

ORDINANCE NO. C-12-49

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.

WHEREAS, the City of Fort Lauderdale (City) has proposed certain amendments to Chapter 28, entitled "Water, Wastewater and Stormwater" of the Code of Ordinances to comply with mandated compliance requirements by the Florida Department of Environmental Protection (FDEP) to Chapter VII of the Florida Administrative Code as it relates to Industrial Pretreatment Programs and provide for various other updates to the sewer and sewage disposal sections of the Code; and

WHEREAS, the amendments are based on recommendations from FDEP's Industrial Pretreatment Section using the State of Florida's Draft Model Ordinance update as well as the U.S. Environmental Protection Agency (EPA) Model Pretreatment Ordinance; and

WHEREAS, the proposed amendments bring the City's ordinance into compliance with the EPA's Streamlining Rule updates; and

WHEREAS, the proposed revisions remove local limits per FDEP's recommendation, which has the advantage of allowing for revisions, as necessary, without having to go through the formal process of an ordinance change; and

WHEREAS, the proposed revisions will update the 1977 and 1988 fines structure to reflect current economics; and

WHEREAS, staff reviewed other sewer fines provided for in Chapter 28 during this evaluation process and is recommending that they be increased to be consistent with other municipalities' fine structures; and

WHEREAS, the proposed amendments also include an update to the Regional Advisory Board membership requirements; and

WHEREAS, the proposed amendments provide editorial corrections for clarity and consistency throughout the City's Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 28-26. Definitions and abbreviations, of ARTICLE II. – SEWERS AND SEWAGE DISPOSAL, DIVISION 1. GENERALLY is hereby amended as follows:

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:*

- 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.
- d. 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.~~
- 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 noncontinuous or random frequency.
- (5) Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices 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~~ at 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 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.

(1012) *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.

(1413) *City*. The City of Fort Lauderdale.

(1214) *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).

(1315) *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.

(1416) *Completion date*. The date of completion of a new sanitary sewer collection system as certified by the city engineer.

(1517) *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 sanitary sewer facilities constructed as part of WaterWorks 2011.

(14618) *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.

(14719) *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 discharged to sanitary sewer without a variance.

(14820) *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.

(14923) *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.

(2125) *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 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.

~~(33)~~ *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 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 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. A discharge which, alone or in conjunction with a discharge or discharges 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.

(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.

(50) *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.

(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; or

e3. 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 2 or 3 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 and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and:

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.

(5162) *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 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.

(6172) *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.*

- 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.
- 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)*. Except as provided in paragraphs c and d below, means the following:

- a. CIUs; and
- b. Any other user that discharges an average of 25,000 gpd or more of process wastewater to the WWF (excluding sanitary and boiler blowdown wastewater); 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.

- a. ~~A user subject to categorical pretreatment standards, under 40 CFR 403 and 40 CFR chapter I, subchapter N; or~~
- b. ~~A user that discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the WWF (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or~~
- c. ~~A user that contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the WWF; or~~
- d. ~~A user that has a discharge which, in the judgment of the director, FDEP, or the EPA, may reasonably be expected to have a significant adverse impact either singly or in combination with other contributing industries on the WWF or has the potential to endanger the WWF employees.~~

~~(76) 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~~
- ~~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. Any pollutant (including conventional pollutants) released in a discharge at a flow rate, level, or concentration which may reasonably be expected to cause interference with the operation of the treatment works. Discharges may be of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge.~~

~~(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 is 1.4 for BOD, TSS, total oil and grease, and 1.2 for all other pollutants except pH.~~

~~(8194) *Testing.* The analysis of samples of sewage.~~

(8295) *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.

(8396) *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).

(8497) *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.

(8598) *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 original source, i.e., potable water, groundwater, river and canal water.

(8699) *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.

(87100) *User or industrial user*. Any person who directly or indirectly discharges, causes or permits the discharge of wastewater into the WWF.

(88101) *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."

(89102) *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.

(90103) *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.

(91104) *Wastewater ~~treatment facilities~~ facility or WWF*. Any facility which can 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/or the residuals management facility.

(92105) *Wastewater treatment plant or treatment plant*. That portion of the WWF which is designed to provide treatment of municipal sewage and industrial waste.

