

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING AND RESTATING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 90 (UTILITIES), ARTICLE III (SEWERS AND SEWAGE DISPOSAL) REGARDING THE CITY’S WASTEWATER INDUSTRIAL PRETREATMENT PROGRAM TO COMPLY WITH REGULATIONS BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING FOR A CODIFICATION CLAUSE, A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City of West Palm Beach is empowered to manage, operate and control its wastewater collection and transmission system (“Sewer System”) and act as agent for the East Central Regional Wastewater Treatment Facilities Board (ECRWWTFB”), pursuant to the Interlocal Agreement dated September 9, 1992, to manage and operate the treatment and disposal system known as the East Central Regional Wastewater Treatment Facility (“ECRWWTF”); to require industrial surcharges and pre-treatment; to charge connection fees; to require and regulate connections to such wastewater system, pursuant to Section 153, Florida Statutes and the Federal Water Pollution Control Act; and

WHEREAS, Rule 62-625 of the Florida Administrative Code provides that the City shall have all the special and necessary power to develop and operate regional sewage treatment facilities in accordance with Federal law, State law and existing or future interlocal agreements, exclusive of municipal sewage systems; and

WHEREAS, pursuant to these authorities, the City Commission of the City of West Palm Beach through Ordinance No. 3434-01 adopted the City’s Wastewater Industrial Pretreatment Program (“IPP”) Ordinance, which among other things established local limits, regulating the introduction of certain pollutants into the City’s Sewer System and the ECRWWTF; and

WHEREAS, the City is required to amend and update its Ordinance to comply with the regulation changes by the Department of Environmental Protection in Chapter 62-625, F.A.C.; and

WHEREAS, the City Commission desires to amend and restate Article 111 of Chapter 90 of the Code of Ordinances to comply with the Department of Environmental Protection regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, THAT:

SECTION 1: Article III (Sewers and Sewage Disposal), Chapter 90 (Utilities), of the Code of Ordinances of the City of West Palm Beach is hereby amended and restated in its entirety to read as follows:

Words underlined are additions to text;
Words ~~stricken~~ are deletions to text.

[For First Reading, the revisions from existing language are marked by underline and strike through.]

Sec. 90-121. Purpose and Policy

This article sets forth uniform requirements for users of the WWF of the city to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code section 1251 et seq.) and the General Pretreatment Regulations (Title 40 CFR Part 403). The objectives of this article are:

- (1) To prevent the introduction of pollutants into the WWF that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the WWF that will pass through the WWF, inadequately treated, into receiving waters, or otherwise be incompatible with the WWF;
- (3) To protect both WWF personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the WWF;
- (5) To enable the city to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the WWF is subject.

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

Except as otherwise provided, the public utilities director shall administer, implement, and enforce provisions of this article. Any powers granted to or duties imposed upon the director may be delegated by the director to a duly authorized city employee.

Sec. 90-122. Definitions.

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

Act and *the Act* mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Approval authority (AA) means the state department of environmental protection or its successor agencies.

Authorized representative of the user means either:

- ~~(1) The president, vice president, secretary, or treasurer, or any other person who performs similar policy or decision-making functions for the user, if the user is a corporation, limited liability company or other juridical entity; or~~

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~~(2) A general partner or proprietor if the user is a partnership or sole proprietorship, respectively;
Or~~

~~(3) A director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his designee if the user is a federal, state or local governmental facility; or~~

~~(4) A duly authorized representative of the person designated in subsections (1), (2), or (3) of this definition if such authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facilities from which the discharge originates, and the written authorization is submitted to the city.~~

(1) If the user is a corporation, a responsible corporate officer.

(2) If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.

(3) If the user is a federal, state, or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in subsections (1) through (3) above may designate another authorized representative if the authorization is in writing by the individual described in (1) through (3); 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. If an authorization under this paragraph is no longer accurate because 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 authorization satisfying the requirements of this subsection must be submitted to the city prior to or together with any reports to be signed by an authorized representative.

Best management practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in subsections 62-625.400(1)(a) and (2), F.A.C. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, industrial sludge or waste disposal, or damage from raw materials storage.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter.

Building sewer means the conduit or pipe which conveys wastewater from the plumbing drain system of a building to a public sewer or other place of disposal.

Bypass means the intentional diversion of wastewater streams from any portion of an industrial user's treatment facility.

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Can wash means a facility or other facilities (mop sink or service sink) in a food service establishment equipped with hot and cold running water under pressure used for cleaning garbage cans or related containers. Can washes are required for all food service establishments and are subject to approval by the city building official. Can washes inside the establishment are to be placed in an area separated from the food service area. A separate building, area, or weather cover approved by the city building department may be provided to house the can wash facility. All can wash facilities or approved substitutes must be provided with a backflow prevention device.

Car wash means any establishment used primarily for the washing and cleaning of automobiles, trucks, campers, boats, or other motorized equipment.

Categorical industrial user means an industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C. and 40 CFR Chapter 1, Subchapter N, Parts 405-471.

Categorical pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act (33 USC 1317) which applies to a specific category of industrial users and which appear in Rule 62-625.410, F.A.C. 40 CFR Chapter 1, Subchapter N, Parts 405—471, as amended.

Chemical oxygen demand (COD) means a measure of the oxygen equivalent of that portion of the organic matter in a water sample that is susceptible to oxidation by a strong chemical oxidant.

City of West Palm Beach Sewer System (CWPBSS) means all facilities for collecting and pumping wastewater which are owned and controlled by the city.

Connected system means a publicly owned or privately owned wastewater collection or transmission system that connects to and discharges into the CWPBSS for purposes of treatment and disposal by the ECRWWTF.

Control authority (CA) means the public utilities director or a duly authorized representative of the city, acting on behalf of the city as agent for the ECRWWTFB.

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

Department of environmental protection (DEP) means the department of environmental protection of the state (Laws of Fla. ch. 75-22) or, where appropriate, the term may also be used as a designation for the secretary or other duly authorized official of such agency.

Discharge means the disposal of, deposit, placement, emittance, unloading, or release of a substance, or to cause or allow a substance to be disposed of, deposited, placed, emitted, unloaded, or released.

Domestic waste means any superfluous solid, liquid, or gaseous material derived principally from the use of sanitary conveniences of residences (including apartments and hotels), office buildings, industrial plants, institutions, or commercial establishments.

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ECRWWTF means the East Central Regional Wastewater Treatment Facility, 4325 N. Haverhill, West Palm Beach, Florida, 33409, which treats and disposes of wastewater and wastewater sludge from the ECRWWTFB entities.

ECRWWTFB means the East Central Regional Wastewater Treatment Facilities Board.

Enforcement actions means those actions taken by the city in response to violations of this article.

Environmental Protection Agency (EPA) means the United States Environmental Protection Agency, 5 USC 903 (1970).

Existing source means ~~any source of discharge that is not a new source, any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the Act.~~

Floor mop sinks means a floor mounted waste receptor with a two-inch or larger waste outlet, equipped with hot and cold running water under pressure.

Floor sink means a type of indirect liquid waste receptor designed with a removable basket strainer or beehive strainer for the purpose of receiving the discharge from indirect liquid waste pipes only.

Flow proportional composite collection techniques means sample collection formed by mixing discrete sample of a constant sample volume with time interval between samples proportional to stream flow.

Food service means any establishment engaged in the preparation, handling, sale, or dispensing of food or foodstuffs, such as, but not limited to, restaurants, bars, nursing home and hospital kitchens, boarding home kitchens, soup kitchens, bakeries, cafeterias, ice cream parlors and manufacturers, convenience stores, food processors, and other facilities where cooking oil, grease, food, or food products may be introduced into the sanitary sewer system.

Food waste means any superfluous solid material produced either from the domestic or commercial preparation, cooking, consumption, or dispensing of food, or from the handling, storage, or sale of produce.

Grab samples ~~means a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes~~ an individual discrete sample collected at a specific time. A grab sample includes all sub samples or aliquots (e.g. individual containers for specific analytes or analyte groups), sample fractions (e.g. total and filter samples) and all applicable field quality control samples (e.g. field sample duplicates or split samples) collected at the same locations within a time not exceeding 15 minutes.

Grease interceptor means a concrete tank constructed according to F.A.C. Chapter 64E-6. This is installed in the wastewater line, of a minimum size of 750 gallons, leading from the sinks, floor drains, can wash, mop sinks, service sinks, or floor sinks in a food service facility.

Hauled wastewater means liquid wastewater and/or sludge brought to the ECRWWTF by means of tank trucks or other method.

