public information, and as such are available to the public for reading and copying. However, in accordance with section 403.111, F.S., any information submitted to the City in accordance with this chapter may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the City shall make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in section 403.111, F.S.

Effluent information and data provided to the City in accordance with this ordinance shall be available to the public without restriction.

~~In accordance with F.S. ch. 119, all information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from city inspectors' inspection and sampling activities, shall be available to the public without~~

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~~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 under applicable state and federal laws. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by F.A.C. ch. 62-625 will not be recognized as confidential information and will be available to the public without restriction.~~

(Ord. No. C-98-61, § 3, 10-20-98)

DIVISION 6. - ENFORCEMENT REMEDIES

- Sec. 28-237. - Notification of violation.
- Sec. 28-238. - Consent agreements.
- Sec. 28-239. - Compliance schedules.
- Sec. 28-240. - Emergency suspensions.
- Sec. 28-241. - Notice of significant noncompliance and publication.
- Sec. 28-242. - Termination of service.
- Sec. 28-243. - Injunctive relief.
- Sec. 28-244. - Civil penalties.
- Sec. 28-245. - Criminal prosecution.
- Sec. 28-246. - Administrative fines.
- Sec. 28-247. - Remedies nonexclusive.
- Sec. 28-248. - Affirmative defenses to discharge violations; upset.
- Sec. 28-249. - Affirmative defenses; bypass.
- Sec. 28-250. - Affirmative defenses; prohibited discharge standards.

Sec. 28-237. - Notification of violation.

(a) When the director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director shall serve upon that user a notice of violation. Within ten (10) days of the receipt of the notice of violation, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the director. Submission of this 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.

(b) Failure of the violator to respond within ten (10) days upon receipt of the notice may constitute significant noncompliance (SNC) and the director may issue a notice of SNC as described in this article.

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(c) If the violator requests additional time to correct the violation, a consent agreement may be entered into, at the discretion of the director.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-238. - Consent agreements.

The director may enter into consent agreements, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-239. - Compliance schedules.

When the director finds that a user has violated any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may issue a first compliance schedule to the user responsible for the discharge directing that the user come into compliance within a specified time. When the director finds that a user continues to be in violation after the issuance of a first compliance schedule and has failed to respond or comply the director may issue a final compliance schedule. Compliance schedules also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance schedule may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance schedule relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance schedule shall not be a bar against, or a prerequisite for, taking any other action against the user.

(a) Once a violator has received a first compliance schedule:

- (1) Failure of the violator to implement the first compliance schedule may cause the director to seek a fine in the amount of up to five hundred dollars (\$500.00) and issue a final compliance schedule as described in subsection (b) of this section.
- (2) If the violator complies with the first compliance schedule within the specified time period, the director may cease further enforcement action.
- (3) If the director determines that compliance has not been achieved after the time specified in the first compliance schedule, or no response has been received from the violator, he may seek a fine in the amount of up to five hundred dollars (\$500.00) and issue a final compliance schedule as described in subsection (b) below.

(b) Once a violator has received a fine of up to five hundred dollars (\$500.00) and a final compliance schedule:

- (1) Failure of the violator to implement the final compliance schedule within ten (10) working days of receiving the schedule may cause the director to revoke the IWDP, terminate the violator's sewer service and seek to fine the violator in an amount not less than ~~not to exceed~~ ^{[b]13} one thousand dollars (\$1,000.00) per violation.

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(2) If the violator complies with the final compliance schedule within the specified time period, the director may cease further enforcement action.

(3) If the director determines that compliance has not been achieved after the time specified in the final compliance schedule, or no response has been received from the violator, he may revoke the IWDP, terminate the violator's sewer service and seek to fine the violator in an amount not less than not to exceed ~~(b14)~~ one thousand dollars (\$1,000.00) per violation.

(4) For the purposes of this section, chapter 1, section 1-6 (c) of the city Code of Ordinances shall not apply.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-240. - Emergency suspensions.

The director may immediately suspend a user's discharge after verbal notice, including notice by telephone, to the user whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The director may also immediately suspend a user's discharge after notice and opportunity to respond that threatens to interfere with the operation of the WWF or which presents or may present an endangerment to the environment.

