

## ORDINANCE NO. 20-09

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING DIVISION 3 OF ARTICLE II OF CHAPTER 2-31 OF THE MANATEE COUNTY CODE OF ORDINANCES RELATING TO SEWER USE; AMENDING SUBSECTION 2-31-40(e) PROVIDING DEFINITIONS FOR GENERAL PROVISIONS; AMENDING PARAGRAPH 2-31-41(a)(2) PROVIDING FOR SPECIFIC PROHIBITIONS FOR PROHIBITED DISCHARGE STANDARDS FOR GENERAL SEWER USE REQUIREMENTS RELATING TO HAZARDOUS WASTE PHARMACEUTICALS; CREATING SUBSECTION 2-31-42(f) TO PROVIDE FOR PRETREATMENT OF WASTEWATER FOR DENTAL AMALGAM DISCHARGERS; CREATING PARAGRAPH 2-31-45(b) PROVIDING FOR DENTAL DISCHARGER REPORTING REQUIREMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Manatee County, a political subdivision of the State of Florida, owns and operates the Manatee County public utilities system pursuant to Section 125.01, Florida Statutes, Chapter 153, Florida Statutes, Chapter 63-1598, Laws of Florida, as amended, Chapter 2-31, Article IV, Manatee County Code of Ordinances, and other applicable provisions of law; and

**WHEREAS**, on April 12, 2016, the Board of County Commissioners of Manatee County, Florida, enacted Ordinance No. 16-12, codified in Division 3 of Article II of Chapter 2-31 of the Manatee County Code of Ordinances, which amended the requirements for sewer use; and

**WHEREAS**, in 2017, the Environmental Protection Agency (EPA) promulgated pretreatment standards to reduce discharges of mercury from dental offices into publicly owned treatment works (POTWs) in regulations codified in 40 CFR part 441, known as the Dental Amalgam Rule; and

**WHEREAS**, under EPA's Dental Amalgam Rule, dental offices that place or remove amalgam must operate and maintain an amalgam separator and must not discharge scrap amalgam or use certain kinds of line cleaners; and

**WHEREAS**, under EPA's Dental Amalgam Rule, existing and new sources must submit a one-time compliance report to their pretreatment control authority, which is Manatee County for users of the County's sanitary sewer collection system; and

**WHEREAS**, in 2019, EPA promulgated a rule prohibiting all healthcare facilities and reverse distributors from disposing hazardous waste pharmaceuticals in a sewer system that passes through a POTW; and

**WHEREAS**, Manatee County's sanitary sewer collection system is a POTW, as defined by Section 212 of the Clean Water Act, 33 U.S.C. § 1292, and thus subject to the EPA's prohibition on the disposal of hazardous waste pharmaceuticals; and

**WHEREAS**, the Board of County Commissioners of Manatee County has determined that it is in the best interest of the County to amend the requirements for sewer use set forth in Division 3 of Article II of Chapter 2-31 of the Manatee County Code of Ordinances to incorporate the EPA's Dental Amalgam Rule requirements and prohibition against the disposal of hazardous waste pharmaceuticals as provided in this Ordinance.

**WHEREAS**, the Board of County Commissioners of Manatee County finds that the provisions of this Ordinance are in the best interests of the County, its citizens, taxpayers and business community.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Manatee County:

**Section 1.** Section 2-31-40(e) of the Manatee County Code is hereby amended as follows:

(e) *Definitions.* Unless a provision explicitly states otherwise, the following terms and phrases, as used in this division, shall have the meanings hereinafter designated:

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

*Amalgam process wastewater.* Any wastewater generated and discharged by a dental discharger through the practice of dentistry that may contain dental amalgam.

*Approval authority.* State of Florida Department of Environmental Protection.

*Authorized representative of the user.*

(1) If the user is a corporation:

- a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
- b. The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations, and ensuring

that the necessary systems are established or actions taken to gather complete and accurate information for wastewater discharge permit requirements, where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (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 governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
- (4) The individuals described in subparagraphs (1) through (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the user, and the written authorization is submitted to the county.

*Baseline monitoring report or BMR.* A report that documents a user's compliance status with all applicable pretreatment standards.

*Best management practices or BMPs.* Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in this division and 40 CFR §§ 403.5(a) and 403.5(b) and part 441, as amended. This definition includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage, or waste dental amalgam.

*Best professional judgment or BPJ.* A determination made after consideration of all reasonably available and pertinent data or information.

*Biochemical oxygen demand or BOD.* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees centigrade, usually expressed as a concentration (e.g., mg/l).

*Biosolids.* The nonhazardous and recyclable organic matter resulting from the treatment of wastewater.

