

ORDINANCE NO. C-08-26

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "WATER, WASTEWATER AND STORMWATER," BY AMENDING ARTICLE II. SEWERS AND SEWAGE DISPOSAL, DIVISION I. GENERALLY, SECTION 28-26(75)d; BY AMENDING ARTICLE V, SEWER USE REGULATIONS, DIVISION 2. GENERAL SEWER USE REQUIREMENTS, SECTION 28-207; DIVISION 4. WASTEWATER DISCHARGE PERMIT REQUIREMENTS, SECTIONS 28-212 AND 28-213; DIVISION 5, REPORTING REQUIREMENTS, SECTIONS 28-221 AND 28-231; PROVIDING FOR MODIFICATIONS TO EFFLUENT LIMITATIONS, PRE-TREATMENT REQUIREMENTS AND STANDARDS OF PERFORMANCE TO COMPLY WITH THE CLEAN WATER ACT AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) RULE 62-625, F.A.C.; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, it is necessary to establish limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged into the City of Fort Lauderdale's Wastewater treatment facility; and

WHEREAS, it is important to prevent the introduction of pollutants to the City of Fort Lauderdale's Wastewater treatment facility; and

WHEREAS, it is essential to provide for the health, safety and welfare of both the Wastewater treatment facility employees and the citizens of the City of Fort Lauderdale; and

WHEREAS, the City is required to achieve the goals, directives and requirements of the Clean Water Act; and

WHEREAS, it is vital to enable the pretreatment program to comply with all applicable state and federal laws, including the Clean Water Act and Chapter 62-625, F.A.C.; and

WHEREAS, it is important to periodically update the City Code of Ordinances to achieve these goals; and

WHEREAS, the City of Fort Lauderdale operates the George T. Lohmeyer Regional Wastewater Facility under Permit Number FLA041378, issued by the Florida Department of Environmental Protection pursuant to the provisions of Chapter 403, Florida Statutes; and

WHEREAS, the City of Fort Lauderdale is required to implement and enforce its approved pretreatment program as provided in said permit, to operate under federal, state and local authorities and to provide a written technical evaluation that local limits have been developed to verify the protection of wastewater facilities prior to permit expiration, as provided in Rule 62-625.500(2)(a) F.A.C.; and

WHEREAS, the City of Fort Lauderdale has conducted the required evaluations and has provided the results to the Florida Department of Environmental Protection for review, resulting in required amendments to the City's Code of Ordinances;

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

SECTION 1. That Chapter 28, Article II, Division 1, Section 28-26(75)d of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

ARTICLE II. SEWERS AND SEWAGE DISPOSAL

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DIVISION 1. GENERALLY

Sec. 28-26. Definitions and abbreviations.

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(75) Significant industrial user (SIU).

...

- d. A user that has a discharge which, in the judgment of the director, FDEP, or the EPA, may reasonably be expected to have a significant adverse impact either singly or in combination with other contributing industries on the WWF or has the potential to endanger the WWF employees.

SECTION 2. That Chapter 28, Article V, Division 2, Section 28-207 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

ARTICLE V. SEWER USE REGULATIONS

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DIVISION 2. GENERAL SEWER USE REQUIREMENTS

...

## Sec. 28-207. Local limits.

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

<i>Parameter</i>	<i>Milligrams per Liter</i>
Arsenic	0.81
BOD 5	400
Boron	1.0
Cadmium	<del>1.2</del> <u>0.65</u>
Chromium	7.0
Copper	4.5
Cyanide	1.9
<del>Iron</del>	<del>5.0</del>
Lead	0.6
Mercury	0.43
Nickel	4.1
Nonpolar oil and grease	100
Polar oil and grease	400
Phenols	0.05
Selenium	1.0
Silver	1.2
Total suspended solids (TSS)	400

Zinc 4.2

<i>Parameter</i>	<i>Units</i>
pH	5.5 to 11.0
...	

SECTION 3. That Chapter 28, Article V, Division 4, Sections 28-212 and 28-213 of the Code of Ordinances of the City of Fort Lauderdale, Florida, are hereby amended to read as follows:

#### DIVISION 4. WASTEWATER DISCHARGE PERMIT REQUIREMENTS

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

~~(a) All users with existing or new connections, or both, whose discharge may render them a SIU or whose discharge otherwise may be reasonably expected to have a deleterious impact on the WWF, as determined by the director, must apply for and obtain an IWDP.~~

~~(b) It shall be unlawful for any SIU to discharge to the WWF without a current IWDP. Any violation of the terms and conditions of an IWDP shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out in of this article. 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, and local law.~~

~~(c) Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the WWF shall obtain such permit prior to the beginning of such discharge. An application for this wastewater discharge permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin.~~

~~(d) All wastewater discharge permit applications and user reports shall be signed by an authorized representative of the user and contain the required certification statement.~~

##### (a) Wastewater survey.

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

(b) Wastewater discharge permit requirement.

- (1) No significant industrial user shall discharge wastewater into the WWF without first obtaining a wastewater discharge permit from the director, except that a significant industrial user that has filed a timely application pursuant to Section 28-212(c) of this article may continue to discharge for the time period specified therein.
- (2) The director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this article.
- (3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out in Division 6 of this article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

(c) Wastewater discharge permitting: existing connections.

Any user required to obtain a wastewater discharge permit shall apply to the director for a wastewater discharge permit in accordance with Section 28-212(e) of this article.

(d) Wastewater discharge permitting: new connections.

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

(e) Wastewater discharge permit application contents.

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

- (1) All information required by Section 28-220(b) of this article;
- (2) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the WWF,
- (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;

- (4) Each product produced by type, amount, process or processes, and rate of production;
- (5) Type and amount of raw materials processed (average and maximum per day);
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (7) Time and duration of discharges; and
- (8) Any other information as may be deemed necessary by the director to evaluate the wastewater discharge permit application.

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

(f) Application signatories and certification.

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

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(g) Wastewater discharge permit decisions.

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

Sec. 28-213. ~~Wastewater discharge permit application, duration.~~ Wastewater discharge permit issuance process.

~~(a) All users required to obtain a wastewater discharge permit must submit a permit application with the required fee.~~

~~(b) The director will evaluate the data furnished by the user and may require additional information. Within one hundred twenty (120) days of receipt of a complete wastewater discharge permit application, the director will determine whether or not to issue a wastewater discharge permit. The director may deny any application for a wastewater discharge permit based on the potential for interference, adverse effect, undue hardship or expense to the WWF or the potential for injury to the health, safety or welfare of the employees of the WWF.~~

~~(c) When requested by the director, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The director is authorized to prepare a form for this purpose and may periodically require users to update this information.~~

~~(d) A wastewater discharge permit shall be issued for a specified time period, with a minimum of one (1) year from the effective date of the permit. Each wastewater discharge permit will indicate a specific date upon which it will expire.~~

(a) Wastewater discharge permit duration.

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

(b) Wastewater discharge permit contents.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the WWF.

(1) Wastewater discharge permits must contain:

- a. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
- b. A statement that the wastewater discharge permit is nontransferable without prior notification to City in accordance with Section 28-216 of this article and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- c. Effluent limits based on applicable pretreatment standards;

- d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
- e. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

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

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



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SECTION 5 That Chapter 28, Article V, Division 5, Sections 28-221 and 28-231 of the Code of Ordinances of the City of Fort Lauderdale, Florida, are hereby amended to read as follows:

#### DIVISION 5. REPORTING REQUIREMENTS

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Sec. 28-221. Compliance schedule progress reports.

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

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. No increment referred to above shall exceed ~~one (1) year~~ nine (9) months.

. . .

Sec. 28-231. Sample collection.

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

SECTION 6. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 7. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this the 3rd day of June, 2008.

PASSED SECOND READING this the 17th day of June, 2008.

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Mayor

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JIM NAUGLE

ATTEST:

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City Clerk  
JONDA K. JOSEPH

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