(a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WWF, its receiving stream or endangerment to any individuals. The director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed.

(b) A user that is responsible in whole or in part for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the director.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-241. - Notice of significant noncompliance and publication.

(a) The Director shall publish annually, notification of users which were in SNC with applicable pretreatment requirements at any time during the previous twelve (12) months. Public notification shall be included in a newspaper(s) of general circulation within the jurisdiction served by the WWF that meets the requirements of sections 50.011 and 50.013, F.S. For the purpose of this ordinance, a user is in SNC if its violation meets one or more of the following criteria:

(1a) Chronic violations of wastewater discharge limits defined here as those in which sixty six percent (66%) or more of all the measurements taken during a six (6) month period exceed (by any magnitude), a numeric pretreatment standard or requirement, including instantaneous limits;

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or

(2b) Technical Review Criteria (TRC) violations defined here as those in which thirty three percent (33%) or more of all the measurements taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, total oil and grease, and 1.2 for all other pollutants except pH); or

(3c) Any other violation of a pretreatment standard or requirement (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 WWF personnel or the general public); or

(4d) Any discharge that has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge; or

(5e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance; or

(6f) Failure to provide, within forty-five (45) days after the due date, any required reports such as BMRs, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules; or

(7g) When the SIU fails to respond within the specified time stated on the notice of violation issued by the director; or

(8h) When the SIU fails to accurately report noncompliance; or

(9i) When the SIU reports false "information"; or

(10j) When the SIU intentionally or negligently violates a permit condition or requirement; or

(11k) When the SIU refuses to permit entry to the director for inspection; or

(12l) Any other violation or group of violations, including a violation of BMPs, which the Director determines will adversely affect the operation or implementation of the pretreatment program.

~~If the director determines the violation is a significant noncompliance, a notice of SNC shall be issued stating the nature of the violation(s) and requiring corrective action within a specified time period. The director may also include the violator in the EPA's required annual listing of SIUs in significant noncompliance with pretreatment standards in the local newspaper with the largest circulation. (b)~~

~~_____ In response to the notice of SNC:~~

~~(1a) Failure of the violator to respond within ten (10) working days of the date of receipt may cause the director to issue an administrative fine to the violator in the amount of five hundred dollars (\$500.00) and issue a final compliance schedule.~~

~~(2b) If the violator requests additional time to correct the violation, it shall submit a compliance schedule outlining what steps will be taken to gain compliance and prevent reoccurrence of the violation(s). The director shall evaluate this request, modify it as he deems necessary and may~~

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issue a first compliance schedule requiring the corrective action to be made within a specified period of time.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-242. - Termination of service.

Any user who violates the following conditions is subject to service termination:

- (a) Violation of wastewater discharge permit conditions.
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge.
- (c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
- (e) Violation of the pretreatment standards of this article.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-243. - Injunctive relief.

When the director finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the director may petition the Broward County Court through the city attorney's office for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order or other requirement imposed by this article on activities of the user. The director may also seek such other action as is appropriate for legal, equitable relief, or both, 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.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-244. - Civil penalties.

(a) A user who has violated or continues to violate any provision of this article, a wastewater discharge permit, or order issued hereunder or any other pretreatment standard or requirement shall be liable to the city for a ~~maximum~~ civil penalty of at least one thousand dollars (\$1,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(b) A user who has violated or continues to violate any provision of this article shall be liable to the city for 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.

(c) 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

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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 factors as justice requires.

(d) Instituting prosecution for civil penalties shall not be a bar against or a prerequisite for taking any other action against a user.

(e) For the purposes of this section, chapter 1, section 1-6(c) of the city Code of Ordinances shall not apply.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-245. - Criminal prosecution.

(a) A user who violates any provisions of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be punishable by a fine ~~not more than~~ at least one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than six (6) months, or both.

(b) A user who willfully or negligently introduces any substance into the WWF which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least one thousand dollars (\$1,000.00), or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state or federal law.

(c) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of ~~not more than~~ at least one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than six (6) months, or both.

(d) Filing a suit for criminal prosecution shall not be a bar against or prerequisite for taking any other action against a user.