*Blackwater.* The part of domestic wastewater carried off by toilets, urinals, and kitchen drains.

*Board.* The Board of County Commissioners of Manatee County.

*Bypass.* The intentional diversion of wastewater streams from or around any portion of an industrial or commercial user's private sewage disposal system, treatment facility, or other control facility.

*Carbonaceous biochemical oxygen demand* or *CBOD*. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures while inhibiting the nitrogenous demand, usually expressed as a concentration (e.g., mg/l).

*Categorical industrial user* or *CIU*. An industrial user subject to a categorical pretreatment standard.

*Categorical pretreatment standard* or *categorical standard*. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317, as amended) which apply to a specific category of users and which appear in Rule 62-625.410, Florida Administrative Code (F.A.C.), as amended.

*Chemical oxygen demand* or *COD*. The quantity of oxygen utilized in the chemical oxidation of all matter, both organic and inorganic, in water under standard laboratory procedures and conditions of oxidizing agent, temperature and time, usually expressed as a concentration (e.g., mg/l).

*Collection system*. The combined lines, pipes, conduits, manholes, and other structures, usually underground, which convey wastewater to the county's wastewater treatment plants.

*Commercial sewage waste*. Non-toxic, non-hazardous wastewater from commercial facilities, including, but not limited to, commercial and institutional food service facilities, commercial laundry facilities with no more than four (4) washing machines, and animal holding facilities.

*Compliance schedule*. The period of time approved by the director for a user or waste hauler to comply with permit conditions or discharge requirements.

*Composite sample*. A sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

*County*. The County of Manatee, Florida.

*Daily discharge*. The discharge measured during a calendar day or any twenty-four (24) hour period that reasonably represents the calendar day for purposes of sampling as approved by the director. Typically, the calendar day from 12:00 midnight to 11:59 p.m. is used. However, a permittee may specify any other twenty-four-hour period that corresponds to staffing shifts and their reporting day. In any case, the same period of time must be used consistently for purposes of reporting and must not vary from one day to another.

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

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

*Dental amalgam.* An alloy of elemental mercury and other metal(s) that is used in the practice of dentistry, as defined by 40 CFR part 441, as amended.

*Dental discharger.* A facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by federal, state or local governments that discharges wastewater to a publicly owned treatment works, as defined by 40 CFR part 441, as amended.

*Director.* The director of the Manatee County Utilities Department, or his/her duly appointed and authorized deputies, agents, or representatives.

*Domestic wastewater.* The liquid and solid water-carried wastes derived from the ordinary living processes of humans of such character as to permit satisfactory disposal, without special pretreatment, into the public sewer or by means of a private disposal system.

*Effluent reuse system.* The network of pumps, lines, pipes, and fixtures which provide treated wastewater from any of the county's wastewater treatment plants to any customer for the purpose of using the treated wastewater that complies with the Florida Administrative Code requirements for any useful purpose.

*Environmental Protection Agency or EPA.* The U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, or other duly authorized official of said agency.

*Existing source.* Any source of discharge that is not a new source.

*Florida Building Code.* The current edition of the Florida Building Code with all amendments and supplements.

*Florida Plumbing Code.* The current edition of the Florida Plumbing Code with all amendments and supplements.

*Food service facility or FSF.* Any facility or commercial entity which discharges wastewater into the county's sanitary sewer collection system, is operated for the purpose of manufacturing, packaging, storing, preparing, serving, or otherwise handling food for sale to other entities or consumption by its members, employees, or the public,

and has any operation, process, or device that uses or produces fats, oils, or grease. This definition includes, but is not limited to, food courts, manufacturers, packagers, restaurants, grocery stores, bakeries, caterers, bars, lounges, hospitals, hotels, motels, nursing homes, churches, schools, detention centers, prisons, and mobile food vendors. This definition does not include a limited food preparation establishment.

*Garbage.* Refuse accumulation of animal, fruit, vegetable, or mineral matter resulting from the manufacture, storage, preparation, processing, handling, or consumption of food.

*Garbage disposal or grinder.* A device which shreds or grinds waste materials into smaller portions for discharge into a sanitary sewer collection system.

*Grab sample.* A sample which is taken from a wastewater stream without regard to the flow in the wastewater stream and over a period of time not to exceed fifteen (15) minutes.

*Gray water.* Wastewater generated from hand washing, bathing, showering, dishware washing, clothes washing, and food preparation. This definition also means all liquid contained in a grease interceptor located below the floating grease layer and above the food solids layer.