(93106) *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:

BOD	Biochemical oxygen demand
<u>BMP</u>	<u>Best management practice</u>
<u>BMR</u>	<u>Baseline monitoring report</u>
CFR	Code of Federal Regulations
<u>CIU</u>	<u>Categorical industrial user</u>
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
<u>IU</u>	<u>Industrial user</u>
<u>MDL</u>	<u>Method Detection Limit</u>
MG/L	milligrams per liter
NPDES	National pollutant discharge elimination system
<u>NSCIU</u>	<u>Non-Significant categorical industrial user</u>
<u>O & M</u>	<u>Operation and maintenance</u>
RCRA	Resource Conservation and Recovery Act
SIC	Standard industrial classification

<u>SIU</u>	<u>Significant industrial user</u>
<u>SNC</u>	<u>Significant noncompliance</u>
<u>TRC</u>	<u>Technical Review Criteria</u>
TSS	Total suspended solids
TTO	Total toxic organics
USC	United States Code
WWF	City of Fort Lauderdale wastewater treatment facilities

SECTION 2. That Section 28-27. Penalty for noncomformance, of ARTICLE II. – SEWERS AND SEWAGE DISPOSAL, DIVISION 1. – GENERALLY is hereby amended as follows:

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 fifty~~ one thousand dollars (\$~~250~~1,000.00) or 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 hundred~~ ten thousand dollars (\$~~2,500~~10,000.00) or by imprisonment not to exceed sixty (60) days, in the discretion of the judge of the county court.

SECTION 3. That Section 28-29. Regional Advisory board for the central wastewater region, of ARTICLE II. – SEWERS AND SEWAGE DISPOSAL, DIVISION 1. GENERALLY is hereby amended as follows:

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.
- ~~(4)~~(5) A member of the ~~engineering department~~treatment division.
- ~~(5)~~(6) A member of the finance department.

SECTION 4. That Section 28-31. Sanitary method of disposal of wastewater required, of ARTICLE II. – SEWERS AND SEWAGE DISPOSAL, DIVISION 1. GENERALLY is hereby amended as follows:

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 (~~\$100~~250.00) nor more than ~~two~~ five hundred dollars (~~\$200~~500.00) for each such offense.

SECTION 5. That Section 28-32. Septic tanks, of ARTICLE II. – SEWERS AND SEWAGE DISPOSAL, DIVISION 1. GENERALLY is hereby amended as follows:

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 (~~\$100~~250.00) nor more than ~~two~~ five hundred dollars (~~\$200~~500.00) for each such offense.

SECTION 6. That Section 28-201. Purpose, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 1. PURPOSE; SCOPE; APPLICABILITY; FEES is hereby amended as follows:

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.

...

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

SECTION 7. That Section 28-204. Prohibited discharges, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 2. GENERAL SEWER USE REQUIREMENTS is hereby amended as follows:

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;~~
 - ...
 - (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;
 - (16) 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.

SECTION 8. That Section 28-205. National categorical pretreatment standards, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 2. GENERAL SEWER USE REQUIREMENTS is hereby amended as follows:

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.~~

~~(2) 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.~~

~~(3) 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.~~

~~(4) A user may obtain a net gross adjustment to a categorical standard in accordance with F.A.C. 62-625.410.~~

(b) 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.

SECTION 9. That Section 28-207. Local limits, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 2. GENERAL SEWER USE REQUIREMENTS is hereby amended as follows:

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	1.9
Lead	0.6
Mercury	0.43
Nickel	4.1
Nonpolar oil and grease	100
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.~~

SECTION 10. That Section 28-210. Accidental or slug discharge control plan requirements, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 3. PRETREATMENT OF WASTEWATER is hereby amended as follows:

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 discharge spills.~~ Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants including solvents, or measures and equipment for emergency response.

SECTION 11. That Section 28-211. Hauled wastewater procedures, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 3. PRETREATMENT OF WASTEWATER is hereby amended as follows:

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)(1)~~ Chapter 27 of the Broward County Code.

SECTION 12. That Section 28-212. Wastewater discharge permit application, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 4. WASTEWATER DISCHARGE PERMIT REQUIREMENTS is hereby amended as follows:

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.

...

(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.

...

(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); and
- e. 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.

(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.

~~(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 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.

SECTION 13. That Section 28-213. Wastewater discharge permit issuance problem, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 4. WASTEWATER DISCHARGE PERMIT REQUIREMENTS is hereby amended as follows:

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 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; and

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

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

...