(e) For the purposes of this section, chapter 1, section 1-6(c) of the city Code of Ordinances shall not apply.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-246. - Administrative fines.

(a) When the director finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the director may serve upon that user an administrative citation and fine in an amount of two hundred fifty dollars (\$250.00) per day. 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) In the event the user fails to timely pay the amounts due or to timely serve a written notice of contest to the administrative citation, a lien for unpaid fines and costs shall be recorded in the public records of Broward County. The assessed fines and costs shall bear interest at the highest lawful rate

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and may be foreclosed in the manner provided by law for municipal tax or special assessment liens. In any action brought by the city for payment of the liens assessed herein, the user shall be responsible for the payment of all costs of foreclosure, including, but not limited to, reasonable attorneys' fees, incurred by the city. All liens assessed hereunder following the effective date of the ordinance from which this article is derived shall remain, until discharge, liens equal in rank and dignity with the lien for ad valorem taxes and superior in rank and dignity to all other liens and encumbrances.

(c) Any user who has been served hereunder with an administrative citation may file and serve upon the director a written notice of contest to the administrative citation and administrative fine within thirty (30) days of the date of the administrative citation. The notice of contest shall specify all defenses to the administrative citation. The director shall conduct a hearing at which formal rules of evidence shall not apply. At the conclusion of the hearing, the director shall issue an order either (1) upholding, in whole or in part, the administrative citation or assessment of fine, costs and providing reasonable time for compliance or both, or (2) dismiss, in whole or in part, such portions of the administrative citation.

(d) Issuance of an administrative citation and administrative fine hereunder shall not be a bar against or a prerequisite for taking any other action against the user.

(e) An appeal of an administrative order shall be by petition for writ of certiorari filed in the circuit court within the time proscribed by the court rules.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-247. - Remedies nonexclusive and Show Cause Hearing.

The remedies provided for in this article are not exclusive. The city 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 city's 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.

The City may order any user who causes or allows an unauthorized discharge to enter the WWF to show cause before the City Commission 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 Commission 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 Commission 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 (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The City Commission may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the City to:

- (1) Issue in the name of the City Commission notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (2) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Commission for action thereon.
- (3) Take evidence

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At any hearing held pursuant to the pretreatment ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

After the City Commission has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-248. - Affirmative defenses to discharge violations; upset.

(a) 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.

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

(c) An industrial user who wishes to establish the affirmative defense of an 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.

(3) The user has verbally submitted the following information to the director within twenty-four (24) hours of becoming aware of the upset, with a written submission to 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.

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

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

(e) The industrial user shall control production or all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method or 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.

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(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-249. - Affirmative defenses; bypass.

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

(a) If an industrial user knows in advance of the need for a bypass, it shall submit a notice to the director at least ten (10) days before the date of the bypass. If the industrial user does not know of the need for a bypass ten (10) days prior to the bypass, then the industrial user shall notify the director immediately upon knowledge of the need for the bypass.

(b) An industrial user shall submit notice as described in section 28-248(c).

(c) Bypass is prohibited, and the director shall take enforcement action against an industrial user for a bypass, unless:

(1) Bypass was unavoidable in order to prevent loss of life, personal injury, or severe property damage.

(2) There were no technically 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 preventative maintenance.

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

(d) The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three (3) conditions set forth above.

(Ord. No. C-98-61, § 3, 10-20-98)

Sec. 28-250. - Affirmative defenses; prohibited discharge standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibited discharge standards in section 28-204 of this article if it can show that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(a) A local limit designed to prevent pass through or interference was developed in accordance with subsection 62-625.400(3), F.A.C. for each pollutant in the user's discharge that caused pass through or interference and the user was in compliance with each such local limit directly prior to and during the pass through or interference; or

(b) If a local limit designed to prevent pass through or interference has not been developed in accordance with subsection 62-625.400(3), F.A.C. for the pollutants that caused pass through or interference, and the user's discharge directly prior to and during the pass through or interference

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did not change substantially in nature or constituents from the user's discharge activity when the WWF was regularly in compliance with the WWF's permit requirements and applicable requirements for domestic wastewater residuals.