*Grease or FOG.* Fats, oils, waxes, and other related constituents which may be present in the wastewater system as a floatable solid, liquid, colloid, emulsion, or in a solution. This definition encompasses substances of animal or vegetable origin, including, but not limited to, butter, lard, margarine, vegetable fats and oils, and fats in meats, cereals, seeds, nuts, and certain fruits. This definition also encompasses substances of mineral origin, including, but not limited to, kerosene, lubricating oil, and road oil.

*Grease interceptor.* A multi-compartment grease control device which is constructed in different sizes, generally located underground between a food service facility and the connection to the county's sanitary sewer collection system, and primarily uses gravity to separate fats, oils, and grease from the wastewater as it moves from one (1) compartment to the next. This device must be cleaned and maintained with the fats, oils, and grease removed and disposed of at regular intervals to be effective.

*Grease recycling or disposal facility.* A facility engaged in either recycling of beneficial elements of waste grease, or other means of waste grease disposal approved by FDEP that complies with the Florida Administrative Code requirements, or both.

*Grease trap.* A grease control device which serves individual fixtures, has a limited effect, and is used in locations where a grease interceptor is determined to be impossible or impractical. This device may be used in connection with a grease interceptor.

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

*Hazardous waste.* Solid wastes or combination of wastes which, because of their quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment when improperly transported, stored, treated, disposed of, or otherwise managed.

*Hazardous waste pharmaceuticals.* Any pharmaceutical that is a solid waste, as defined in 40 CFR § 261.2, and exhibits one or more characteristics identified in 40 CFR part 261 subpart C, or is listed in 40 CFR part 261 subpart D.

*Healthcare facility.* Any person that is lawfully authorized to:

- (1) Provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or
- (2) Distribute, sell, or dispense pharmaceuticals. This definition includes, but is not limited to, wholesale distributors, third-party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals.

This definition does not include pharmaceutical manufacturers.

*Indirect discharge or discharge.* The introduction of pollutants into the county's sanitary sewer collection system from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act, as amended.

*Industrial waste.* All liquid or water-carried wastes from industrial or commercial processes, as opposed to domestic wastewater.

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

*Interference.* A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the county's treatment system, processes, or operations or its biosolids processes, use, or disposal; and therefore, is a cause of a violation of the county's FDEP permit or of the prevention of sewage biosolids use or disposal in compliance with any of the following statutory or regulatory

provisions, as amended, or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection and Sanctuaries Act.

*Limited food preparation establishment.* Any facility or commercial entity which does not discharge wastewater containing a significant amount of fats, oils, or grease into the county's sanitary sewer collection system, is engaged only in reheating, hot holding, or assembly of ready-to-eat food products, and does not use any operation, process, or device that changes the form, flavor, or consistency of food.

*Local discharge limits or local limits.* Those discharge limits developed and enforced by the county and adopted by resolution of the board to implement any general or specific prohibitions set forth in Chapter 62-625, Florida Administrative Code (F.A.C.), as amended, or to satisfy any other discharge requirement imposed on the county by the EPA, FDEP, or any other agency.

*Manifest.* The recordkeeping system used for identifying the concentration, quantity, composition, origin, routing, and destination of waste during transportation from the point of generation to the point of disposal, storage, or treatment as required by the county.

*Mass emission rate.* The weight of material discharged to the county's publicly owned treatment works (POTW) during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

*Medical waste.* Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, fomites, etiologic agents, and dialysis wastes.

*Monthly average.* The sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

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

*New source.*

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act, as amended, which will be applicable to such source if such



standards are thereafter promulgated in accordance with that section, provided that:

- a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - c. The production or wastewater generating processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. In determining whether the sources are substantially independent, factors such as the extent to which the new facility is integrated with the existing source, and the extent to which the facility is engaged in the same general type of activity as the existing source, should 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 subparagraph (1)b. or (1)c. above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph is deemed to have commenced if the owner or operator has:
- a. Begun, or caused to begin, as part of a continuous onsite 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 a new source facilities or equipment; or
  - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which 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 contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- (4) For dental dischargers, new source means a dental discharger whose first discharge to the County's sanitary sewer collection system occurs after July 14, 2017.

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

*Non-significant categorical industrial user or NSCIU.* An industrial user subject to categorical pretreatment standards that is not a significant industrial user as determined by the director.

*Officer.* A person employed by the county as an enforcement compliance officer or industrial compliance inspector.

*Pass through.* A discharge which exits any of the county's wastewater treatment plants into waters of the United States or effluent reuse system in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the county's FDEP permit, including an increase in the magnitude or duration of a violation.

*Permittee.* A person who has been issued a wastewater discharge permit.