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Indirect discharge means the introduction of pollutants into the WWF from any nondomestic source regulated under sections 307(b), (c), and (d) of the Act and F.S. ch. 403.

Industrial discharger enforcement procedure (IDEP) means the industrial pretreatment enforcement response plan.

Industrial user (IU) means any user discharging industrial waste into the wastewater facility.

Industrial waste and wastewater mean food waste, other waste, or any superfluous solid, liquid, or gaseous material resulting from manufacturing or commercial processes, or from natural resource development, recovery, or processing.

Industrial waste surcharge means an additional service charge assessed against industrial users whose wastewater characteristics exceed established surcharge limits.

Industrial wastewater discharge permit (permit) means written authorization from the public utilities director to discharge industrial wastewater to the wastewater facility, setting certain conditions and/or restrictions on such discharge.

Instantaneous maximum allowable discharge limit means the maximum concentration of a pollutant allowed to be discharged at any time, determined from analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interceptors (separators, grease traps, oil interceptor) means any device designed and installed at facilities (such as restaurants, car wash, service station, repair shop, etc.) to separate and retain floatable deleterious, hazardous, and/or undesirable matter from sewage or liquid wastes, and to discharge into the sewer system by gravity or by other means.

Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the WWF, its treatment processes or operations, or its domestic wastewater residuals processes, use or disposal; and
- (2) Is a cause of a violation of any requirement of the ECRWWTF NPDES 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 state department of environmental protection, F.S. ch. 403, and all applicable federal laws.

Local limits means the specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Rule 62-625.400, F.A.C.

Medical waste means solid and liquid wastes including, but not limited to, isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

mg/L means milligrams per liter.

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Minor user means a user whose discharge may not significantly impact the WWF, degrade receiving water quality and/or contaminate sludge. Although a minor user is not a categorical industrial user, it has a potential to discharge a non-domestic or process waste stream.

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

National categorical pretreatment standard. See, *categorical pretreatment standard.*

New source means:

(1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed pretreatment standards prescribed under section 307(c) (33 USC 1317) of the Act which will be applicable to such source, if the standards are thereafter promulgated in accordance with that section, provided that:

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

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

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

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (1)~~(a)~~, (b) or (c) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this definition has commenced if the owner or operator has:

a. Begun, or caused to begin, as part of a continuous on-site construction program:

1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are~~is~~ 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

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contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

Non-contact cooling water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product, to which the only pollutant added is heat.

Non-significant categorical industrial user (NSCIU) means an industrial user that discharges 100 gallons per day (gpd) or less of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blow-down wastewater, unless specifically included in the pretreatment standard) and:

(1) has consistently complied with all applicable categorical pretreatment standards and requirements;

(2) annually submits the certification statement required in Sec. 53.081(G) of this article together with any additional information necessary to support the certification statement; and

(3) never discharges any untreated categorical process wastewater.

Notice of violation (NOV) means a written notice that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement.

NPDES permit means a permit issued pursuant to section 402 of the Act (33 USC 1342).

Other commercial facilities means motels, hotels, coin laundries, commercial laundries, restaurants, etc., which have the capacity to introduce grease, oil, soaps, and detergents into the sanitary sewer system.

Other waste means municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, oil, tar, chemicals, and all other substances as distinct from domestic animal waste, industrial waste, or food waste.

Pass through means a discharge which ~~exists~~exits the ECRWWTF into the waters of the state or of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any regulatory requirement of the wastewater facilities permit (including an increase in the magnitude or duration of a violation).

Person means individual, corporation, firm, company, joint venture, partnership, sole proprietorship, association, or any other legal business entity, any state or political subdivision thereof, any municipality, any interstate body and any department, agency, or instrumentality of the United States and any officer, agent, or employee thereof, and any organized group of persons whether incorporated or not.

pH means a measure of the alkalinity or acidity of a solution expressed in standard units (s.u.).

Pollutant means any dredged spoil, medical waste, solid waste, incinerator residue, garbage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or

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discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water and exhibit certain characteristics of wastewater (e.g. pH, temperature, turbidity, color, BOD, COD, toxicity or odor).

Pollution means the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

Pre-treatment means 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 wastewater facility. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by F.A.C. 62-625.410(5). Appropriate pre-treatment technology includes control equipment, such as equalization tanks or facilities for protection against surges or slug discharges that might interfere with or otherwise be incompatible with the wastewater facilities. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with F.A.C. 62-625.410(6).

Pre-treatment requirement means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on an industrial user.

Pre-treatment standard means for any specified pollutant, the prohibitive discharge standards as set forth in this article, the state's pretreatment standards, or the national categorical pretreatment standards, whichever standard is the most stringent.

Priority pollutant means any toxic pollutant regulated under categorical pretreatment standards.

Prohibited discharge standards or prohibited discharges means the absolute prohibitions against the discharge of certain substances as described in section 90-126.

RCRA means Resource Conservation and Recovery Act.

Repair shops means any establishment used primarily for the repair of pumps, motors, motor vehicles, motor vehicle parts, machinery, engines, and any other equipment which contains combustible fuels, grease or oil.

Residential users means a single-family occupancy or dwelling including, but not limited to, a single-family house, one-half of a duplex, an apartment or a mobile home.

Responsible corporate officer means:

(1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principle 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 operating facilities, provided the manager;

a. Is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations;

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b. Is authorized to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations;

c. Can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements;

d. Has been assigned or delegated the authority to sign documents in accordance with corporate procedures.

Sanitary sewer means a sewer carrying domestic, commercial, or industrial wastes to which ~~stormwater~~storm water, surface water and groundwater are not intentionally admitted.

Septic tank waste means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Service sinks means a waste receptor used for drawing water for scrubbing, cleaning, and receiving the contents of empty garbage cans and scrub buckets and equipped with hot and cold running water under pressure.

Service station means any establishment used primarily for the dispensing of combustible fuels and oils, the changing of oils, and the greasing of motor vehicles.

Sewage means human excrement and gray water (household showers, dishwashing operations, etc.).

Sewer means a pipe or conduit designed for carrying wastewater.

Significant industrial user (SIU) ~~means: Except as provided in (3) below,~~ means the following:

(1) ~~An industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C. and 40 CFR Chapter I, Subchapter N which has been adopted by reference in Chapter 62-660, F.A.C.; or~~ categorical industrial users; and

(2) ~~Any other~~ Any other industrial user that:

a. Discharges an average of 25,000 gallons per day (gpd) or more of process wastewater to the wastewater facility (excluding domestic wastewater, non-contact cooling, and boiler ~~blowdown~~blow-down wastewater); or

b. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the ECRWWTF; or

c. Is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the wastewater facility's operation or for violating any pretreatment standard or requirement in accordance with Rule 62-625.500(2)(e), F.A.C.

The city may determine that an industrial user subject to categorical pretreatment standards under Rule 62-625, 410, F.A.C., and 40 CFR Chapter I, Subchapter N, Parts 405-471, is a non-significant categorical industrial user.

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Upon a finding that an industrial user meeting the criteria in Subsection (2) above has no reasonable potential for adversely affecting the WWF operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with Rule 62-625.500(2)(e), F.A.C. determine that such industrial user should not be considered a significant industrial user.

Significant non-compliance (SNC) means any one or more of the following:

- (1) Violations of wastewater discharge limits:
 - a. *Chronic violations* means 66 percent or more of ~~the all~~ measurements taken for the same pollutant during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits the same daily maximum limit or the same average limit in a six-month period (any magnitude of excess).
 - b. *Technical review criteria (TRC) violations* means 33 percent or more of ~~the all~~ measurements taken for the same pollutant during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable TRC. (TRC equals 1.4 for BOD, TSS, and oil and grease; and 1.2 for all other pollutants, except pH) the same daily maximum limit or the same average limit by more than the technical review criteria in a six-month period.

~~There are two groups of technical review criteria;~~

~~Group I for conventional pollutants (BOD, TSS, fats, oil, and grease) — TRC 1.4~~

~~Group II for all other pollutants except pH — TRC 1.2~~
 - c. Any other violation of ~~an effluent limit (average or daily maximum)~~ a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limits, or narrative standard) that the city ~~believes~~ determines has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through; ~~or (including endangering~~ endangered the health of the ~~sewage treatment~~ WWF personnel or the public).
 - d. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the city exercising its emergency authority to halt or prevent such a discharge.
- (2) Violations of compliance schedule milestones, contained in a permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.
- (3) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within ~~30~~ 45 days from the due date.
- (4) Failure to accurately report noncompliance.
- (5) Any other violation or group of violations, including a violation of best management practice, that practice, which the city determines will adversely affect the operation or

implementation of the pretreatment program.

Significant violation means a violation which remains uncorrected 45 days after notification of non-compliance, which is part of a pattern of non-compliance over a 12-month period, which involves a failure to accurately report noncompliance, or which resulted in the city exercising emergency authority under section 90-434132.

Sludge means any solid or semi-solid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

Slug means any discharge of water, wastewater or industrial waste of a non-routine, episodic nature ~~at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section 90-125~~ which has reasonable potential to cause interference or pass through, or in any other way violate the WWF regulations, local limits or permit conditions.

Standard industrial classification (SIC) code means a classification pursuant to the standard industrial classification manual issued by the United States Office of Management and Budget.

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

Total suspended solids (TSS) or suspended ~~means~~ *solids* means 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.

Upset means an exception incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user.

User means any person who discharges, causes, or allows the discharge of wastewater into the wastewater facility.

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

Waste water facility (WWF) means the structure, equipment, and processes required to collect, carry away, and treat domestic, industrial, medical, and other wastes and dispose of the effluent including facilities of the CWPBSS, the ECRWWTF and the connected systems.

Sec. 90-123. Applicability.

All territory within the legal boundaries of the city including all incorporated and all unincorporated areas, and the use of or discharge into the WWF shall be subject to the provisions of this article. The provisions of this article shall also apply to the Town of Palm Beach, the City of Riviera Beach, the City of Lake Worth, and Palm Beach County pursuant to the terms of the inter-local agreement establishing the ECRWWTB among these entities and the city, dated September 9, 1992. Any other local jurisdiction or public utility delivering wastewater to the WWF ("other entity") shall submit themselves to the jurisdiction of this article as a condition precedent to transmission of wastewater through the CWPBSS or acceptance of wastewater for treatment and disposal at the ECRWWTF. The delivery of wastewater to the WWF shall be conclusive proof of acceptance of and submittal to

the jurisdiction of this article throughout the connected systems of the "other entity."

Sec. 90-124. Use of sanitary sewers.

(a) *Unsanitary disposal prohibited.* It shall be unlawful for any person to dispose of untreated wastewater or allow untreated wastewater to be disposed of in any unsanitary manner on any property, public or private, in the city.

(b) *Surface water/groundwater discharge regulated.* It shall be unlawful for any person to discharge into any watercourse, pond, ditch, lake, or other body of surface water or groundwater, any wastewater or other polluted water, except where treatment has been provided in accordance with provisions of this article, and all applicable state and federal laws.

(c) *Septic tanks regulated.* Except as provided by state law or city ordinance or rules and regulations adopted pursuant thereto, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the treatment or disposal of wastewater.

(d) *Sanitary facilities required.* The owner or occupant of any house, building or property used for human occupancy, employment, recreation, or other purposes situated within the city and abutting on any street, alley, easement, or right-of-way in which there are located available sanitary sewers, is hereby required, at such owner's expense, to install suitable toilet facilities therein and to connect such facilities directly with the available sanitary sewer in accordance with the provisions of this article, within 180 days after sewer service is available, provided that the available sewer is within 100 feet of the property line. In those cases where there is an available sewer within 100 feet of the property line but connection would cause undue hardship for such reasons as the topography of the property or length of pipe necessary to connect with the sewer, the city commission is authorized to grant variances to this requirement provided that the property meets applicable federal, state and local regulations for the alternate wastewater disposal method to be used.

(e) *Connection required.* At such time as a sanitary sewer becomes available to a property served by a private individual wastewater disposal system (such as a septic tank or sand filter), a direct connection shall be made to the sewer in compliance with this article within 180 days and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned and their further use for any purposes prohibited. An abandoned septic tank, when declared to be a hazard by the county health department shall be:

- (1) Pumped out;
- (2) The bottom suitably opened or ruptured so as to prevent the tank from retaining water; and
- (3) Filled with clean sand or other suitable material, the actions being taken in the order listed.

Sec. 90-125. Application, construction, and connection to CWPBSS.

No person shall construct a new wastewater collection system for connection to the CWPBSS, or substantially alter or improve any wastewater collection system that is connected to the CWPBSS, until the city has first determined such proposed construction to be in conformance with the CWPBSS specifications, and the long range CWPBSS plans as approved by the city commission.

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- (1) *Unauthorized usage prohibited.* No unauthorized person shall disturb, use, alter, or make connection to the CWPBSS.
- (2) *Application and fees.* The owner of any building or his agent shall make application on a form furnished or specified by the city prior to making a connection to the CWPBSS. The application shall be supplemented by plans, specifications, and other information considered pertinent in the judgment of the city. A connection fee and plumbing permit fee shall be paid to the city before such connection is approved. Other fees are included in section 90-432133 of this article.
- (3) *Owner's responsibilities.* All costs and expense incident to the installation and connection of a wastewater collection system to the CWPBSS shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be the result of the connection to the CWPBSS.
- (4) *Separate sewer required.* A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In that case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- (5) *Design and construction.* The size, slope, alignment, and construction materials of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to city engineering standards.
- (6) *Runoff connections prohibited.* No person shall make a connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the CWPBSS.
- (7) *Interceptors required.* Grease, oil, and sand interceptors shall be provided for the proper handling of wastewater containing excessive amounts of oil, grease, flammable substances, sand, or other harmful ingredients, except that such interceptors shall not be required for single-family residences, multifamily residences, travel trailers, or mobile homes.
 - a. All installations shall be of a type and capacity specified by the F.A.C. Chapter 64E-6.
 - b. Interceptors are to be installed outside of the food preparation area with the dishwasher discharging via a separate line.
 - c. Interceptors shall, in addition to the specific requirements for certain facilities, be provided for the wastewater drainage systems of facilities such as, but not limited to, food service facilities, car washes, service stations, repair shops, and other commercial facilities when, in the opinion of the city an interceptor (separator, grease trap) is necessary for the proper handling of waste-containing matter considered harmful to the sanitary sewer system of the facility or city.
 - d. Interceptors shall be so designed that they will not become ~~airbound~~ air bound if closed covers are used. Each interceptor shall be properly vented.

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e. Each interceptor shall be so installed as to provide ready accessibility to the cover, and means for servicing and maintaining the interceptor in working and operating condition.

f. Each interceptor shall be constructed of steel reinforced concrete. Clean outs shall be steel manhole covers. No fiberglass interceptors shall be installed.

g. Each interceptor shall be pumped and cleaned a minimum of four times per calendar year (quarterly) and maintained for adequate performance. Records of all maintenance shall be kept on site for a minimum of three years for review by the city.

(8) *Connection requirements.* The connection of the building sewer to the CWPBSS shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations adopted by the city. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved in writing by the city before installation.

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

Sec. 90-126. Prohibitions and limitations of discharge.

(a) *Generally.* Users shall not discharge pollutants into the WWF unless in accordance with this article.

(b) *Discharge prohibitions.* No user shall discharge into the WWF any waste or wastewater which may cause pass through or interfere with the operation or performance of the WWF. No user shall discharge into the WWF or any connected system any waste or wastewater containing any of the following:

(1) Toxic or poisonous substances, chemical elements or compounds, taste or odor-producing substances, or any other substances which are not amenable to treatment or reduction by the wastewater treatment processes employed by the ECRWWTF. Toxic pollutants shall include, but not be limited to, any pollutant identified pursuant to 40 CFR 116(4).

(2) Noxious, or malodorous solids, liquids, or gases or other wastewater which, either singly, or by interaction with other waste or wastewater:

- a. Are capable of creating public nuisance or hazard to human or animal life;
- b. Are or may be sufficient to prevent entry into a sewer for its maintenance, inspection, or repair; or
- c. May create any hazard in the receiving waters of the ECRWWTF.

(3) Pollutants which create a fire or explosion hazard in the WWF. Prohibited materials include, but are not limited to, petroleum oil and non-biodegradable cutting oil, gasoline, kerosene, fuel oil, motor oil, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides or

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any other substance which the city, the state, or any federal agency has determined is a fire hazard or a hazard to the WWF.

(4) Radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by regulations within the Florida Administrative Code issued by the state department of health, and which will or may cause damage or hazards to the WWF or its operating personnel.

(5) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool discharges, uncontaminated cooling water, unpolluted industrial process waters, air conditioning condensate, unless specifically authorized by the city in writing.

(6) Domestic wastes from septic tanks, portable toilets, or other similar facilities, unless specifically authorized by the city in writing. Such discharges shall only be made at a site approved by the city.

(7) Mineral oil in excess of 50 mg/L or animal/vegetable fats, wax, grease, or oils in excess of 100 mg/L, whether emulsified or not; or substances which may solidify or become viscous at temperatures lower than or equal to 150 degrees Fahrenheit (65.56 degrees Celsius).

(8) All trucked or hauled pollutants are prohibited except at discharge points designated by the city.

(9) Inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such concentrations as to pass through or cause interference with the operations of the WWF.

(10) Waste or wastewater having a pH lower than 5.5 s.u. exhibiting any corrosive property which either singly or by interaction with other wastes is capable of causing damage or hazard to structures, processes, equipment, or personnel of the WWF.

(11) Waste or wastewater having a pH higher than 9.5 s.u. which either singly or by interaction with other wastes is capable of causing damage or hazard to structures, processes, equipment or personnel of the WWF.

(12) BOD, COD, or chlorine in such concentration and/or flow as to constitute a significant load on or shock to the ECRWWTF or cause interference.

(13) Volume of flow or concentrations of wastes constituting slugs as defined in this article.

(14) Liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65.56 degrees Celsius) or that causes influent temperature to the ECRWWTF to exceed 104 degrees Fahrenheit (40 degrees Celsius), except where higher temperatures are approved by DEP.

(15) Solid or viscous substances in such quantities or of such size as to be capable of causing obstruction to the flow in a sewer, or other interference with the proper operation of any connected system, such as but not limited to: particles greater than one-half inch in any dimension, grease, un-comminuted food wastes, animal entrails or tissues, paunch manure, bones, hair, hides or fleshings, whole blood, feathers, ashes, cinders, sand, spent lime, stone

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or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains or hops, waste paper, wood plastics, rubber stoppers, tar asphalt residues from refining or processing of fuel or lubricating oil, gasoline, naphtha, and similar substances either whole or ground.

(16) Excessive discoloration which ~~can not~~cannot be removed by the treatment process, such as but not limited to dye, printing wastes, and vegetable tanning solutions which imparts color to the ECRWWTF effluent thereby violating the city's NPDES permit. The discoloration (in combination with turbidity) shall not cause the ECRWWTF effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent from the seasonally established norm for aquatic life.

(17) Medical wastes, except as authorized by the city in a wastewater discharge permit.

(18) Detergents, surface-active agents, or other substances which may cause excessive foaming in the WWF.

(19) Any sludges, screenings, or other residuals from the pre_treatment of industrial wastes.

(20) Toxic gases, vapors, or fumes in a quantity that may cause acute worker health and safety problems.

(c) *Compliance with national and local standards.* It shall be unlawful for any person to discharge any pollutant into the WWF or a connected system except when such discharge is in compliance with federal standards promulgated pursuant to the act, and any other more stringent state and local standards. Wastes containing concentrations in excess of the national categorical pretreatment standards are prohibited.

(d) *Local pretreatment standards.* ~~Any wastes containing concentrations in excess of the following local pretreatment standards are prohibited:~~

Parameter	Maximum allowable concentration during a 24-hour period (mg/L)
Aluminum	16.0
Antimony	0.2
Arsenic	0.30
Barium	3.0
Beryllium	8.8
Biochemical oxygen demand (BOD⁵)	1,000.0
Cadmium	0.57
Chloride	600.0

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Chromium total	2.99
Copper	2.8
Cyanide	0.30
Fats, oil, and grease	270.0
Hydrogen sulfide	5.0
Iron	10.0
Lead	0.29
Manganese	1.0
Mercury	0.19
Molybdenum	5.18
Nickel	2.91
Petroleum hydrocarbons	15.0
pH (standard units)	5.50—9.5
Selenium	1.97
Silver	0.74
Strontium	0.2
Temperature (F)	150.0
Total suspended solids	865.0
Zinc	0.49

(a) No person shall discharge wastewater containing pollutants in excess of the local limits for those pollutants which have been established for East Central Regional Wastewater Treatment Facility using standard procedures, calculations and methods acceptable to FDEP to protect against pass through, interference, protection of WWF employees, and adverse effects on wastewater residual disposals. No industrial user shall discharge process waste streams, unregulated waste streams, or dilute waste streams in excess of the concentrations set forth from time to time by resolution of the city commission. Local limits shall be included as permit conditions and attached to each SIU wastewater permit issued. Any wastes containing concentrations in excess of the local pretreatment standards—surcharge limit shall be subject to surcharge, in accordance with section 90-133 of this Code.

(b) Local limits are subject to change and shall be modified as needed based on regulatory

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requirements and standards, WWF operation, performance and processes, the industrial 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. The above local limits apply at the point where the wastewater is discharged to the WWF.

~~Any wastes containing concentrations in excess of the following local pretreatment standards— surcharge limit shall be subject to surcharge, in accordance with section 90-132 of this Code. Any wastes containing concentrations in excess of the following local pretreatment standards— maximum allowable concentrations are prohibited:~~

Parameter	Surcharge Limit during a 24 hour period (mg/L)	Maximum allowable concentration during a 24 hour period (mg/L)
Biochemical oxygen demand (BOD ⁵)	400.0	1,000.0
Fats, oil, and grease	100.0	270.0
Total suspended solids	400.0	865.0

(c) All concentrations for metallic substances are for total metal unless indicated otherwise. The city may impose mass limitations, instantaneous maximum limitations, maximum monthly average values, or maximum four-day average values, in addition to, or in place of, the limitations listed above. The city may also develop best management practices (BMPs) to implement local limits. Such BMPs shall be considered local limits and pretreatment standards for the purpose of this article.

(d) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the city's authorized representative may impose equivalent concentration or mass limits in accordance with Rule 62-625.410(4), F.A.C., 40 CFR 403.6(e).

(e) When the limits in a categorical pre-treatment standard are expressed only in terms of mass of pollutant per unit of production, the city may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial users. This should be in accordance with Rule 62-625.410(4), F.A.C.

(f) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the city's authorized representative shall impose an alternate limit using the combined ~~wastestream~~waste stream in accordance with Rule 62-625.410(6), F.A.C., 40 CFR 403.6(e).

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

(h) A user may obtain a net gross adjustment to a categorical pretreatment standard in accordance

with Rule 62-625.820, F.A.C.40-CFR 403.15

(ie) *Right of revision.* The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent limitations or requirements on discharges to the WWF if deemed necessary to comply with the requirements of this division.

(jf) *Dilution.* No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with the limitations unless expressly authorized by an applicable federal categorical pretreatment standard, or in any other pollutant-specific limitation developed by the state. The city may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

(kg) *Septic and industrial waste hauling.*

(1) Septic tank waste may be introduced into the WWF only at the septic receiving station located at the ECRWWTF.

(2) Any industrial or septic waste haulers shall have a discharge permit issued under conditions specified in section 90-427128

(3) No hauled load may be discharged without prior written consent from the city. Samples may be collected from each load to ensure compliance with applicable standards. The industrial or septic waste hauler may be required to provide waste analysis of any load prior to discharge.

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

(lh) *Control of discharge.* If any wastes or wastewaters are discharged, or are proposed to be discharged, to the WWF which contain the substances or possess the characteristics enumerated in this section as prohibited by this article, do not meet applicable pretreatment standards and requirements, and/or which may have a deleterious effect upon the WWF, its processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

(1) Reject the wastes or deny or condition the introduction of new sources of wastewater to the WWF; or

(2) Require the industrial user to demonstrate that in-plant improvements will modify the discharge to such a degree as to be acceptable; and/or

(3) Require pre_treatment of the industrial user's discharge to ensure compliance with this article; and/or

(4) Require payment of an industrial waste surcharge to cover the added cost of handling and treating excess loads imposed on the WWF by such discharge. Surcharge amounts shall be established by a resolution of the city, together with a schedule of rates and fees of the

WWF. Imposition of industrial waste surcharges for the recovery of treatment costs does not replace or supersede the requirements for pretreatment facilities, should they be found necessary by the city.

Sec. 90-127. Pretreatment.

(a) ~~Pretreatment~~Pre-treatment facilities. Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in this article within the time limitations specified by EPA, the state or the city, whichever is more stringent. Any pretreatment facility shall be provided, operated, and maintained at the user's sole cost and expense. Detailed plans describing such facilities and operating procedures must be approved in writing by the city before such facilities are constructed. The review and approval of such plans and operating procedures shall not relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge in compliance with this article.

Upon a finding that a user meeting the criteria of an industrial user as defined in this article has no reasonable potential for adversely affecting the ECRWWTF's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with Rule 62-625.500(2)(e), F.A.C., determine that such industrial user should not be considered a significant industrial user.

(b) *Additional pretreatment measures.*

(1) Whenever deemed necessary, the city may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the WWF and determine the user's compliance with the requirements of this article.

(2) The city may require any person discharging into the WWF to install and maintain, on their property and at their sole cost and expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved in writing by the city and shall be installed at a location on the premises to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

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

(c) *Accidental discharge/slug control plans.* At least once every two years, the city shall evaluate whether to require each significant industrial user to adopt an accidental discharge/slug control plan. Alternatively, the city may develop such a plan for any user. New significant industrial users must be evaluated within 1 year of being designisgnated a significant industrial user. Significant industrial users are required to notify the city immediately of any changes at its facility affecting the potential

for a slug discharge. If the city decides that a slug control plan is needed, the plan shall be prepared in accordance with the requirements of Rule 62-625.500(2)(b)(6), F.A.C., and An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of all stored chemicals;
- (3) Procedures for immediately notifying the city of any accidental or slug discharge in accordance with section 90-428129; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

Sec. 90-128. Industrial wastewater discharge permit.

(a) *Application for discharge permit.*

- (1) It is unlawful to discharge industrial waste without a wastewater discharge permit. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and shall subject the permittee to sanctions set out in sections 90-434132 and 90-432133. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state or local law. The city may require other industrial users, including liquid waste haulers and non-discharging industrial users to obtain wastewater discharge permits as necessary to carry out the purposes of this article.
- (2) Except as expressly otherwise provided in this article, all prospective industrial users must submit to the city the application fee and information on the nature and characteristics of their wastewater by completing a wastewater discharge permit application/wastewater survey at least 180 days prior to the date upon which any discharge will begin. The city is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Information to be provided with the survey may include description of the industrial activity, specifications of the constituents inherent to the processes and wastes, identification of the wastewater characteristics, plumbing diagrams, location of sampling points, number of employees and hours of operation, and any other information deemed necessary by the city to evaluate the permit application. Failure to complete this survey shall be reasonable grounds for terminating service to the user and shall be considered a violation of this article.
- (3) Within 90 days of receipt of a complete wastewater discharge permit application, the city will determine whether or not to issue a wastewater discharge permit. The city may deny any application for a wastewater discharge permit.
- (4) All users which discharge industrial waste into the WWF who have not been issued a wastewater discharge permit from the city prior to the effective date of the ordinance from which this article is derived or whose wastewater permit issued by the city has expired prior to the effective date of this article are granted temporary authority to continue to discharge

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subject to making application for a wastewater discharge permit or renewal thereof in accordance with this provision. Those users who wish to continue such discharges shall apply for a wastewater discharge permit or renewal as provided herein. No user shall cause or allow discharges to the WWF to continue except in accordance with a wastewater discharge permit issued by the city.

(5) All wastewater discharge permits issued by the city prior to the effective date of the ordinance from which this article is derived that have not expired prior to the effective date of this article shall remain effective until expiration as indicated therein, subject to all provisions of this article, including, but not limited to, modification and/or revocation thereof. All renewals of all wastewater discharge permits issued by the city prior to the effective date of the ordinance from which this article is derived shall be subject to the all provisions of this article.

(b) *Application signatories and certification.* All wastewater discharge permit applications and user reporting 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."

An authorized representative of the user shall be as follows:defined in Section 90-1224.

~~(1) A responsible corporate officer, if the industrial user submitting the reports is a corporation;~~

~~(2) A general partner or proprietor, if the industrial user submitting the reports is a partnership or sole proprietorship, respectively;~~

~~(3) A duly authorized representative of the individual designated in (1) and (2) above if:~~

~~a. The authorization is made in writing by the individual described in (1) or (2) above;~~

~~b. 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 the plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters of the company; and~~

~~c. The written authorization is submitted to the city;~~

~~If an authorization under subsection (3) above is no longer accurate because 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 authorization satisfying the requirements of subsection (3) above must be submitted to the city prior to or together with any reports to be signed by an authorized representative; or~~

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~~(4) A duly authorized municipal official, if the industrial user submitting the reports is a municipal department.~~

(c) *Permit issuance process.*

(1) Wastewater discharge permits shall be expressly subject to all provisions of this article and all other applicable regulations. The cost of such permit shall be charged to the industrial user in accordance with the fee schedule as set forth in section 90-132133

(2) Permit duration shall not exceed five years from the date of issuance and upon expiration of the permit, a renewal permit may be issued which shall be effective for an additional five years provided that the conditions of the existing permit have not changed and the appropriate renewal fees have been paid. The permit shall be displayed by the industrial user in a location at the permitted facility so as to be seen and read by the general public.

(3) Wastewater discharge permits shall contain at a minimum, the following conditions:

- a. A statement that indicates the wastewater discharge permit duration;
- b. A statement of non-transferability;
- c. Pretreatment standards and effluent limits, including best management practices, applicable to the user based on applicable standards in federal, state, and local law;
- d. Self-monitoring, sampling, reporting, notification, and recordkeeping requirements;
- e. Process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with Rule 62-625.600(4)(b), F.A.C. or a specific waived pollutant in the case of an individual control mechanism;
- ef. Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements.
- g. Requirement to control slug discharges, if determined by the city to be necessary.

(4) Wastewater discharge permits may contain the following additional conditions:

- a. The unit charge or schedule of user charges and fees for management of the wastewater to be discharged to the WWF;
- b. Limits on the instantaneous, daily, monthly average, and/or four-day maximum concentration, mass, or other measure of identified wastewater constituents and characteristics;
- c. Limits on the average and/or maximum rate and time of discharge and/or requirements for flow regulations and equalization;
- d. Requirements for installation and maintenance of inspection facilities, and flow metering and sampling equipment;
- e. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or

prevent the introduction of pollutants into the WWF;

f. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;

g. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the WWF;

h. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit;

i. Other conditions as deemed appropriate by the city to ensure compliance with this article, and federal and state laws, rules and regulations.

(5) *Compliance schedules.* If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the user shall submit to the city for approval and incorporation in the permit the shortest schedule by which the user is to provide additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards. The compliance schedule shall meet the requirements set out in subsection ~~90-128~~129(b).

(d) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit may not be assigned, transferred or sold to a new owner or new user unless the permittee gives at least 90 days' advance written notice to the city and the city approves the wastewater discharge permit transfer. The notice to the city shall include a written certification by the new owner and/or user that:

(1) States that the new owner and/or user has no intent to change the facility's operations or processes;

(2) Identifies the specific date on which the transfer is to occur;

(3) Acknowledges full responsibility for complying with the terms and conditions of the existing permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit subject to revocation pursuant to the provisions of this article.

(e) *Permit appeal.*

(1) The city shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the city to reconsider the terms of a wastewater discharge permit within 15 days of its issuance. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the wastewater discharge provisions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

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(3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(4) If the city fails to act within 15 days, a request for reconsideration shall be deemed to be denied. Decisions by the city not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.

(f) *Permit modification.* Permits may be modified by the city for causes including, but not limited to the following:

(1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

(3) A change in the ECRWWTF that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to the WWF, WWF personnel, or the receiving waters;

(5) Violations of any terms or conditions of the wastewater discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13 and F.A.C. 62-625.700;

(8) To correct typographical or other errors in the wastewater discharge permit;

(9) To reflect a transfer of the facility ownership and/or operation to a new owner/operator;

(10) Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

Industrial user requests for permit modifications shall be made in writing to the city and include facts or reasons which support the request. When modifying a permit, the city shall allow a reasonable time frame for the user to comply with the new or changed conditions if the user cannot meet them at the time of the modification and if permitted by law. If the new or changed conditions are the result of new or changed pretreatment regulations, those regulations will stipulate the compliance period. The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition and compliance with the permit conditions as required, unless modified.

(g) *Permit revocation.* Wastewater discharge permits may be revoked for the following reasons:

(1) Failure to notify the city of significant changes to the wastewater prior to the changed discharge.

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- (2) Failure to provide prior notification to the city of changed condition pursuant to subsection 90-428129(e).
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
- (4) Falsifying self-monitoring reports.
- (5) Tampering with monitoring equipment.
- (6) Refusing to allow the city timely access to the facility premises and records.
- (7) Failure to meet effluent limitations.
- (8) Failure to pay penalties.
- (9) Failure to pay sewer charges.
- (10) Failure to meet compliance schedules.
- (11) Failure to provide advance notice of the transfer of a permitted facility.
- (12) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.
- (13) Indication that the discharge presents a threat to the environment or threatens to interfere with the operation of the WWF.

Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership except in accordance with the provisions of this article. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

(h) *Appeal of permit revocation.*

- (1) Authorization to discharge industrial waste into the WWF shall continue in effect unless or until rescinded by the city in writing. If the city revokes the authorization of any user to discharge wastes into the WWF, notification of such revocation shall be delivered to the user by certified mail or by hand delivery.
- (2) Any system user whose authorization to discharge has been revoked may appeal the decision to the ECRWWTFB. The appeal shall be sent in writing by certified mail, return receipt requested, to the city within 15 days of receipt of the city's notification to cease discharge.
- (3) The ECRWWTFB may affirm, reverse, or modify the order of the city and shall issue its decision in writing. The city's order to cease discharge of wastes into the WWF shall not become effective until the period for appeal has expired, or in the event that an appeal has been filed, until the appeal board has rendered a decision, unless the city has made a finding that continued discharge by the user into the WWF constitutes a clear and present danger to the operations of the WWF or to the health of the public, or to the environment. Any such finding shall be included in the city's notification to cease discharge, and in such event, the revocation of authorization to discharge wastes shall become effective immediately.

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(i) *Permit renewal.* All permittees must apply for a permit renewal a minimum of 90 days prior to the expiration of the existing permit. The reapplication for a permit shall consist of a written request for reissuance of the permit. The request shall state that the user is in compliance with all terms and conditions of the existing permit and this article and must be signed by an authorized representative of the user.

(j) *Special agreements.* The city reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the WWF. In no case will a special agreement waive compliance with a categorical pretreatment standard or requirement.

(k) *Regulation of discharge from other jurisdictions.* If another jurisdiction or municipality contributes all or a portion of its wastewater to the WWF, the city may require the jurisdiction or municipality to enter into a multijurisdictional agreement with the city. Prior to entering into a multijurisdictional agreement, the city may request the contributing jurisdiction provide the following information:

- (1) A description of the quality and volume of the wastewater at the point where it enters the WWF from the contributing jurisdiction.
- (2) An inventory of all industrial users within the contributing jurisdiction.
- (3) Such information as may be required by the city.

(l) *Multijurisdictional agreement.* A multijurisdictional agreement as required in subsection (k) of this section, shall contain the following conditions:

- (1) A requirement for the contributing jurisdiction to adopt a sewer use ordinance which is at least as stringent as this article and local limits which are at least as stringent as those set out in section 90-~~126~~125. The requirement shall specify that the sewer use ordinance and limits must be revised as necessary to reflect changes made to this article.
- (2) A requirement for the contributing jurisdiction to submit a revised industrial user inventory on at least an annual basis.
- (3) A requirement for the contributing jurisdiction to:
 - a. Conduct pretreatment implementation activities including industrial user permit issuance, inspection and sampling and enforcement; or
 - b. Authorize the city to take or conduct the activities on its behalf.
- (4) A requirement for the contributing jurisdiction to provide the city with access to all information that the contributing jurisdiction user or municipal user obtains as part of its pretreatment activities.
- (5) Limits on the nature, quality, and volume of the contributing jurisdiction wastewater at the point where it discharges to the WWF.
- (6) Requirements for monitoring the municipal discharge.
- (7) A provision ensuring the city access to the facilities of users located within the contributing jurisdiction's jurisdictional boundaries for the purpose of inspection, sampling, and

any other duties deemed necessary by the city.

(8) A provision specifying remedies available for breach of the terms of the multi-jurisdictional agreement.

Sec. 90-129. Reporting requirements.

(a) *Baseline monitoring reports.* Within either 180 days after the effective date of a categorical pre-treatment standard, or the final administrative decision on a category determination under F.A.C. 62-625.410(2)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the WWF shall submit to the city a report which contains the information listed numerically in this subsection. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the city a report which contains the information listed in this subsection. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

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

(2) *Environmental permits.* A list of any environmental 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 operation carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the WWF from the regulated processes.

(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~~ waste stream formula set out in F.A.C. 62-625.410(6).

(5) *Measurement of pollutants.*

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

b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the city, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and ~~long-term~~ 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 subsection (j) of this section.

c. Sampling must be performed in accordance with procedures set out in subsection (j) of this section.

(6) *Compliance schedule.* If additional pre-treatment and/or operation and maintenance will be required to meet the pre-treatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or operation and maintenance. The completion date

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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 subsection (b) of this section.

(7) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with subsection ~~90-427~~128(b). The reports shall also include a statement, reviewed by the user's authorized representative indicating whether pre-treatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance ~~(O&M)~~ (O&M) and/or additional pre-treatment is required to meet the pre-treatment standards and requirements.

(b) *Compliance schedule progress reports.* The following conditions shall apply to the compliance schedule required by subsection ~~90-428~~129(b) and subsection (a)~~(76)~~ of this section:

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

(2) No increment referred to in subsection (b)(1) of this section shall exceed nine months;

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

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

(c) *Reports on compliance with categorical pretreatment standard deadline.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of the 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 city a report containing the information described in subsections (a)(4) through (6) of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in F.A.C. 62-625.410(4), this report shall contain a reasonable measure of the user's long term production rate. For all other Users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection ~~90-427~~128(b).

(d) *Periodic compliance reports (IU self-monitoring).*

(1) All significant industrial users, except non-significant categorical industrial users, shall, at a frequency determined by the city but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. Periodic compliance reports shall meet the requirements of Rule 62-625.600(4) and (7), F.A.C. All periodic compliance reports must be

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signed and certified in accordance with subsection 90-427~~128~~(b). The industrial user may request submission of the above reports 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.

(2) All wastewater samples must be representative of the user's discharge. The reports must be based on sampling and analysis performed in the period covered by the report. 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.

(3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the city, using the procedures prescribed in subsection (j~~k~~) of this section, the results of this monitoring shall be included in the report.

(4) The city may also reduce the reporting requirements to a frequency no less than once a year, unless required more frequently in the pre-treatment standard or by DEP, if the industrial user meets the requirements of Rule 62-625.600(4)(d), F.A.C.

(5) In cases where the pretreatment standard requires compliance with best management practice (BMP) or pollution prevention alternative, the industrial user shall submit documentation required by the city or the pretreatment standard necessary to determine the compliance status of the industrial user.

(6) The city may authorize an industrial user to waive sampling of a regulated pollutant if the industrial user provides an annual certification statement and demonstrates compliance with Rule 62-625.600(4)(b) and (c), F.A.C.

(e) *Reports of changed conditions.* Each user must notify the city of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

(1) The city may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under subsection 90-427~~128~~(a).

(2) The city may issue a wastewater discharge permit under subsection 90-427~~128~~(a) or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.

(3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 25 percent or greater, and the discharge of any previously unreported pollutants.

(f) *Reports of potential problems.*

(1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, prohibited discharge, or a slug load, that may cause potential problems for the WWF the user shall immediately telephone and notify the city of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective

actions taken by the user.

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

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (f)(1) of this section. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(g) *Reports from unpermitted users.* All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the city and the control authority as the city may require.

(h) *Notification of the discharge of hazardous waste.*

(1) Any user who commences the discharge of hazardous waste shall notify the city, the EPA regional waste management division director, and state hazardous waste authorities, in writing, of any discharge into the WWF of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 220 pounds of such waste per calendar month to the WWF, the notification shall also contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the ~~wastestream~~waste stream discharged during that calendar month, and an estimation of the mass of constituents in the ~~wastestream~~waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need only be submitted once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under subsection (e) of this section. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of subsections (a), (c) and (d) of this section.

(2) Dischargers are exempt from the requirements of subsection (i)(1) of this section during a calendar month in which they discharge no more than 33 pounds of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR, 261.30(d) and 261.33(e). Discharge of more than 33 pounds of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the city, the EPA regional waste management waste division director, and

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state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

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

(5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued thereunder, or any applicable federal or state law.

(i) *Analytical requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in F.A.C. 62-625.600(1)(e), ~~unless otherwise specified in an applicable categorical pretreatment standard; or the sampling or analytical techniques for the pollutant in question is not given for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by DEP.~~ requirements of 40 CFR Part 136, Chapter 62-160, F.A.C., and Rule 62-625.600(d)(d) and (e) F.A.C., unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain appropriate sampling or analytical techniques or the pollutant in question, the laboratory with approval of the industrial user, the city, and DEP, shall identify and propose methods for use in accordance with Rules 62-160.300 and 62-160.330, F.A.C.

(j) *Sample collection.*

(1) Except as indicated in subsection (k)(2) of this section, the user must collect wastewater samples using 24-hour flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the city may authorize the use of time proportional sampling or a minimum of four grab samples taken 15 minutes apart where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits. The city shall require the number of grab samples necessary to assess and assure compliance by industrial user with the applicable pretreatment standards and requirements. Sample collection shall meet the requirements of Rule 62-625(6)(d)-(f), F.A.C.