~~(a) 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~~

~~(b) 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.~~

(Ord. No. C-98-61, § 3, 10-20-98)

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Sec. 28-251. - Pretreatment charges and fees.

Secs. 28-252—28-254. - Reserved.

Sec. 28-255. - Wastewater plant and collection system capital expansion fee.

Sec. 28-256. - Potable water plant and distribution capital expansion fee.

Sec. 28-257. - Collection of fees.

Sec. 28-251. - Pretreatment charges and fees.

The city may adopt reasonable fees for reimbursement of the costs of setting up and operating the city's pretreatment program which may include:

(a) Fees for wastewater discharge permit applications, including, but not limited to, the cost of processing such applications.

(b) Fees for monitoring, inspection, surveillance and response procedures, including, but not limited to, the cost of collection and analyses of a user's discharge and reviewing monitoring reports submitted by users.

(c) Fees for reviewing and responding to accidental discharge procedures and facility construction.

(d) Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this article and are separate from all other fees, fines and penalties chargeable by the city.

(Ord. No. C-98-61, § 3, 10-20-98)

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Secs. 28-252—28-254. - Reserved.

Sec. 28-255. - Wastewater plant and collection system capital expansion fee.

(a) An applicant for a building permit to construct a new facility, expand or change the existing use requiring additional capacity for the applicant's property shall pay appropriate capital expansion fees of two dollars and seventeen cents (\$2.17) per gallon or six hundred fifty-one dollars (\$651.00) per equivalent residential connection (three hundred (300) gallons per day) as determined in accordance with Table A contained in the "Guidelines for the Calculation of Sanitary Sewer Connection Fees" developed by the department of public services and adopted by resolution of the city commission.

(b) An applicant for a building permit to connect to the sanitary sewer system under the WaterWorks 2011 Program shall be exempt.

(c) Existing customers who connected to the sanitary sewer system under the WaterWorks 2011 Program expanding or changing usage which requires additional capacity for the applicant's property shall pay appropriate capital expansion fees of two dollars and seventeen cents (\$2.17) per gallon or six hundred fifty-one dollars (\$651.00) per equivalent residential connection (three hundred (300) gallons per day) as determined in accordance with Table A contained in the "Guidelines for the Calculation of Sanitary Sewer Connection Fees" developed by the department of public services and adopted by resolution of the city commission, calculated on the amount of additional capacity needed.

(d) Capital expansion fees as provided in this section shall be collected and held in a separate fund of the city to be used to pay only the cost, expenses and fees associated with capital expenditures for the sanitary sewer system required to meet the needs of development occurring on or after the effective date of this section.

(Ord. No. C-05-21, § 1, 9-7-05)

Sec. 28-256. - Potable water plant and distribution capital expansion fee.

(a) An applicant for a building permit to construct a new facility, expand or change the existing use requiring additional capacity for the applicant's property shall pay appropriate capital expansion fees of four dollars and sixty-two cents (\$4.62) per gallon or one thousand three hundred eighty-six dollars (\$1,386.00) per equivalent residential connection (three hundred (300) gallons per day) as determined in accordance with Table A contained in the "Guidelines for the Calculation of Sanitary Sewer Connection Fees" developed by the department of public services and adopted by resolution of the city commission.

(b) Capital expansion fees as provided in this section shall be collected and held in a separate fund of the city to be used to pay only the cost, expenses and fees associated with capital expenditures for the potable water system required to meet the needs of development occurring on or after the effective date of this section.

(Ord. No. C-05-21, § 2, 9-7-05)

Sec. 28-257. - Collection of fees.

The city manager or his designee shall have the authority at any time, upon his or her initiative or in response to a properly filed petition from the proper owner, to change the capital expansion fees provided in section 28-255 and section 28-256 ("CEF") for a property based on the presentation of

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competent and substantial evidence, correct any error in applying or calculating the CEF for a particular lot or parcel of property, or both. Any such correction shall be considered valid ab initio and shall in no way affect the enforcement of the CEF imposed under sections 28-255 and 28-256. All requests from affected property owners for any such changes shall be referred to, and processed by the city manager or designee.

(Ord. No. C-05-21, § 3, 9-7-05)