*Person.* Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

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

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

*Pollutant.* Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, grease, sewage biosolids, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, dissolved organic or inorganic wastes, and certain characteristics of wastewater, including, but not limited to pH, temperature, TSS, turbidity, color, BOD, CBOD, COD, toxicity, or odor.

*Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or

in lieu of, discharging or otherwise introducing such pollutants into any of the county's wastewater treatment plants. This reduction or alteration can be obtained by physical, chemical, or biological processes; process changes; or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

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

*Pretreatment standards or standards.* Prohibited discharge standards, categorical pretreatment standards, and local limits.

*Private sewage disposal system.* A collecting, treating, and/or disposal facility installed, maintained, and owned by persons other than the county which discharges into an on-site drainfield or the county's sanitary sewer collection system.

*Process wastewater.* Any wastewater contaminated by human activities, including, but not limited to, that originating from manufacturing, agriculture, processing, rinsing, washing, or producing.

*Prohibited discharge standards or prohibited discharges.* Absolute prohibitions against the discharge of certain substances.

*Publicly owned treatment works or POTW.* A "treatment works" as defined by Section 212 of the Act (33 U.S.C. § 1292, as amended) which is owned by the county. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any pumping stations, lines, pipes, manholes, or conveyances which convey wastewater to a treatment plant.

*Pump and return or decanting.* The removal of all wastes from and the return of the separated gray water to a grease interceptor.

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

*Sanitary sewer overflow or SSO.* The release or discharge of untreated or partially treated wastewater from any sanitary sewer collection system, transmission system, or wastewater treatment plant to the surface of the ground or surface water body.

*Septic tank waste or septage.* Any sewage from water tight holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

*Sewage.* Human excrement and gray water (household showers, dish washing operations, etc.).

*Significant industrial user or SIU.* Except as otherwise provided in paragraph (3) of this definition:

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
  - a. Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of process wastewater to any of the county's wastewater treatment plants (excluding sanitary sewage, noncontact cooling water, and boiler blowdown wastewater);
  - b. Contributes a process wastewater stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of any of the county's wastewater treatment plants; or
  - c. Is designated as such by the county on the basis that it has a reasonable potential for adversely affecting the county's operations or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the county's operations or for violating any pretreatment standard or requirement, the county may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in Rule 62-625.500(2)(E), Florida Administrative Code (F.A.C.), as amended, determine that such user should not be considered a significant industrial user.

*Skimming.* The removal solely of surface-floating grease and debris from a grease interceptor.

*Slug load or slug.* Any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the publicly owned treatment works (POTW) regulations, local limits, or permit conditions.

*Solids interceptor.* A multi-compartment solids control device designed to recover food waste from sinks, garbage disposals, grinders, and dishwashers through principles of filtration and gravity separation. Food waste is retained in a removable filtration chamber as wastewater flows through the device, passing first through the filtration chamber and then into the main body chamber, before exiting into the drain line. This device must be cleaned and maintained with the retained food solids removed and disposed of at regular intervals to be effective.

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

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

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

*Toxic organics.* Any toxic organic compound identified in 40 CFR § 401.15, as amended, or appearing on any total toxic organic list as set forth for certain categorical industries in 40 CFR §§ 413, 433, 464, 465, 468, and 469, as amended.

*Upset.* An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless improper operation.

*User, industrial user, or IU.* Any person discharging wastewater into the county's sanitary sewer collection system, including any food service facility.

*Waste cooking oil hauler.* Any person carrying on or engaged in vehicular transport of used or spent cooking oil.

*Waste cooking oil recycling or disposal facility.* A facility engaged in either recycling of beneficial elements of used or spent cooking oil for resale, or converting used or spent cooking oil through chemical or biological means into base elements, such as carbon dioxide and water, which can subsequently be discharged into the county's sanitary sewer collection system.

*Waste hauler.* Any person carrying on or engaged in vehicular transport of septage, industrial waste, or grease as part of or incidental to any business for the purpose of discharging the septage or industrial waste into the county's publicly owned treatment works (POTW) or the grease at a grease recycling or disposal facility.

*Wastewater.* Liquid and water-carried industrial waste, commercial sewage waste, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, institutions, and food service facilities, whether treated or untreated, which are introduced into the county's publicly owned treatment works (POTW).

*Wastewater discharge permit.* The permit issued by the county stipulating the conditions under which a user may discharge to the county's publicly owned treatment works (POTW). Unless specifically identified, this definition includes an individual wastewater discharge permit and a general wastewater discharge permit.

*Wastewater treatment plant or treatment plant.* That portion of the publicly owned treatment works (POTW) which is designed to provide treatment of sewage, commercial sewage waste, and industrial waste.