SECTION 14. That Section 28-214. Wastewater discharge permit appeals, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 4. WASTEWATER DISCHARGE PERMIT REQUIREMENTS is hereby amended as follows:

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.

...

SECTION 15. That Section 28-215. Wastewater discharge permit modification, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 4. WASTEWATER DISCHARGE PERMIT REQUIREMENTS is hereby amended as follows:

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.

...

(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.

...

(h) To correct typographical or other errors in the individual wastewater discharge permit.

~~(h)~~ To reflect a transfer of the facility ownership or operation to a new owner or operator.

SECTION 16. That Section 28-220. Baseline monitoring reports, of ARTICLE V. - SEWER USE REGULATIONS, DIVISION 5. REPORTING REQUIREMENTS is hereby amended as follows:

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 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.

i. 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 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.

SECTION 17. That Section 28-221. Compliance schedule progress reports, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 5. REPORTING REQUIREMENTS is hereby amended as follows:

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.

SECTION 18. That Section 28-222. Reports on compliance with categorical pretreatment standard deadline, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 5. REPORTING REQUIREMENTS is hereby amended as follows:

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.

SECTION 19. That Section 28-223. Periodic compliance reports, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 5. REPORTING REQUIREMENTS is hereby amended as follows:

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;

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; and

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.

SECTION 20. That Section 28-225. Reports of accidental discharges, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 5. REPORTING REQUIREMENTS is hereby amended as follows:

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.

...

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

SECTION 21. That Section 28-228. Notice of violation/repeat sampling and reporting, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 5. REPORTING REQUIREMENTS is hereby amended as follows:

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 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.~~

SECTION 22. That Section 28-229. Notification of hazardous waste discharge, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 5. REPORTING REQUIREMENTS is hereby amended as follows:

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

...

(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.

SECTION 23. That Section 28-230. Analytical requirements, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 5. REPORTING REQUIREMENTS is hereby amended as follows:

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.~~

SECTION 24. That Section 28-231. Sample collection, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 5. – REPORTING REQUIREMENTS is hereby amended as follows:

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;
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.~~

SECTION 25. That Section 28-232. Recordkeeping, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 5. REPORTING REQUIREMENTS is hereby amended as follows:

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 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.

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.~~

SECTION 26. That Section 28-233. Report due dates, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 5. REPORTING REQUIREMENTS is hereby amended as follows:

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.

SECTION 27. That Section 28-234. Right of entry; inspection and sampling, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 5. REPORTING REQUIREMENTS is hereby amended as follows:

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.

...

(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.

SECTION 28. That Section 28-236. Confidential information of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 5. REPORTING REQUIREMENTS is hereby amended as follows:

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 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.~~

SECTION 29. That Section 28-239. Compliance schedules, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 6. ENFORCEMENT REMEDIES is hereby amended as follows:

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:

...

(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 ~~to exceed~~ one thousand dollars (\$1,000.00) per violation.

(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 ~~to exceed~~ 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.

SECTION 30. That Section 28-241. Notice of significant noncompliance and publication, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 6. ENFORCEMENT REMEDIES is hereby amended as follows:

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; 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

(3) 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

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

(5) 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

(6) 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

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

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

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

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

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

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

SECTION 31. That Section 28-244. Civil penalties, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 6. ENFORCEMENT REMEDIES is hereby amended as follows:

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.

...

SECTION 32. That Section 28-245. Criminal prosecution, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 6. ENFORCEMENT REMEDIES is hereby amended as follows:

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~~ of at least one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than six (6) months, or both.

...

(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~~ of at least one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than six (6) months, or both.

...

SECTION 33. That Section 28-247. Remedies nonexclusive, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 6. ENFORCEMENT REMEDIES is hereby amended as follows:

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; or

(3) Take the evidence.

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.

SECTION 34. That Section 28-250. Affirmative defenses; prohibited discharge standards, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 6. ENFORCEMENT REMEDIES is hereby amended as follows:

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 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.~~

SECTION 35. That Section 28-251. Pretreatment charges and fees; prohibited discharge standards, of ARTICLE V. – SEWER USE REGULATIONS, DIVISION 7. CHARGES AND FEES is hereby amended as follows:

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.

SECTION 36. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 37. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 38. That this Ordinance shall be in full force and effect from the date of final passage.

PASSED FIRST READING this the 4th day of December, 2012.

PASSED SECOND READING this the ____ day of _____, 2012.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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