(2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, dissolved oxygen, chlorine residual, un-ionized ammonia, microbiology, specific conductance, dissolved constituents (e.g. ortho phosphate, etc.) and volatile organic compounds must be obtained using grab collection techniques. A minimum of four grab samples must be used for this testing.

(3) All samples shall be representative of daily operations. Both daily maximum and average concentration (or mass, where required) shall be reported. In cases where the pre-treatment standard requires compliance with a best management practice or pollution prevention alternative, the industrial user shall submit documentation as required by the city or the applicable standards to determine compliance with the standard.

~~(34)~~ 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 industrial user shall measure flows and concentrations necessary to allow use of the combined waste stream

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formula of Rule 62-625.410(6), F.A.C., in order to evaluate compliance with the pre-treatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Rule 62-625.410(6), F.A.C., this adjusted limit, along with supporting data, shall be submitted to the city.

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

(l) *Signatory requirements.* Signatory requirements for all industrial user reports shall be as stated under Sec. 90-127128(b) of this Article.

(m) *Annual certification by non-significant categorical industrial users.* An industrial user determined to be a non-significant categorical industrial user as defined in Sec. 90-121 of this article, must annually submit the following certification statement, signed in accordance with the signatory requirements of paragraph (l) above. The certification must accompany any alternative report required by the city: “Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR [*specify applicable national pretreatment standard part(s)*], I certify that, to the best of my knowledge and belief that during the period from [*month, day, year*] to [*month, day, year*]:

(1) The facility described as [*industrial user name*] met the definition of a non-significant categorical industrial user as defined in the city’s code of ordinances, chapter 90, article III, Sec. 90-122;

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

(3) 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 upon the following information: [*documentation of basis to continue exemption*].

(~~h~~) *Records.* Any industrial user subject to the reporting requirements in this article is required to retain for a minimum of three years any records of monitoring activities and results, including documents, books, memoranda, reports, correspondence, documentation associated with Best Management Practices, and any and all summaries thereto, and shall make records available for inspection or photocopying by the city, state and federal officials. Records shall include the date, exact place, method and time of sampling and the name of the person taking the samples; the dates analyses were performed; who performed the analysis; the analytical techniques or methods used and the results of such analyses. The three-year period provided in this subsection shall be automatically extended for the duration of any investigation, enforcement, litigation or other proceeding concerning the user, or where the user has been specifically notified of a longer retention period by the city. All sampling and analysis activities shall be subject to the record-keeping requirements specified in Chapter 62-160, F.A.C.

(~~o~~) *WWF monitoring.* In addition to the self-monitoring required under this section, the city will conduct periodic, independent compliance monitoring of industrial users as appropriate at its sole discretion.

Sec. 90-130. Protection from damage.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the WWF. Costs of any damage to WWF caused by such acts or costs associated with additional treatment or alternative disposal method required to meet effluent or sludge treatment and disposal requirements resulting from violations of this article shall be paid by the user responsible for the violations.

Sec. 90-131. Powers and authority of inspectors.

(a) Authorized representatives of the city, the DEP, and the EPA, bearing proper credentials shall be permitted to enter upon any property without prior notification for the purpose of inspection, observation, measurement, sampling, testing review and/or photocopying of records, or investigation as may be necessary to investigate any potential violation of this article or in any enforcement of this article. Legal authority shall be granted as authorized in Rule 62-625.500(2)(a)(4), F.A.C. Entry shall be made during daylight or operating hours unless abnormal or emergency circumstances require otherwise.

(b) The city may seek issuance of a search warrant from any court of competent jurisdiction for the following reasons:

- (1) Refusal of access to a building, structure or property or any part thereof.
- (2) If the city is able to demonstrate probable cause to suspect a violation of this article.
- (3) If there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city.
- (4) To protect the public health, safety and welfare of the city.

Sec. 90-132. Violations, notice, fine and enforcement.

An escalating enforcement strategy shall be used by the city when industrial users are out of compliance with this article. The various types of enforcement actions, including the industrial discharger enforcement procedure (IDEP), shall be used as determined by the city depending on the circumstances of the violation. Administrative fines shall be established by a duly-adopted resolution of the city.

- (1) If a sampling performed by the user indicates a violation, the user must do each of the following:
 - a. Give notice to the city by telephone, in writing or in person within 24 hours of becoming aware of the violation (initial notice);
 - b. Give written notice of the violation to the city within seven days of the initial notice; the notification must contain: (i) the magnitude and nature of the violation; (ii) the address of the facility where the violation has occurred; and (iii) details regarding analytical quality assurance;
 - c. Resample the final discharge for the violated parameter;
 - d. Submit the resampling data to the city within 30 days of ~~the initial notice~~ becoming

aware of the violation;

The resampling data should indicate that the violation has been corrected and the industrial user is in compliance with this article. If the resampling data indicates noncompliance, the user shall have an additional 30 days from the initial notice to comply.

If a violation is determined by the city during monitoring conducted by the city, the city will issue a notice of violation (NOV) and a compliance schedule, including the requirement to resample in order to determine whether a violation is significant. If the city has performed the sampling and analysis in lieu of the industrial user, the city must perform the repeat sampling and analysis unless the user is notified of the violation and the city requires the user to perform the repeat sampling. Resampling data must be submitted to the city within 30 days of the date of the NOV. Compliance is required by the date included in the compliance schedule (compliance date).

The city may require the immediate halt of a discharge if it is deemed as an immediate threat to public health or the WWF. The city may immediately suspend a user's discharge after verbal notice, including notice by telephone, to the user whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The city may also immediately suspend a user's discharge after notice and opportunity to respond that threatens to interfere with the operation of the WWF or which presents or may present an endangerment to the environment. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the city may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WWF, its receiving stream or endangerment to any individuals. The city may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the city that the period of endangerment has passed. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(2) Failure to resample, report and comply as required by paragraph (a) above is a violation of this article and F.A.C. 62-625.600(6)(b) and shall result in a single administrative fine for each violation reported in the industrial user's sampling data. For example, if the administrative fine is \$150.00 per violation and the sampling data indicates four violations, the single administrative fine is \$600.00. If the city does not receive the resampling data within 30 days of the initial notice or NOV, the administrative fine is immediately due and payable.

Continued failure to comply within 60 days from the initial notice, or by the compliance date, will result in a monthly fine for each violation commencing from the date of the initial notice or NOV. If the city does not receive re-sampling data within 60 days of the initial notice, or by the compliance date, the monthly fine is immediately due and payable for each month or partial month that the noncompliance continues. For example, if the monthly fine is \$500.00 per violation and the sampling data indicates four violations, and the noncompliance continues for six and one-half months from the date of the initial notice or NOV, the monthly fine is \$2,000.00 and the total due from the user is \$14,000.00 for seven months of noncompliance.

(3) If significant noncompliance has occurred, the city will issue an NOV requiring the user to submit a compliance schedule within 15 days of the date of the NOV. The schedule shall provide for compliance within 90 days of the date of the NOV (compliance period). The

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compliance schedule shall require the user to determine the need to install or construct pre-treatment facilities during the compliance period. If the city does not receive the compliance schedule within 15 days, a single administrative fine for each violation is immediately due and payable.

Approval of the compliance schedule by the city is a condition of continued operation. The city will review the compliance schedule and approve or deny the schedule within five days of the receipt of the schedule. Failure to obtain an approved compliance schedule from the city within 90 days of the date of the NOV, will result in a monthly fine for each violation commencing from the date of the NOV.

If the industrial user determines at any time during the initial 90 days that pre-treatment facilities are required, the industrial user will immediately inform the city of such requirement and include a draft construction schedule in the compliance schedule.

The compliance schedule shall include a demonstration of compliance (DOC). At the end of the compliance period, the city will review the DOC data to determine whether compliance has been achieved. Failure to demonstrate compliance during the compliance period will result in a monthly fine that is immediately due and payable for each month or partial month from the date of the NOV to the date of compliance. Within 15 days after the expiration of the compliance period, the industrial user shall submit a final compliance schedule to the city for approval. The final compliance schedule will provide for compliance within 180 days of the date of the NOV (final compliance period).

Approval of the final compliance schedule is a condition of continued operation. The city will review the final compliance schedule and approve or reject the schedule within five days of the receipt of the schedule. If the final compliance schedule is rejected, the industrial user shall have an additional ten days to submit a final compliance schedule. Failure to obtain an approved final compliance schedule from the city within 30 days of the end of the compliance period, will result in a doubling of the monthly fine for each violation commencing from the date of the NOV. For example, if the monthly fine is \$1,000.00 per violation and there are four violations, and the violations continue for six months, the monthly fine is \$4,000.00 for a total of \$24,000.00. Failure to obtain an approved final compliance schedule will result in a total monthly fine of \$48,000.00.

If the final compliance schedule does not achieve compliance by the end of the final compliance period, the city will issue a written notice to show cause (NSC) why the discharge period should not be revoked and service terminated in accordance with law. The NSC will specify the time and place of the hearing, the proposed enforcement action to be taken, the reasons for such actions and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing or posted at the location where the alleged violation is occurring or has occurred. Failure to receive notice will not prevent the enforcement action from being taken. Whether or not the user appears as notified, immediate enforcement action may be taken following the hearing.

If the industrial user shows cause for its failure to comply, service will not be terminated and the permit will not be revoked. The monthly fine amount will triple for each month from the date of the NOV until final compliance is achieved. The industrial user will submit a revised final compliance schedule within 15 days of the date of the show cause hearing. At any time during

the final compliance schedule, the city may issue a further notice to show cause and seek termination of service and revocation of the discharge permit.

If the industrial user fails to show cause why its permit should not be revoked and service terminated, the industrial user's permit shall be revoked and its sewer service will be terminated by the city.

(4) Penalties for violations of this article and/or the industrial user's wastewater discharge permit not specifically addressed in this section will be assessed at the discretion of the city.

Sec. 90-133. Permit fees and ~~penalties~~ industrial waste surcharge rates.

(a) Permit fees ~~and penalties~~ and industrial waste surcharge rates and all other fees to be imposed under this article shall be established by a resolution of the city.

Interceptor fees are charged per interceptor to all users with interceptors, oil interceptors or grease interceptors, including, but not limited to food service users, carwash users, service stations and other commercial facilities.

~~(b) Industrial waste surcharge rates shall be as listed as follows:~~

~~BOD = \$0./lb = X~~

~~TSS = \$0./lb = Y~~

~~Oil & grease = \$/lb = Z~~

~~IWS for BOD =~~

~~IWS for TSS =~~

~~Monthly surcharges shall be calculated as follows:~~

IWS	=	Monthly industrial surcharge rate.
V	=	Volume of industrial flow in million gallons per month based on metered water.
BOD	=	Biochemical oxygen demand in mg/L.
TSS	=	Total suspended solids in mg/L.
OG	=	Oil and grease in mg/L.
X	=	Capital and operating costs per pound of BOD greater than 400 mg/L.
Y	=	Capital and operating costs per pound of TSS greater than 400 mg/L.
Z	=	Capital and operating costs per pound of oil and grease greater than 100 mg/L.

~~(c) Any person who violates a provision of this article shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof, and upon conviction shall be punished by a fine not to exceed \$1,000.00 per day for each offense or by~~

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~~imprisonment in jail not to exceed 60 days or by both such, fine and imprisonment. If a violation continues, each day of such violation shall constitute a separate offense.~~

~~(d) Any person who knowingly makes any false statement, representation or certification in any record or other document submitted in connection with an industrial user discharge permit under this article shall be subject to fines of up to \$1,000.00 per violation or by imprisonment for not more than 60 days, or both.~~

~~(e)(b)~~ The permit fees and industrial waste surcharge rates may be amended from time to time by resolution approved by the city after public notice and an opportunity for the public to be heard.

Sec. 90-134. Penalties, civil and criminal remedies.

In addition to the administrative fines provided in section 90-~~134~~132, the city commission is hereby authorized to institute any appropriate action or proceeding, including issuing compliance schedules to the user, suit for injunctive relief and civil penalties ~~up to~~ in at least the amount of \$1,000.00 per day per violation, in order to prevent or abate violations of this article. The city may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(1) *Injunctive relief.* When the city finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued under this article, or any other pretreatment standard or requirement, the city may petition the circuit court through the city attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this article on activities of the user. The city may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(2) *Criminal prosecution.*

a. A user who willfully or negligently violates any provision 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 of not more than the maximum fine allowed under state law per violation, per day, or imprisonment, or both.

b. A user who willfully or negligently introduces any substance into the WWF which causes personal injury or property damage shall, upon conviction, be subject to a penalty of at least the maximum fine allowable under state law, or be subject to imprisonment, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

c. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, wastewater discharge permit, or order issued under this article, 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 the maximum fine allowable under state law per violation, per day, or imprisonment or both.

d. In the event of a second conviction, a User shall be punished by a fine of not more than the maximum fine allowable under state law per violation, per day, or imprisonment, or both.

(3) *Remedies nonexclusive.* 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 pre-treatment violations will generally be in accordance with the city's enforcement response plan. However, the city may take other action against any User when the when the circumstances warrant. Further, the city is empowered to take more than one enforcement action against any noncompliant user.

Sec. 90-135. Notification requirements and affirmative defenses to accidental discharge, upset and bypass.

(a) *Accidental discharge of prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions or the specific prohibitions in subsection 90-126-425(b) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(1) 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

(2) 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.

(b) *Upset.* If there occurs an unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user (such as force majeure), and the industrial user wishes to establish an affirmative defense of an upset, the user must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

(1) An upset occurred and the industrial user can identify the cause of the upset;

(2) The industrial user's facility was, at the time of the upset, being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

(3) The industrial user properly notified the city of the upset in accordance with the procedures set forth in subsection (d) of this section. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset has the burden of proof. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. The industrial user shall control production or all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(c) *Bypass.*

(1) An industrial user may allow bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation.

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

(3) Bypass that exceeds applicable pre-treatment standards is prohibited, and the city shall take enforcement action against an industrial user for a bypass, unless:

a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

b. There were no technically feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.

c. The industrial user properly notifies the city of the bypass in accordance with the procedures set forth in subsection (d) of this section.

(d) *Notification of accidental discharge, upset or bypass.*

(1) *Immediate notification via telephone.* In the event of an accidental discharge, slug load, upset or bypass, (including a violation of the prohibited discharge standards in subsection 90-126425(b)) the user shall take the necessary measures to stop, limit, or control the discharge. The discharger shall immediately notify the city within 24 hours about the incident by telephone, by contacting the 24-hour emergency dispatch at 561-822-2210. The notification shall include:

a. Address of the discharge;

b. Description of discharge and noncompliance; ~~Type of discharge;~~

c. Concentration of pollutants in the discharge;

d. Volume of discharge;

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

f. Corrective measures taken; Steps being taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(2) *Written notification.* Within five calendar days of the accidental discharge, upset or bypass, the discharger shall submit a written report to the city. The report shall include, but not

be limited to, description of the bypass, type of discharge, concentrations, volume, cause of the event, duration of the event including exact dates and times, corrective measures taken, if the bypass has not been correct, the anticipated time it is expected to and continue, and measures to be employed to reduce, eliminate and prevent future incidents. If further information is requested by the city, the discharger shall provide the information to the city within 48 hours of the request. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(3) *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge, upset or bypass. Employers shall ensure that all employees who could cause or suffer such accidental discharges, upset or bypasses to occur are advised of the emergency notification procedures. Failure to notify the city of potential problem discharges, upset or bypasses shall be deemed a separate violation of this article.

Sec. 90-136. Confidentiality.

Information and data concerning individual industrial users obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public to the extent permitted by state law, upon written request without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the city that such release would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Notwithstanding the foregoing, wastewater constituents and characteristics will not be recognized as confidential information.

Sec. 90-137. Public notice of non-compliance.

The city shall publish at least one time annually a list of the industrial users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements as defined in Sec. 53.004. Public notification shall be 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. The city shall publish annually in the largest daily newspaper published within the county, a list of industrial users which during the previous 12 months were in significant noncompliance with applicable pretreatment standards.

SECTION 2: Specific authority is hereby granted to codify this Ordinance.

SECTION 3: All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4: Should any section or provision of this Ordinance or any portion, paragraph, sentence or word thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole, or any other part thereof.

SECTION 5: This Ordinance shall take effect as provided by law.

FIRST READING THIS ____ DAY OF _____, 2012.

SECOND READING AND FINAL PASSAGE THIS ____ DAY OF _____, 2012.

(CORPORATE SEAL)

**CITY OF WEST PALM BEACH
BY ITS CITY COMMISSION**

ATTEST:

PRESIDING OFFICER

CITY CLERK

CITY ATTORNEY'S OFFICE
Approved as to form and legality

By: _____