*Waters of the state.* Any surface water or groundwater located within the boundaries of the State of Florida or over which the State of Florida exercises jurisdiction.

**Section 2.** Section 2-31-41(a)(2) of the Manatee County Code is hereby amended as follows:

- (2) *Specific prohibitions.* No person or user shall introduce or cause to be introduced into the county's sanitary sewer collection system the following pollutants, substances, or wastewater:
- a. Pollutants which create a fire or explosive hazard in the sanitary sewer collection system, including, but not limited to, wastewater streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in Chapter 62-730, Florida Administrative Code (F.A.C.), as amended;
  - b. Wastewater having a pH less than 5.0 or more than 11.5, or otherwise causing corrosive structural damage to the POTW or equipment;
  - c. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but no solids greater than fifteen (15) millimeters in any dimension;
  - d. Pollutants, including oxygen-demanding pollutants (BOD, CBOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the county's receiving wastewater treatment plants;
  - e. Heat in amounts which will inhibit biological activity in a wastewater treatment plant resulting in interference, but no heat in any quantity that results in the discharge from the wastewater treatment plant having a temperature greater than 104°F (40°C), unless the director approves alternate temperature limits in accordance with Rule 62-302.520, Florida Administrative Code (F.A.C.), as amended;
  - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
  - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause corrosion or destruction of pumps, lines, pipes, manholes, or other portions of the POTW or acute worker health or safety problems;

- h. Trucked or hauled pollutants, except at discharge points designated by the director in accordance with this division;
- i. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or safety hazard, or to prevent entry into the sewers for maintenance or repair;
- j. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the county's FDEP permit;
- k. Wastewater containing any radioactive wastes or isotopes, except in compliance with applicable state or federal regulations;
- l. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the director;
- m. Biosolids, screenings, or other residues from the pretreatment of industrial wastes;
- n. Medical wastes, except as specifically authorized by the director in a wastewater discharge permit;
- o. Wastewater causing, alone or in conjunction with other sources, a treatment plant's effluent to fail toxicity testing, or rendering the treatment plant's effluent unsuitable or unusable for reuse, including agricultural or landscape irrigation;
- p. Detergents, surface-active agents, or other substances which may cause excessive foaming, interference, or pass-through in the POTW;
- q. Wastewater causing two (2) readings on an explosion hazard meter at the point of discharge into the POTW or at any point in the POTW of more than five (5) percent, or any single reading over ten (10) percent, of the lower explosive limit of the meter;
- r. Fats, oils, or greases of animal or vegetable origin in concentrations that cause or have the potential to cause blockages or overflows in the POTW;  
or
- s. Chemicals, solvents, enzymes, emulsifiers, or other grease cutters or additives designed to liquefy or emulsify the captured grease so it can pass into the POTW.

- t. Any hazardous waste pharmaceuticals from a healthcare facility or from a reverse distributor.

**Section 3.** Section 2-31-42(f) of the Manatee County Code is hereby created as follows:

(f) Dental dischargers.

- (1) No later than July 14, 2020, all dental dischargers must remove dental amalgam solids from all amalgam process wastewater in accordance with the requirements of 40 CFR § 441.30(a), as amended.
- (2) No later than July 14, 2020, all dental dischargers must implement best management practices set forth in 40 CFR § 441.30(b), as amended.

**Section 4.** Section 2-31-45 of the Manatee County Code is hereby amended to insert a new subsection (b) as set forth below, with the remaining subsections to be renumbered accordingly:

(b) Dental discharger reporting requirements.

- (1) For existing sources, a One-Time Compliance Report as promulgated by the County must be submitted to the director no later than October 12, 2020 or ninety (90) days after a transfer of ownership. For new sources, a One-Time Compliance Report as promulgated by the County must be submitted to the director no later than 90 days following the introduction of wastewater into the County's sanitary sewer collection system.
- (2) Dental dischargers must comply with all reporting and recordkeeping requirements set forth in 40 CFR § 441.50.

**Section 5.** For purposes of codification of any section of the Manatee County Code herein amended, words **underlined** represent additions to original text, and words **stricken** are deletions from the original text.

**Section 6.** Pursuant to Section 125.68(1), F.S., the Codifier shall codify the substantive amendments to the Manatee County Code contained in Section 1 of this Ordinance as provided therein, and shall not codify any other sections not designated for codification.

**Section 7.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of County Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.



**Section 8.** This Ordinance shall take effect immediately upon filing with the State of Florida Department of State.

**DULY ADOPTED** with a quorum present and voting this \_\_\_\_ day of \_\_\_\_\_ , 20\_\_.

**BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA**

By: \_\_\_\_\_  
Chairperson

ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk