CITY OF APOPKA
SEWER USE ORDINANCE
COMMERCIAL INDUSTRIAL PRETREATMENT GUIDELINES

Chapter 82, Article II, Section 82.38
of the City's Code of Ordinances

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SECTION 38.01 – GENERAL PROVISIONS

I. Purpose and Policy

This Ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for the City of Apopka (City) and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] § 1251 et seq.), the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403), and the Pretreatment Requirements for Existing and Other Sources of Pollution (Rule 62-625, Florida Administrative Code (F.A.C.). The objectives of this Ordinance include:

(A) To prevent the introduction of pollutants into the POTW that will interfere with its operation;

(B) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, or otherwise be incompatible with the POTW;

(C) To protect both the general public and POTW personnel who may be affected by wastewater and sludge in the course of their employment;

(D) To promote reuse and recycling of wastewater and sludge from the POTW;

(E) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and

(F) To enable the City to comply with conditions in its National Pollutant Discharge Elimination System (NPDES) Permit, its State Domestic Wastewater Facility Permit, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

This Ordinance shall apply to all Users of the City's POTW. This Ordinance authorizes the issuance of individual Wastewater Discharge Permits; provides for monitoring, compliance, and enforcement activities; establishes administrative procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the programs established herein.

II. Administration

(A) Except as otherwise provided herein, the Director of Public Services or his designee shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Control Authority (the City); may be delegated by the Control Authority to other duly authorized City of Apopka employees.

(B) No statement contained in this Ordinance shall be construed as preventing any special agreement or arrangement between the City and any User, subject to special payment; provided, however, that at no time would the City accept such discharges that would cause the City to violate any Federal and State laws or requirements.

(C) Nothing in Sections 38.15 through 38.18 of this Ordinance concerning rates and fees shall restrict the City Council's authority to modify such rates and fees by special contractual agreement to serve major institutional, commercial, or industrial establishments, or a major complex of such Users.

(D) Any special arrangement or agreement shall not be transferable without approval of the City Council.

(E) Contrary to any provision or section of this Ordinance notwithstanding, the City reserves the absolute right to deny or condition new service connections to the POTW; or to modify the operating and maintenance requirements for existing service connections where such requirements or conditions may no longer be in the best interest of the City or the general public, or may cause the City to violate any applicable State and Federal law.

III. Abbreviations

(A) The following abbreviations, when used in this Ordinance, shall have the following designated meanings:

BMP	Best Management Practices
BMPP	Best Management Practices Plan
BMR	Baseline Monitoring Report
CCBOD	Carbonaceous Biochemical Oxygen Demand (5-days)
°C	Degrees Celsius
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
DOH	Florida Department of Health
EPA	United States Environmental Protection Agency
°F	Degrees Fahrenheit
F.A.C.	Florida Administrative Code
FDEP	Florida Department of Environmental Protection
FOG	Fats, Oils and Grease
F.S.	Florida Statutes
GPD	Gallons Per Day
IU	Industrial User
LEL	Lower Explosive Limit
mg/L	Milligrams Per Liter
MIU	Minor Industrial User
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
OGMP	Oil and Grease Management Program
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SCS	Sanitary Collection System
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Noncompliance
TRC	Technical Review Criteria
TRPH	Total Recoverable Petroleum Hydrocarbons
TSS	Total Suspended Solids
TTO	Total Toxic Organics
U.S.C.	United States Code
WRF	Water Reclamation Facility

(B) Abbreviations not otherwise defined herein shall be adopted by reference as described in the latest edition of Title 40 of the Code of Federal Regulations, Rule 62 of the Florida Administrative Code, applicable building codes, Standard Methods, American Society of Civil Engineers (ASCE), and the technical manuals published by the American Water Works Association, the Water Environment Federation, the American Society of Testing Materials, the U.S. Environmental Protection Agency, and the Florida Department of Environmental Protection.

IV. Definitions

(A) Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings as designated herein:

1. Abnormally High Strength Compatible Waste: Wastes containing a biochemical oxygen demand (CBOD), total suspended solids (TSS), and/or oil and grease above the concentrations allowed by the current Local Limits.

2. Accidental Discharge: Refer to "Slug Discharge".

3. Act or "the Act": The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC § 1251 et seq., or as amended in the future. The Act provides statutory authority for both NPDES and Pretreatment Programs.

4. Administrative Action: An enforcement action authorized by the Control Authority's legal authority, which is taken without the involvement of a court.

5. Administrative Fine: A punitive monetary charge, unrelated to actual treatment costs, which is assessed by the Control Authority.

6. Administrative Order: A document, which orders the violator to perform a specific act or to refrain from an act. The order may require Users to attend a show cause meeting, cease and desist discharging, and/or undertake activities pursuant to a Compliance Schedule.

7. Aliquot: Portion of a sample.

8. Applicant: An owner, or authorized representative of the owner, of any land negotiating for municipal sewer service.

9. Approval Authority: The Florida Department of Environmental Protection (FDEP) or its successor agencies.

10. Approval: Documents accepted by the Control Authority as meeting or complying with applicable requirements, standards, or specifications as set forth in this Ordinance; or suitable for the proposed use or application.

11. Assessment: A municipal improvement lien against property for benefits received from construction of such improvements.

12. Authorized City Personnel: Individuals or designees that have been authorized or approved by the City to perform specific tasks or to execute certain job descriptions or scope of services.

13. Authorized or Duly Authorized Representative of the User:

    (a) If the User is a corporation:

        i. The authorized representative shall be 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

        ii. The authorized representative shall be 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, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulation can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual Wastewater Discharge Permit requirements;

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

iv. If the User is a partnership or sole proprietorship, the authorized representative shall be a general partner or proprietor, respectively.

(b) If the User is a Federal, State, or local governmental facility, the authorized representative shall be a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(c) The individuals described in paragraphs (a) through (c), above, may designate Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Apopka.

14. Baseline Monitoring Report (BMR): A report submitted by Categorical Industrial Users within one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or at least 90 days prior to commencement of discharge for New Sources, which contains specific facility information, including flow and pollutant concentration data. For Existing Sources, the report must also certify as to the compliance status of the facility with respect to the Categorical Pretreatment Standard(s). Also referred to the Wastewater Discharge Permit Application.

15. Batch Discharge: Discharges from an Industrial User at the end of a process run. Batch discharges may be subject to "flow equalization" and "pretreatment". The costs of which shall be the sole responsibility of the user.

16. Best Management Practices (BMP): Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollution discharges and to implement the prohibitions detailed in this Ordinance. BMP also include treatment requirements, operating procedures, and practices and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

17. Best Management Practice Plan (BMPP): A plan prepared by a User describing the operational methodology to minimize the amount of wastes from production and to handle the resultant wastes in an environmentally sound and efficient manner. See number 16.

18. Biochemical Oxygen Demand (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20°C, usually expressed as a concentration, such as mg/L.

19. Bio-hazardous Waste: Wastes from biological or other sources that may be hazardous to humans, living organisms and the sanitary collection system. Wastes can be physical, biological, or chemical in nature. These wastes shall be disposed of according to Local, State and Federal guidelines.

20. Bio-solids: See Sludge.

21. Blow down: The discharge from boilers or cooling towers that contains high concentrations of accumulated dissolved solids.

22. Bypass: The intentional diversion of waste streams from any portion of a User's treatment facility conveyed to the sanitary collection system, the POTW, lakes, storm water drains or storm water holding areas.

23. Categorical Industrial User (CIU): Any User, as defined in this Ordinance, which is required to meet Pretreatment Standards for any given category specified under the EPA's Categorical Pretreatment Standards, as defined herein.

24. Categorical Pretreatment Standard: Any regulation containing pollutant discharge limits for discharges to POTW, promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users, and promulgated under Parts 401 through 471 of 40 CFR, Chapter I, Subchapter N, and adopted by reference in Rule 62-625, F.A.C.

25. Cease and Desist Order: An administrative order directing a User to immediately halt illegal or unauthorized discharges to the sanitary collection system or the POTW, lakes, storm water drains or storm water holding areas.

26. Chemical Oxygen Demand (COD): A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water expressed in mg/L. COD shall be determined in accordance with procedures set forth in the latest edition of *Standard Methods*.

27. Chronic Violations: Violations of wastewater limits in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, daily maximum limits or average limits.

28. City: The City of Apopka, Florida, a municipal corporation with a mayoral-council form of government. Where appropriate, the term may also be used as a designation for any duly authorized official or employee of the City. The City is the permitted owner of the POTW and the public reclaimed water system.

29. City Council: The City Council of the City of Apopka, Florida.

30. Clean Water Act: Refer to the "Act".

31. Code of Federal Regulations (CFR): The Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation. Each volume of the CFR is updated once each calendar year and is issued on a quarterly basis. The most current updated volumes are the volumes applicable for the purposes of this Ordinance. Title 40 of the CFR contains the regulations for *Protection of the Environmen*t.

32. Code of Ordinances: City of Apopka's set of ordinances as passed by the City Council.

33. Combined Waste stream Formula: A procedure for calculating alternative discharge limits for industrial facilities where regulated waste stream(s) from a Categorical Industrial User is combined with other waste stream(s) prior to discharge in the sanitary collection system and treatment, as set forth in 40 CFR 403.6(2) and Rule 62-625.410(6).

34. Commercial User: A commercial user is any facility that discharges compatible or incompatible abnormally high strength wastes. Those wastes may include but are not limited to BOD, CBOD, TSS, Oil, Grease, or other wastes that may impact the sanitary collection system or pass through the POTW.

35. Compatible Waste: Biochemical Oxygen Demand, Carbonaceous Biochemical Oxygen Demand, Chemical Oxygen Demand, oil and grease, total suspended solids, pH, ammonia, nitrite/nitrate, total Kjeldahl nitrogen, total phosphorous, and fecal coliform bacteria, plus any additional pollutants identified in the City's State Domestic Wastewater Facility Permit or the City's NPDES permit where the POTW is capable of treating such pollutants, and does treat such pollutants to the degree required by the aforementioned permit(s).

36. Compliance: Any facility permitted or regulated by the Control Authority that has taken all measures to follow the published permit and monitoring requirements of this ordinance.

37. Compliance Order: An administrative order directing a non-compliant User to achieve or to restore compliance by a date specified in the order.

38. Compliance Schedule: A schedule of required remedial activities (also called milestones) necessary for an Industrial User to achieve compliance with all pretreatment program requirements. Compliance Schedule may be set forth in the Wastewater Discharge Permit, consent order, or other enforcement documents.

39. Composite Sample: A mixture of discrete grab samples or aliquots taken at the same location, but at different times; and which will reflect representative water quality monitoring of the discharge for the given sample interval. Composite samples can be collected on a flow proportional or time proportional basis.

40. Concentration-based Limit: A limit based on the mass of pollutant per unit volume, usually expressed in milligrams per liter (mg/L).

41. Consent Order: An administrative order embodying a legally enforceable agreement between the Control Authority and the noncompliant Industrial User designed to restore the User to compliance status.

42. Continuous Discharge: A discharge which occurs without interruption throughout operating hours, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

43. Control Authority: The City of Apopka, the City's Director of Public Services, and/or his designee, or any City employee with the authority to administer the Pretreatment Program as approved by the Approval Authority pursuant to the provisions of 40 CFR 403.11 and Rule 62-625.510, F.A.C.

44. Control Manhole: A manhole installed by the Users at their expense to facilitate observation, sampling, and testing of the process wastewater. Otherwise known as the Sampling Point.

45. Daily Maximum: The arithmetic average of all effluent samples for a pollutant collected during a 24-hour period.

46. Department of Environmental Protection (DEP): Refer to "Florida Department of Environmental Protection (FDEP)".

47. Department of Health (DOH): To promote, protect and improve the health of all people in Florida.

48. Detection Limit: The minimum concentration of a (substance) that can be measured and reported with a 99% confidence that the analyte concentration is greater than zero as determined by the procedure set forth in 40 CFR Part 136.

49. Developed Property: Any parcel of land, including subdivisions, that has been, or is about to be, improved to the extent that municipal water and/or sewer service is necessary prior to its utilization.

50. Dilute Waste stream: For purposes of the Combined Waste stream Formula, the average daily flow (at least a 30-day average) from: (a) boiler blow-down streams, non-contact cooling streams, storm water streams, and de-mineralized backwash streams; provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with an Industrial User's regulated process waste stream(s) will result in a substantial reduction of that pollutant, the Control Authority, upon application of the Industrial User, may exercise its discretion to determine whether such stream(s) should be classified as diluted or unregulated; or (b) sanitary waste streams where such streams are not regulated by a Categorical Pretreatment Standard; or (c) from any process waste streams which were, or could have been, entirely exempted from Categorical Pretreatment Standards pursuant to paragraph 8 of the Natural Resources Defense Council v. Costle Consent Decree (12 ERC 1833) for one or more of the following reasons (see Appendix D of 40 CRF Part 403):

    (a) The pollutants of concern are not detectable in the effluent from the Industrial User;

    (b) The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects;

    (c) The pollutants of concern are present in amounts too small to be effectively deduced by technologies known to the EPA Administrator or Approval Authority; or

    (d) The waste stream contains only pollutants that are compatible with the POTW.

51. Dilution: The act of diluting or the state of being diluted. Dilution may take the form of running water from other discharges other than the intended process, thereby diluting the actual constituents that are being monitored.

52. Director of Public Services: The City administrative official in charge of the Public Services Department, including all of its Divisions, or his designee, authorized deputy, agent, assistant or representative.

53. Discharge (or Indirect Discharge): The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307 (b), (c), or (d) of the Act, including holding tank waste discharged into the system.

54. Discharge Permit: A document issued to the City's POTW by Federal and State regulatory authorities which sets out provisions or requirements for the disposal or reuse of effluent or sludge, or discharges from the facility. Also a document issued by the Director of Public Services or his designee (Control Authority) to authorized users of the sanitary collection system to discharge wastes from process and/or non-regulated sources. This may also include Zero Discharge Permits.

55. Dissolved Solids: The total amount of dissolved material, organic and inorganic, contained in water or wastes.

56. Domestic Discharge or Wastewater: The non-regulated wastes produced from non-commercial or non-industrial activities, and which result from normal human living processes, which are of substantially similar origin and strength to those typically produced in households.

57. Dwelling: A building designed as a place of residence, whether such a residence is a detached structure or a unit of a multiple family building.

58. Effluent: A discharge of pollutants into the environment or POTW, partially or completely treated or in its natural state. For the purposes of this Ordinance, it can also be water, wastewater, or other liquid flowing out of a tank, basin, treatment process, or treatment facility.

59. Effluent Penalty: A charge added to the utility bill as a direct result of surcharges. See Surcharge.

60. Enforcement Response Plan: Step-by-step enforcement procedures followed by the Control Authority to identify, document and respond to violations.

61. Environmental Protection Agency (EPA): The U.S. Environmental Protection Agency or, where appropriate, the EPA Region IV Water Management Division Director, Administrator, or other duly authorized official of said agency.

62. Equalization: A pretreatment process consisting of detention of a wastewater flow in a large tank, sump, or head box to prevent slug discharges that may upset the POTW treatment process.

63. Existing Source: Any source of discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed National Categorical Pretreatment Standards, which shall be applicable to such standard if the standard is thereafter promulgated in accordance with Section 307 of the Act.

64. Fecal Coliform: A group of bacteria that may indicate the presence of human or animal fecal matter in water.

65. Florida Administrative Code (F.A.C.): Codification of administrative rules to implement legislation approved by the legislature and the resultant Florida Statutes.

66. Florida Department of Environmental Protection (FDEP): The Florida State agency that administers the regulations pertaining to the environment in the State. The Approval Authority for Pretreatment Programs in the State.

67. Florida Statutes (F.S.): A permanent collection of state laws organized by subject area into a code made up of titles, chapters, parts, and sections. The Florida Statutes are updated annually by laws that create, amend, or repeal statutory material.

68. Flow Proportional Composite Sample: A sampling method that combines discrete sample aliquots collected over time that are based upon the flow of the waste stream being sampled. There are two methods used to collect this type of sample. One method collects a constant sample volume at time intervals that vary based on the flow. That is (for example), a 200 milliliters (ml) sample is collected for every 5,000 gallons of flow (discharge). The other method collects aliquots of varying volume that is based on the flow with a constant time interval.

69. Fats, Oils and Grease (FOG): A calculation based on the contents of the grease interceptor, reflecting the separation and retention of solids, oils and greases in the interceptor. The calculations will determine if the interceptor require cleaning (pumping).

70. Food Service Establishment: Any establishment which prepares (cuts, cooks, bakes) or serves food to the public, and which disposes of food-related wastewater, of any amount. This also includes milk or milk products, ice creams, shakes and other liquids containing sugar, flower and other ingredients, which may produce BOD, CBOD, COD and/or TSS.

71. Garbage: Animal and vegetable wastes resulting from the domestic and commercial preparation, cooking, dispensing, and consumption of food, and from the handling, storage, and sale of produce, meats, and/or baked goods.

72. Garbage Grinder: An electric device which shreds solid or semi-solid waste materials, generally food-related, into smaller portions for discharge into the City's sanitary collection system.

73. Generator: A User, by site or facility, who produces wastes from the said User's process operation. The generator is responsible for disposal of the produced wastes in accordance with applicable Federal, State, and local regulations, including any provisions stated in this Ordinance.

74. Grab Sample: A sample that is taken from a waste stream on a one-time basis with no regard to the flow of the waste stream and without consideration of time. A single grab sample shall be taken over a period of time not to exceed fifteen (15) minutes.

75. Grease Interceptor: A City approved device constructed to separate, trap and hold solids, residues, grease or greasy substances from food production sources that are present in the discharge from Users of the POTW. The purpose of the interceptor shall be to prevent solids, residues, oils, and grease or greasy substances from entering the POTW.

76. Hauled Wastes: Wastes derived from industrial processes, from food related processes or portable toilet wastes that may be delivered to the POTW by truck or rail car. No hauled wastes may be discharged to any portion of the sanitary collection system, appurtenance, or POTW with out the express written consent of the Director of Public Services or his designee.

77. Hauler: A person or service company who conveys wastes from the site of generation to an approved facility or location for treatment, disposal, or reuse (recycling). The hauler is responsible for complying with all applicable Federal, State, and local regulations regarding transportation and disposal of the hauled wastes. Refer to "Hauled Wastes".

78. Hazardous Waste: Solid or liquid waste, or a combination of solid and liquid wastes which, because of its quantity, concentration, and/or physical, chemical, or infectious characteristics:

    (a) Causes or significantly contributes to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness;

    (b) Poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed, or otherwise managed; or

    (c) Meets one of the following four conditions:

        i. Exhibits a characteristic of a hazardous waste as defined in 40 CFR, Section 261.20 through Section 262.24;

        ii. Is listed as a hazardous substance in 40 CFR, Section 261.31 through 261.33;

        iii. Is a mixture containing a listed hazardous waste and a non-hazardous solid waste, unless the mixture is specifically excluded or no longer exhibits any of the characteristics of hazardous waste; or

        iv. Is not excluded from regulation as a hazardous waste.

79. Health Hazard: An actual or potential threat of contamination to such a degree that a danger to human health exists.

80. Holding Tank Waste: Any wastes from holding tanks such as, but not limited to, vessels, aircraft, chemical toilets, campers, trailers, septic tanks, grease traps, oil and grease Interceptors, oil and water separators, sand and grit interceptors, vacuum pump, and tank trucks.

81. Incompatible Waste: All pollutants other than "compatible wastes" as defined previously in this section. More specifically, it shall mean any pollutant other than BOD, CBOD, COD, TSS, pH, and fecal coliform bacteria, or any additional pollutants identified in the City's NPDES or FDEP discharge permit(s), which the POTW was not designed to treat or does not remove to an acceptable degree.

82. Indirect Discharge: Refer to "Discharge".

83. Industrial User (IU): A commercial/industrial development or activity that manufactures a product, provides a service, or stores, handles, processes, or distributes goods and services, and which is a source of indirect discharge to the POTW.

84. Industrial Wastes: The liquid and solid wastes discharged into the POTW from industrial manufacturing processes, trade, or business as distinct from domestic wastewater. See incompatible waste.

85. Influent: Water, wastewater, or other liquid flowing into a tank, basin, treatment process, treatment facility or POTW.

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

    (a) Inhibits or disrupts the Sanitary Collection System, WRF, its treatment processes or operations but not limited to its sludge processes, use, or disposal; and

    (b) Is a cause of a violation of any requirement of the WRF permit (including an increase in the magnitude or duration of a violation) or prevents sludge use or disposal in compliance with local regulations or rules of the FDEP and Chapter 403 F.S.

87. Local Pollutant: A pollutant, which may be subject to regulation and restrictions for discharge to the POTW.

88. Local Limit: Specific discharge limits developed and enforced by the City upon industrial and commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5 (a)(1) and (b) and in order to achieve the purposes of this Ordinance. Local Limits are applicable and enforceable upon approval by the FDEP and adoption by the City Council.

89. Lower Explosive Limit (LEL): The lowest concentration of a substance that will produce a fire or flash, at ordinary ambient temperatures, when an ignition source (flame, spark, etc.) is present. It is expressed in percent of vapor or gas in the air by volume.

90. Mass Limitations: Refer to facilities using dilution as a means of reaching Local Limits and other limitations as promulgated in the 40 CFR and FAC 62-625. Such action is approved by the Director of Public Services and is site specific.

91. Maximum Allowable Concentration: The maximum permitted amount of a specified pollutant in a volume of water or wastewater, expressed in units of mass per unit of volume, such as milligrams per liter (mg/L).

92. May: Is permissive or discretionary.

93. Measurement: The ability of an analytical method or protocol to quantify and identify the presence of a particular substance, flow, or volume, expressed in units of mass per unit of volume, such as milligrams per liter (mg/L). For the purposes of this Ordinance, is a determination of volume, concentration, flow, length, area, time, size, mass, magnitude, capacity, dimension, and other quantities, by the use of appropriate tools. Depending on the context, it can also mean an action or procedure (for administrative purposes).

94. Medical Wastes: Any solid or liquid wastes, which may present a threat of infection to humans. This includes, but is not limited to, human tissue, isolation wastes, infectious agents, blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

95. Minor Industrial User (MIU): Any User that discharges non-domestic pollutants to the POTW in amounts and with properties that may present the potential to impact the POTW or to violate the prohibited discharge limitations in this Ordinance. This includes discharges that, in the opinion of the Control Authority, present the potential to cause sewer obstructions, slug discharge, or chemical spills that may be discharged to drains to the SCS or the SCS itself, among other things.

    A MIU may be required to place pretreatment systems onsite, at the Users' sole expense and in accordance to local and State requirements and regulations. Required pretreatment systems may include, but not limited to, Oil and Grease Interceptors, Oil and Water Separators, Sand and Grit, Hair Traps, Lint Traps, or Silver Recovery Systems, Sampling Stations, which shall be monitored, sampled, and inspected

by the Control Authority. The Control Authority shall determine on a case-by-case basis whether pretreatment is required. Users in this category may include, but are not limited to:

(a) Automotive related businesses repair, sales, maintenance, car washes, commercial vehicle washes, machine shops, equipment service or repair businesses, airports, laundromats, commercial laundries, dry cleaners, carpet cleaners, grocery stores, restaurants, lounges, delis, caterers, schools, churches, bakeries, delicatessens, movie theaters, shopping centers/malls, bowling alleys, hotels, motels, retirement and nursing homes, stadiums, hospitals, medical offices, veterinary offices, dental offices, partials, bridges (dental) manufacturing, beauty and hair salons, pet grooming services, laboratories, photographic processing facilities, pest control, and printing businesses;

(b) Discharges containing one (1) or more Abnormally High Strength Compatible or Incompatible Waste; and

(c) Discharge that has been found by the Control Authority or the FDEP to potentially have significant impact, either singly or in combination with other contributing Users, in the City's SCS or POTW.

Industrial Users under this classification may be permitted, monitored, sampled, and inspected to ensure compliance with discharge prohibitions, limitations, and requirements, proper pretreatment facility operation and maintenance, proper spill prevention measures, adoption and implementation of required BMP and pollution prevention protocols or permitted as directed by the Control Authority.

96. Monthly Average: For wastewater discharge flows, it is the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. For samples, it is the arithmetic average value of all samples taken in a calendar month for an individual pollutant parameter. The monthly average may be the average of all grab samples taken in a given calendar month, or the average of all composite samples taken in a given calendar month.

97. Municipal: Relating or belonging to the government of a municipality. Refer to "City".

98. National Categorical Pretreatment Standard: Refer to "Categorical Pretreatment Standard".

99. National Pollutant Discharge Elimination Systems (NPDES) Permit: A permit issued to the City of Apopka regarding discharges to surface waters pursuant to Sections 307, 318, 402 and 405 of the Act (33 USC 1342).

100. National Prohibited Discharge Standard or Prohibited Discharge Standard: Any regulation developed under the authority of Section 307 (b) of the Act, 40 CFR 403.5, and Rule 62-625.400, F.A.C.

101. Natural Outlet: Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

102. New Source: 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 the proposed Pretreatment Standards under Section 307(c) of the Act 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;

(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 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, shall be considered;

(d) 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 (a)(ii) or (a)(iii) above, but otherwise alters, replaces, or adds to existing process or production equipment; or

(e) Construction of a New Source, as defined in this Ordinance has commenced if the owner or operator has:

i. 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 New Source facilities or equipment; or

ii. Entered into a binding contractual obligation for the purchase of facilities or equipment, which, are will 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.

103. Ninety (90) Day Final Compliance Report: A report submitted to the Control Authority by a Categorical Industrial User subject to applicable Pretreatment Standards and Requirements, within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source ninety (90) days following commencement of the introduction of production-based wastewater into the POTW. The report shall include, at a minimum, wastewater discharge flow measurements, measurement of pollutants (sampling and analysis), and a certification statement as to whether the Categorical Pretreatment Standards are being met. Refer to 40 CFR 403.12(d) and Rule 62-625.600(3), F.A.C., for additional details.

104. Non-compliance: Any act of negligence or accidental discharge on the part of an Industrial User of the SCS, improper discharges, or discharges that exceed the parameters spelled out in the Users Permit. This includes but is not limited to, improper or late reporting, pH excursions, by pass or other actions that may be detrimental to the SCS or POTW. Non-compliance may result in Violations of the Permit and may place the discharge of effluent from the User in jeopardy.

105. Non-contact Cooling Water: Water used for cooling, which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

106. Non-domestic Discharge or Wastewater: The wastes produced from commercial or industrial activities, and which are not of similar origin and strength to those typically produced in households. Those discharges that are not**,** as determined by the Control Authority**,** considered Domestic Discharges as described herein.

107. Non-domestic User: a User whose discharge(s) is limited to non-domestic wastewater.

108. Notice of Violation (NOV): A document from the Control Authority notifying a User that it has violated standards, limits, and/or requirements. Generally used when the violation is relatively minor and the Control Authority expects the violation to be corrected within a designated time frame.

109. Oil and Grease: Materials, either liquid or solid, that are composed primarily of fatty matter from animal or vegetable sources or petroleum-based hydrocarbons. Limitations are placed on these discharges per the Local Limits. See chart for limits.

110. Oil and Grease Management Program (OGMP): A program developed by the City with the intention and objective to minimize the introduction of fat-soluble wastes and petroleum hydrocarbons into the POTW from any source/User that may be producing and discharging such wastes in high quantities and/or strengths/concentrations as to pose a potential threat to the City's SCS or POTW.

These include but are not limited to BOD, CBOD, COD, TSS, and pH, Oils, Greases.

111. Oil and Grease Management Program fees: An administrative fee assessed in the utility bill. Users on the OGMP are not surcharged as a result of compliance with the OGMP.

112. Oil and Water Separator: A City approved device constructed to separate, trap and hold solids, residues, oils that contain petroleum hydrocarbons and are present in the discharge from Users of the POTW. The purpose of the separator shall be to prevent solids, residues, oils from entering the sanitary collection system and the POTW.

113. Pass Through: A discharge which exits the WRF (POTW) into waters of the United States or the State 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 WRF permit, including an increase in the magnitude or duration of a violation.

114. Periodic Compliance Report or Self-Monitoring Report: A report on compliance status submitted by Categorical Industrial Users and Significant, Non-Categorical Industrial Users and MIU to the Control Authority at least semiannually pursuant to 40 CFR 403.12 (e), (g), and (h), and Rule 62-625.600(4), (6), and (7), F.A.C., or as amended.

115. Permit: See Discharge Permit.

116. Permittee: The User which has been issued a permit by the Control Authority for connection to, or construction of a facility that will connect to, the City's SCS and POTW. The term "Permittee" shall be functionally synonymous with the term "owner". The term shall extend to a permit "applicant" for purposes to the extent that this Ordinance imposes duties with respect to the construction, operation, maintenance, and/or monitoring of facilities or service connections, and for reporting to and securing a permit from the Control Authority.

117. Person: Any individual, partnership, co-partnership, firm, company, corporation, association, society, joint stock company, trust, estate, governmental entity, or any other legal entity or combination thereof, or their legal representatives, agents, or assigns. This definition includes Federal, State, and local governmental entities.

118. pH: A measure of the acidity or alkalinity of a solution, expressed in Standard Units. See chart for minimum and maximum.

119. Photographic Process Facility: A facility that processes images from silver-sensitized films and papers. This includes, but is not limited to, commercial photographic and film processing facilities, in-house photographic processing facilities, micro labs, printers, X-ray and other medical, dental, industrial, or institutional diagnosis facilities which use silver-based imaging paper, the processing of which produces a silver-rich solution.

120. Pollutant: Constituents or foreign substances, which may be in the form of liquids, solids or gases, including pathogens, that degrade the quality of the water and impairs or adversely affects the usefulness or function of the water or poses a hazard to public health or the environment. Constituents or foreign substances that are discharged into said waters, which may include, but are not limited to, the following wastes: dredged spoil, solid waste, incinerator residue, filter backwash, wastewater, garbage, wastewater sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater such as, but not limited to, low or high pH and temperature, high TSS, turbidity, color, BOD, CBOD, COD, toxicity, odors, metals and organics.

121. Pollution: The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water. Generally, this alteration is due to the release of a substance in the environment that because of its chemical composition or quantity prevents the functioning of natural processes and produces undesirable environmental and health effects.

122. Pollution Prevention: The use of materials, processes or operation and maintenance practices to reduce or eliminate the generation or creation of pollutants at the source before the constituents can enter the SCS. Pollution prevention includes, but is not limited to, equipment modifications, processing or operating alterations, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, personnel training, or inventory control.

123. Pollution Prevention Plan: A plan prepared by the User to implement Pollution Prevention at the facility.

124. Pretreatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or

otherwise introducing such pollutants into the SCS and POTW. The reduction or alteration can be obtained by physical, chemical, and/or biological processes, process changes, or by other means, except as prohibited by Rule 62-625.410(5), F.A.C.

(a) Appropriate pretreatment 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 POTW.

(b) However, where wastewater from a regulated process is mixed in an equalization facility with unregulated waste streams or flows from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit using the Combined Waste Stream Formula, in accordance with Rule 62-625.410(6), F.A.C.

125. Pretreatment Facilities: Equipment, structures, and processes that are configured together for the treatment of discharges from Users prior to discharging wastewater to the SCS and POTW. Industrial wastewater treatment plant consisting of one or more treatment devices designed to remove sufficient pollutants from wastewaters to allow an industry to comply with effluent limits established by the EPA General and Categorical Pretreatment Regulations or locally derived prohibited discharge requirements and local effluent limits. Compliance with effluent limits allows for a legal discharge to a SCS and the POTW.

126. Pretreatment Program: The program administered by the Control Authority that fulfills the criteria set forth in Rule 62-625.500, F.A.C., as required by the FDEP agency and this Ordinance. The EPA established the "General Pretreatment Program Regulations" in 1978. These regulations require POTW nationwide; including the City of Apopka, to administer an EPA approved Pretreatment Program.

127. Pretreatment Requirements: Any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard, imposed on a User.

128. Pretreatment Standard or Standard: Any regulation containing pollutant discharge limits, as established pursuant to Chapter 403, F.S., which applies to Users. Pretreatment Standards include, but are not limited to, National Categorical Pretreatment Standards, Local Limits, and prohibited discharge limits established in this Ordinance and in Rule 62-625.400, F.A.C. The term *National Categorical Pretreatment Standard, National Pretreatment Standard, Pretreatment Standard,* or *Standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibited discharge limits established pursuant to § 403.5.For any specified pollutant, the City's prohibited discharge standards as set forth in this Ordinance, the Sate of Florida's Pretreatment Standards, or the National Categorical Pretreatment Standards, whichever standard is the most stringent.

129. Process Wastewater: Is process discharge or production-based wastewater or discharge, which during manufacturing or processing, comes into direct contact with, or results from the production of or use of, any raw material, intermediate product, finished product, byproduct, or waste product.

130. Prohibited Discharges: Absolute prohibitions against the discharge of certain substances to protect the SCS and the POTW; these prohibitions appear in Section 38.03 (1) of this Ordinance.

131. Property Owner: The titleholder of record for the premises or parcel of land being served or proposing to be served with a municipal SCS connection.

132. Public Sewer: A sanitary sewer, other than a building sewer, that is owned and/or controlled by the City. Refer to "Sanitary Collection System".

133. Publicly Owned Treatment Works (POTW): A "treatment works", as defined by Section 212 of the Act (33 USC §1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of wastewater or industrial wastes of a liquid nature and any conveyances, which convey wastewater to the POTW. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

134. Reclaimed Water: The highly treated effluent from the City's WRF, which complies with the requirements established by the FDEP in Rule 62-610, F.A.C., and is used for beneficial purposes.

135. Regulated Waste stream: An industrial process waste stream regulated by a National Categorical Pretreatment Standard.

136. Removal: A reduction or elimination in the amount of a pollutants or high strength wastes in the POTW effluent or alteration of the nature of a pollutant during treatment at the POTW.

137. Representative Sample: A sample from a waste stream that is as nearly identical in composition as possible to the larger volume of flow stream that is being discharged during normal operating hours.

138. Residential: Property used for human residency. Includes subdivisions, single-family dwellings, and multifamily dwellings.

139. Resource Conservation and Recovery Act (RCRA): A 1976 amendment to the first federal solid waste legislation, the Solid Waste Disposal Act of 1965. In RCRA, Congress established initial directives and guidelines for the EPA to regulate and manage solid waste, including hazardous waste. RCRA established a regulatory system to track hazardous substances from the time of generation to final disposal, (cradle to grave). The law requires safe and secure procedures to be used in treating, transporting, storing and disposing of hazardous wastes. RCRA was designed to prevent new, uncontrolled hazardous waste sites.

140. Sampling Point: Defined as the identified point after the process of an Industrial User or Commercial User that correctly allows for grab samples, composite samples in either time or flow proportion representative effluent flows of a facility. For the purposes of the Surcharge program, the sampling point shall be the port located immediately after the trap, interceptor or separator. If the port is unusable the final outflow pipe from the grease trap, separator or interceptor may be used for sampling.

141. Sand and Water or Grit Interceptor: A City approved device designed and constructed to separate, trap, and retain solids, sand or any other solid materials from any process that is found in the discharge from Users of the SCS. The purpose of the separator is to prevent sand and other solids from entering the POTW. The User is solely responsible for installation and maintenance as prescribed in this ordinance and the costs associated with that.

142. Sanitary Collection System (SCS): A pipe (or a series of pipes), which carries domestic and non-domestic wastes to the POTW and to which storm, surface, and ground waters are typically not admitted into.

143. Search Warrant: A document issued by a magistrate or judge who authorizes government entry into private premises to either observe compliance with applicable laws or collect evidence of noncompliance.

144. Self-Monitoring: Sampling and analyses performed by the User to ensure compliance with the permit or other regulatory requirements as set forth in 40 CFR 403.12, Rule 62-625.600, F.A.C., and this Ordinance.

145. Self-Monitoring Report: Refer to “Periodic Compliance Report”.

146. Septic Tank: A privately owned, on-site wastewater treatment and disposal system consisting of a septic system and drain field, sized and constructed in accordance with the applicable state and local regulations and guidelines.

147. Property Damage: Physical damage to property, SCS, damage to the POTW which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a Bypass. Economic loss due to delays in production shall not be considered Property Damage.

148. Sewage: Refer to “Wastewater”.

149. Sewer: A pipe or conduit for carrying wastewater. See Sanitary Collection System (SCS).

150. Shall: is mandatory.

151. Significant Industrial User (SIU): Any User of the City’s POTW which discharges non-domestic wastewater and meets one or more the following criteria (except as provided in (c) below):

    (a) A User subject to Categorical Pretreatment Standards pursuant to Rule 62-625.410, F.A.C., and 40 CFR Chapter I, Subchapter N, which has been adopted by reference in Rule 62-660, F.A.C.; or

(b) A User that:

i. Discharges an average of twenty-five thousand (25,000) GPD or more of process wastewater to the POTW, excluding domestic wastewater, non-contact cooling water and boiler blow down;

ii. Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the WRF; or

iii. Is designated as such by the Control Authority on the basis that the User has a reasonable potential for adversely affecting the POTW operation or for violating any Pretreatment Standard or Requirement in accordance with Rule 62-625.500(2)(e), F.A.C.

(c) Upon a finding that a User not meeting the criteria in (b) above, has no reasonable potential for adversely affecting the POTW operation or for violating any Pretreatment Standard or Requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from a User, and in accordance with 40 CFR 403.8(f)(6) and Rule 62-625.500(2)(e), F.A.C., determine that such User is not a Significant Industrial User.

152. Significant Noncompliance (SNC): A Industrial User is in Significant Noncompliance if the violation meets one or more of the following criteria as defined in 40 CFR 403.8(f)(2)(viii) and Rule 62-625.500(2), F.A.C:

(a) Chronic violations of wastewater discharge limits;

(b) Technical Review Criteria (TRC) violations;

(c) Any other violation of a pretreatment effluent limit that the Control Authority believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of the general public or the POTW personnel;

(d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Control Authority exercising emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a Compliance Schedule milestone contained in a Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within thirty (30) days after the due date, any required reports including Baseline Monitoring Reports, reports on compliance with Categorical Pretreatment Standard, deadlines, Periodic Self-monitoring Reports, and reports on compliance with Compliance Schedules;

(g) Failure to accurately report non-compliance; or including the correction of equipment breakdowns, improper installation of equipment or traps, meters or any other appurtenance required for reporting or compliance.

(h) Any other violation(s), which the Control Authority determines will adversely affect the operation or implementation of the local Pretreatment Program.

153. Silver-Rich Solution: A solution containing sufficient silver that cost-effective recovery of the constituent could be done either onsite or offsite. Silver-rich solutions include fixers, bleach-fixers, low-flow washes, and other functionally similar solutions.

154. Silver Test Paper: A test paper coated with an analytical reagent that reacts by changing color according to the concentration of silver in the solution being tested. A reference color code allows determination of the approximate concentration, or a range of the concentration, of silver in the solution.

155. Sludge (Bio-solids): The accumulated solids, semisolids, or residuals generated during the treatment of wastes or wastewater when separated from liquids or wastes during chemical treatment, coagulation, flocculation, sedimentation, flotation and/or biological oxidation of wastes or wastewater at a pretreatment or treatment facility. Typically does not include grit, screenings, or incinerator ash.

156. Slug Discharge: Any discharge of a non-routine, episodic nature, including but not limited to an Accidental Discharge or 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 POTW regulations, Local Limits, or Permit conditions. That is, a discharge at a flow rate or pollutant concentration, which could cause a violation of the Prohibited Discharge Standards or Local Limits in Section 38.03 of this Ordinance, or interferes with the operation of the POTW.

157. Slug Discharge Control Plan: A detailed plan, submitted to the Control Authority, showing facilities and operating procedures to provide control of Slug Discharges. Slug Discharge Control Plans shall also address Accidental Discharges and accidental spills that can potentially result in the discharge of a Slug Discharge, as defined in this Section, into the SCS. Significant Industrial Users shall complete construction of facilities and provide operating procedures to the City within the time frame specified by the Control Authority, however, absolutely within one (1) year of notification. Review and approval of the plan shall not relieve the Significant Industrial User from the responsibility to make modifications to the facility, as necessary, to meet each and every requirement of this Ordinance.

158. Solid Waste Disposal Act: The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), establishes requirements concerning the disposal and management of solid wastes.

159. Spill Containment Plan: A detailed plan, prepared by the User, showing facilities and operating procedures to prevent and to provide protection from spills.

160. Standard Industrial Classification (SIC) Code: A classification system to identify various types of industries that is based upon the type of manufacturing or commercial activity at a facility pursuant to the *Standard Industrial Classification Manual*, current edition, United States Office of Management and Budget.

161. Standard Methods (Standard Methods for the Examination of Water and Wastewater): Reference of analytical protocols and sample collection procedures as published jointly by the American Public Health Association, Water Environment Federation, and American Water Works Association, latest edition.

162. State: State of Florida.

163. Storm Water: Any flow occurring during or following any form of natural precipitation, and resulting there from.

164. Surcharge (Effluent Penalty): A monetary charge to a User for the discharge of Abnormally High Strength Compatible or Incompatible Wastes to the POTW that is above the Pretreatment Standards or criteria set forth in this ordinance/Ordinance and/or in the User's permit, whichever is more stringent. The charge is based on the loading of a particular pollutant(s) (in pounds), the User's water usage, and the surcharge factor, and is levied in addition to the regular sewer service charges or fees as an effluent penalty.

165. Surcharge Factors: Surcharge factors are derived from the actual operational costs of the POTW for one fiscal year and the costs of treatment of actual pounds of BOD and TSS received at the POTW. The fiscal year begins October 1, and the factor is subject to change and is applied January 1.

166. Surface Waters: Any watercourse, stream, river, lake, lagoon, or other geological feature that contains water on the surface of the earth, whether contained in bounds created naturally, artificially, or diffused.

167. Technical Review Criteria (TRC): Violations of wastewater discharge limits in which thirty-three percent (33%) or more of all the wastewater measurements taken for each pollutant parameter taken during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, daily maximum limit, or average limit, multiplied by the applicable criteria (TRC = 1.4 for TSS, CCBOD, total oil and grease, and 1.2 for all other pollutants except pH).

168. Time Proportional Composite Sample: A mixture of discrete, equal volume, grab samples from the same

monitoring location taken at equal time intervals over the entire discharge period on the sampling day.

169. Total Dissolved Solids (TDS): Those solids that pass through a filter with a pore size of 2.0 microns or smaller. They are said to be non-filterable. After filtration the filtrate (liquid) is dried and the remaining residue is weighed and calculated as mg/l of Total Dissolved Solids.

170. Total Kjeldahl Nitrogen (TKN): The analytical quantity of organic nitrogen and ammonia that is determined together and is equal to the sum of the concentration of ammonia and organically bound nitrogen in the tri-negative oxidation state. Maximum 1,100 mg/L.

171. Total Metals: The sum of the concentrations of Arsenic, Cadmium, Chromium, Copper, Cyanide, Lead, Mercury, Molybdenum, Nickel, Selenium, Silver, Zinc. If the concentration of a pollutant is below the detection limit, then one-half (1/2) of that allowable value shall be used in this determination. See chart for limits.

172. Total Recoverable Petroleum Hydrocarbons (TRPH): The quantity of those substances as determined by the EPA Method 418.1; that is, organic compounds containing less than twenty (20) carbon atoms and is extractable into an organic liquid.

173. Total Suspended Solids (TSS): The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering in accordance with EPA protocols or *Standard Methods*, latest edition. TSS is the amount of filterable solids in a water sample. Samples are filtered through a glass fiber filter. The filters are dried and weighed to determine the amount of total suspended solids in mg/l of sample.

174. Total Toxic Organics: The summation of all quantifiable values greater than 0.01 milligrams per liter (mg/L) of specific toxic organics, as listed in 40 CFR 413.02 (i), present in the User's process discharge.

175. Toxic Pollutant: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA Administrator under the provision of Section 307 (a)(1) and/or 405 (d) of the Act or other laws, or by the FDEP pursuant to Florida Statutes. In general, a pollutant or combination of pollutants which, following discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause illness, disease, death, mutations, deformities or other maladies into said organisms or their offspring.

176. Toxicity Test: A procedure for determining the toxicity of a chemical or an effluent using living organisms. A toxicity test measures the degree of effect on exposed test organisms of a specific chemical or effluent.

177. Treatment Plant or Treatment Works: Refer to "Publicly Owned Treatment Works" and "Water

Reclamation Facility".

178. Turbidity: A condition in water or wastewater caused by the presence of suspended matter, resulting in the scattering and absorption of light rays. Also, a measure of fine suspended matter in liquids; usually reported in Nephelometric Turbidity Units (NTU) as determined by measurements of light diffraction.

179. Uncontaminated Water: Refer to "Unpolluted Water".

180. Under-the-Sink Grease Trap: A device that is designed and installed inside the building beneath or in close proximity to the sink, or other appurtenances likely to discharge solids and oil and grease substances from animal and/or vegetable sources, in an attempt to separate, trap, and store these substances and prevent their entry into the SCS.

181. Unpolluted Water or Wastewater: Water to which no constituent or characteristic, such as heat, has been added, either intentionally or accidentally, which would render such water unacceptable to any person having jurisdiction thereof for disposal to a storm or natural outlet or directly to surface waters.

182. Unregulated Waste stream: For the purposes of applying the Combined Waste stream Formula, a waste stream not regulated by a Categorical Pretreatment Standard nor considered a dilute waste stream.

183. Upset: An exceptional incident in which there is unintentional and temporary noncompliance with applicable Categorical Pretreatment Standards or Requirements because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by, but not limited to, operational error, lack of preventive maintenance, careless or improper operation of treatment facilities, or improperly designed or inadequate treatment facilities as described in 40 CFR 403.16(a) and Rule 62-625.840, F.A.C.

184. United States Code (USC): The codification by subject matter of the general and permanent laws of the United States. It is divided by broad subjects into 50 titles and published by the Office of the Law Revision Counsel of the U.S. House of Representatives. Since 1926, the United States Code has been published every six years. In between editions, annual cumulative supplements are published in order to present the most current information.

185. User: Any commercial or industrial discharger to the SCS or POTW.

186. Violation: Any breach of a contract, rule, law or ordinance.

187. Waste: Means and includes sewage and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, of human or animal origin or from any producing, manufacturing, or processing operation of whatever nature, including waste placed within containers of whatever nature prior to and for purposes of disposal.

188. Wastewater: The spent or used water containing dissolved and suspended structures such as, but not limited to, industrial and domestic wastes from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

189. Wastewater Constituents and Characteristics: The individual chemical, physical, bacteriological, and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity, and strength of wastewater.

190. Wastewater Discharge Permit: A permit issued by the Control Authority to a non-domestic User that authorizes the discharge of non-domestic wastewater to the POTW. The permit may set certain conditions and / or restrictions on the User's discharge.

191. Wastewater Discharge Permit Application: A report submitted by Categorical Industrial Users within one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or at least 90 days prior to commencement of discharge for New Sources, which contains specific facility information, including flow and pollutant concentration data. For Existing Sources, the report must also certify as to the compliance status of the facility with respect to the Categorical Pretreatment Standard(s). See Baseline Monitoring Report.

192. Water Management Division Director: One of the Directors of the Water Management Divisions within the EPA, Region IV, or this person's delegated representative.

193. Water Reclamation Facility (WRF): That portion of the POTW, which is designed to provide treatment (including recycling and reclamation) of domestic and industrial wastes. See POTW.

(B) Terms not otherwise defined herein shall be adopted by reference as defined in the latest edition of Title 40 of the *Code of Federal Regulations*; Rule 62 of the *Florida Administrative Code*; *Standard Methods*, as published by the American Public Health Association, the American Water Works Association and the Water Environment Federation; the *Manual of Practices* as researched and published by the Water Environment Federation, American Society of Civil Engineers (ASCE) and the American Society of Testing Materials; applicable building and plumbing codes;

And the *Guidance Manuals* and protocols that are prepared and published by the U.S. Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (FDEP).

SECTION 38.02 – RESERVED

SECTION 38.03 – GENERAL SEWER USE REQUIREMENTS AND PROHOBITIONS

I. Prohibited Discharge Standards

(A) General Prohibitions:

1. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all Users of the POTW, whether or not they are subject to National Categorical Pretreatment Standards or any other Federal, State, or local Pretreatment Standards or Requirements.

2. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to the POTW without prior approval by the Control Authority.

(B) Specific Prohibitions:

No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosive hazard in the POTW, either singly or in combination with other substances, including but not limited to, a waste stream with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21, or as amended;

2. Wastewater having a pH less than 5.5 or greater than 9.5, or otherwise causing corrosive structural damage to the POTW;

3. Solids or viscous substances in quantities or sizes that are capable of causing obstruction to the flow in the SCS and POTW or cause other interference with the proper operation of the SCS or POTW such as, but not limited to, grease, ashes, cinders, grass clippings, sand, mud, grit, gravel, screenings, straw, shavings, metal, glass, rags, wastepaper, feathers, tar, asphalt residues, plastics, wood, garbage, whole blood, paunch manure, hair and fleshing, bones, entrails, or paper or plastic dishes, cups, milk containers, either whole or ground by garbage grinders;

4. Any wastewater having a temperature which will inhibit biological activity at the POTW or interfere with treatment processes as defined in this Ordinance shall not be discharged in such quantities to raise the temperature of the influent head works above 104°F (40°C);

5. Any pollutants, including oxygen-demanding pollutants, released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause pass through or interference with the POTW; or any materials that may contribute, exert, or cause:

   (a) Biochemical Oxygen Demand (BOD), Carbonaceous Biochemical Oxygen Demand (CBOD), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), or chlorine demanding compounds in such quantities as to constitute a significant load on the WRF.

   (b) Volumes of flow or concentration of wastes constituting Slug Discharges, as defined herein.

6. Petroleum oils, fuels, lubricants, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a concentration or quantity that may cause acute and/or chronic health and safety problems to the public and City workers;

8. Trucked or hauled wastes, except at discharge points designated by the Public Services Director or his designee in accordance with Section 38.03, Subsection XIII, of this Ordinance;

9. Any noxious or malodorous liquids, gases, or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the SCS for maintenance and repair;

10. Any substance which may interfere with the POTW reclamation process or which may cause the POTW effluent, or any other product of the POTW such as residues, sludge, or scum, to be unsuitable for reclamation and reuse.

11. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used;

12. Any substance which will cause the City to violate its NPDES Permit, State Domestic Wastewater Facility Permit, or other applicable permit(s), reuse water quality standards or requirements, or violate an agreement for receipt of and reuse of reclaimed water;

13. Any water or waste containing fats, oil, grease (vegetable or petroleum-based), or wax, whether emulsified or not, in excess of the maximum allowable concentrations; or waste streams containing substances which may solidify or become viscous at temperatures between 32°F and 140°F (0°C and 60°C, respectively). Industrial Users shall also be subject to surcharges under the Oil and Grease Management and Surcharge Program, Section 38.16, for oils and greases that exceed the limits;

14. Any garbage that has not been properly shredded;

15. Any waters or wastes containing phenols, or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Control Authority, as necessary, to meet the requirements of the Federal, State or other public agencies of jurisdiction;

16. Wastewater which imparts color that 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 standards for disposal or reuse;

17. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Control Authority or applicable Federal or State regulations;

18. Sludge, screenings, or other residues from the pretreatment of industrial wastes;

19. Medical, biological, or bio-hazardous wastes, except as specifically authorized by the Control Authority in a Wastewater Discharge Permit;

20. Wastewater causing, alone or in conjunction with other sources, the WRF effluent to fail a toxicity test;

21. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

22. Wastewater causing any single reading on an explosion hazard meter at the point of discharge into the SCS, or at any point in the POTW, equal to or greater than five percent (5%) of the LEL of the meter;

23. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, non-contact cooling water, treated hazardous wastes and unpolluted wastewater, unless specifically authorized by the Control Authority;

24. Industrial Users shall notify the Control Authority, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge to the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste. Such notification shall comply with 40 CFR 403.12 (j) and (p), and Rule 62-625.600(15), F.A.C., or as amended.

25. Pollutants, substances, or wastewater prohibited by this Ordinance shall not be processed or stored in such a manner that they have the potential of being discharged to the POTW. Users may be required by the Control Authority to utilize secondary containment at the Users' facility in order to prevent the potential of Slug/Accidental Discharges to occur.

II. National Categorical Pretreatment Standards

(A) Certain Industrial Users are now, or hereafter shall become, subject to National Categorical Pretreatment Standards (Categorial Pretreatment Standards) or promulgated by the Environmental Protection Agency (EPA), as currently in effect, or any other Federally-approved limits which may come into effect.

(B) Categorial Pretreatment Standards specify quantities or concentrations of pollutants or pollutant properties which are discharged to a POTW by Existing or New Sources (Industrial Users) in specific industrial subcategories and are established as separate Federal regulations under the appropriate subpart of 40 CFR Chapter I, Subchapter N and adopted by reference in Rule 62-660, F.A.C. These Pretreatment Standards, unless specifically noted otherwise, shall be in addition to all applicable Pretreatment Standards and Requirements set forth in this Ordinance and Rule 62-625, F.A.C.

(C) All Industrial Users subject to a Categorical Pretreatment Standard shall comply with all requirements of such standard, including any monitoring and reporting requirements, and shall comply with any additional or more stringent limitations contained in this Ordinance or any other State and local regulation(s).

(D) Compliance with Categorical Pretreatment Standards by Existing Sources, as defined in Section 38.01, Subsection IV, of this Ordinance, or for Existing Sources which hereafter become subject to such standards,

shall be within three (3) years of the date the standard is effective in the appropriate subpart of 40 CFR Chapter I, Subchapter N, which are adopted by reference in Rule 62-660, F.A.C., unless a shorter compliance time is specified as part of the Categorical Pretreatment Standard.

(E) Existing Sources which become Industrial Users subsequent to promulgation of an applicable Categorical Pretreatment Standard shall be considered Existing Sources except where such sources meet the definition of a New Source, as defined in Section 38.01, Subsection IV, of this Ordinance.

(F) New Sources shall install and have in operating condition, and shall "start-up", all pollution control equipment required to meet all applicable Pretreatment Standards and Requirements before commencing discharge unless otherwise approved in the Wastewaster Discharge Permit. Compliance with Categorical Pretreatment Standards for New Sources shall be required upon promulgation of the Categorical Pretreatment Standard and commencement of production-based wastewater discharge at the New Source.

(G) Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the Control Authority a report containing the information described in Rule 62-625.600(1)(d) through (f), F.A.C. For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in subsection Rule 62-625.410(4), F.A.C., this report shall contain a reasonable measure of the Industrial User's long term production rate. For all other Industrial 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 Industrial User's actual production during the appropriate sampling period.

(H) The Categorical Pretreatment Standards, found in 40 CFR, Sections 405 through 471, or as amended, and which have been incorporated by reference in Rule 62-660, F.A.C., or as amended, are hereby incorporated herein.

(I) Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Control Authority may impose equivalent concentration or mass limits in accordance with Rule 62-625.410(4), F.A.C., and the requirements in 40 CFR 403.6(c), or as amended.

(J) When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Control Authority 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, in accordance with 40 CFR 403.6(c) and Rule 62-625.410(4).

(K) When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the Control Authority shall impose an alternate limit using the Combined Waste stream Formula as defined in 40 CFR 403.6(e) and Rule 62-410(6), F.A.C., or as amended.

(L) A User may obtain a variance from a Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13 and Rule 62-625.700, F.A.C., or as amended, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the Categorical Pretreatment Standard in question.

(M) A User may obtain a variance from a Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13 and Rule 62-625.700, F.A.C., or as amended, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the Categorical Pretreatment Standard in question.

(N) When applicable, once included in its Wastewater Discharge Permit, a User must comply with the equivalent limitations developed in this Subsection in lieu of the promulgated Categorical Pretreatment Standards from which the equivalent limitations were derived, in accordance with 40 CFR 403.6(c)(7).

(O) Many Categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation, in accordance with 40 CFR 403.6(c)(8).

(P) Any User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the Control Authority within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month.

Any User not notifying the Control Authority of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate, in accordance with 40 CFR 403.6(c)(9).

(Q) A User may obtain a net/gross adjustment to a Categorical Pretreatment Standard in accordance with 40 CFR 403.15 and Rule 62-625.820, F.A.C., or as amended.

III. State Pretreatment Standards

(A) Users must comply with State Pretreatment Standards codified in the Florida Administrative Code (F.A.C.).

IV. Local Limits

(A) The City's Pretreatment Program Local Limits are established to protect the City's POTW against pass through and interference, to protect the health and welfare of the public, City employees, and the environment, and to prevent noncompliance with requirements in applicable permits or violations in agreements for reuse of reclaimed water and sludge. As required the limits are technically based which means they are scientifically gathered and calculated.

(B) No person shall discharge wastewater containing in excess of any currently approved Local Limit parameter concentration unless the Wastewater Discharge Permit for the User provides, as a special permit condition, a higher interim concentration level in conjunction with a requirement that the User constructs and properly maintains a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth by the City's Pretreatment Program.

(C) The Pretreatment Program Local Limits established by the City, and currently approved by the FDEP and adopted by the City Council, are hereby adopted herein and are enforceable with all the requirements, procedures, and prescriptions in this Ordinance. A list of the current Local Limits adopted herein are located in this section under, V., (B).

(D) Local Limits may be adjusted and parameters may be added or omitted from time to time based on POTW monitoring, water quality requirements, field investigation of Industrial Users, Federal and State requirements, Local Limit re-evaluations, and/or any other factors which the Control Authority deems significant with respect to the proper and safe operation of the City's POTW. When change(s) to Local Limits occur, the Control Authority shall follow all procedures required by the EPA and the FDEP and shall inform all affected Users prior to the change(s) becoming effective. Changes to Local Limits shall not become effective prior to approval by the FDEP and adoption by the City Council.

(E) Local Limits shall apply at the control manhole, sampling point or at the point where the wastewater is discharged to the POTW, conditions permitting. All concentrations for metallic substances are for "total metals" unless indicated otherwise (see definitions). The Control Authority may impose mass allocation limits in addition to, or in place of, the concentration-based Local Limits.

V. Local Pollutant Limits

(A) The following local pollutant limits are established to protect the City's WRF against pass through and interference and to prevent noncompliance with requirements in applicable permits or violations in agreements for reuse of the reclaimed water and residuals.

(B) No person shall discharge wastewater containing in excess of the following instantaneous maximum uniform concentration limits unless the Industrial User Discharge Permit of the user provides as a special permit condition a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table below:

Aaaa

Constituent	Maximum Uniform Concentration Limit (mg/L)
Arsenic	0.28
Cadmium	0.16

Constituent	Maximum Uniform Concentration Limit (mg/L)
CBOD	6,300
Chromium (Total)	4.9
Copper	4.6
Cyanide	1.9
Lead	1.1
Mercury	0.091
Molybdenum	0.72
Nickel	2.6
Nitrogen, Total	1,100
PH	5.5 to 9.5
Selenium	0.51
Silver	4.9
Sodium	2,100
Zinc	2.7
TSS	5,275
Oil (Petroleum Hydrocarbon)	100
Oil (Vegetable)	400

(C) The local pollutant limits above may be adjusted and additional local pollutant limits may be added from time to time based on treatment plant monitoring, water quality requirements, re-evaluation of Local Limits, field investigation of industrial users, and/or any other factors which the Director of Public Services or his designee (Control Authority) deems of significance with respect to the proper and safe operation of the City's WRF. These limits are technically based and can represent an average of four (4) grab samples if so specified in the Industrial User Discharge Permit.

(D) The local pollutant limits above shall apply at the control manhole, sampling point or at the point where the wastewater is discharged to the SCS and/or the WRF. All concentrations for metallic substances are for "total metals" unless indicated otherwise. The Control Authority may impose mass allocation limits in addition to, or in place of, the concentration-based limitations above.

VI. Dilution

(A) Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, 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 a Pretreatment Standard, Requirement, or discharge limitation.

(B) The Control Authority shall impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitation is appropriate and directly related to 40 CFR and or FAC 62-625.

VII. Pretreatment Facilities

(A) If pretreatment is required through the issuance of a Wastewater Discharge Permit, the permitted User shall design, submit for approval to the City, construct, operate, and maintain such wastewater pretreatment facilities whenever necessary to reduce, modify, or eliminate the User's wastewater discharge to achieve compliance with the wastewater limitations and prohibitions set forth in this Ordinance, to meet Local Limits and applicable Categorical Pretreatment Standards, or to meet any other wastewater condition, limitation, or requirement contained in the User's Wastewater Discharge Permit. If required by the City, plans, specifications, and operating procedures for such wastewater pretreatment facilities shall be prepared by a professional engineer that is registered in the State of Florida, and shall be submitted to the City, including the Control Authority, for review and approval.

(B) Prior to beginning construction of said pretreatment facility, the User shall submit a set of final construction plans and specifications to the City and the Control Authority.

(C) Prior to beginning construction, the User shall also secure such building, plumbing, and other permits that may be required by the City, County, and/or any other public agencies of jurisdiction.

(D) In the case that a pretreatment facility is to be constructed as part of a Compliance Schedule, the User shall construct said pretreatment facility within the time provided in the Wastewater Discharge Permit, where applicable. Following completion of construction, the User shall provide the Control Authority with "as built" drawings.

(E) Neither filing of the plans nor the issuance of permit(s) shall be construed to indicate that the City in any way vouches for or warrants the performance capabilities of any facilities constructed pursuant to such plans, specifications, or data. Subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without prior written notice to and approval by the City, including the Control Authority.

VIII. Additional Pretreatment Measures

(A) If any waters or wastes are discharged, or are proposed to be discharged, to the POTW, and such waters or wastes contain the substances or possess the characteristics enumerated in this section, and which may have a deleterious effect on the POTW, its processes or equipment, or which otherwise create a hazard to health or constitute a public nuisance, the Control Authority may:

1. Reject the discharge;

2. Require pretreatment to acceptable pollutant and constituent levels prior to discharge to the POTW;

3. 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 domestic wastewater and other unregulated waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Ordinance;

4. Require any person discharging into the POTW to install and maintain, on their property and at their sole expense, a suitable storage and flow-control facility to ensure equalization of flow. A Wastewater Discharge Permit may be issued solely for flow equalization;

5. Require Users with the potential to discharge flammable substances or wastes containing Total Recoverable Petroleum Hydrocarbons (TRPH) to install and maintain a City-approved combustible gas detection meter; and/or oil and water separators as required in this ordinance;

6. Require payment to the City pursuant to the provisions of this section and subsection to recover the added cost of handling and treating the high strength wastes as required in the User's permit or not covered by existing fees or sewer charges.

IX. Slug Discharge Control Plan

At least once every two (2) years the Control Authority shall evaluate whether each existing Significant Industrial User needs a Slug Discharge Control Plan see F.A.C. 62-625 and 40 CFR. New Significant Industrial Users shall be evaluated within one (1) year of being designated a Significant Industrial User. The Control Authority may require any User to develop, submit for review, and implement such a plan, or, alternatively, the Control Authority may

develop such a plan for any User and require implementation.

(A) Slug Discharge Control Plan shall address, at a minimum, the following:

1. Description of discharge practices, including non-routine Batch Discharges;

2. Description of containment areas and stored chemical products or other materials onsite;

3. The placement, at strategic locations throughout the User's facility where a Slug Discharge may occur, of a list of telephone numbers and contact persons that must be notified in the occurrence of a Slug Discharge;

4. Procedures for immediately notifying the Control Authority in the occurrence of a Slug Discharge, or any other discharge that would violate a prohibition under 40 CFR 403.5(b) and Rule 62-625.400(2), F.A.C.;

5. Procedures for follow-up written notification to the Control Authority within five days of the User becoming aware of the Slug Discharge;

6. Procedures to prevent adverse impact from Slug Discharges. Such procedures shall 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, employee training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), spill containment and cleanup kits, the sealing of floor drains and/or measures and equipment for emergency response; and;

7. Description of employee training programs to prevent Slug Discharges and how to handle such a discharge if it does occur.

(B) Review and approval of the Slug Discharge Plan by the Control Authority shall not relieve the User of the responsibility to comply with the provisions of this Ordinance or any other Federal and State requirements and regulations.

X. Pollution Prevention Plan

The Control Authority may require any User to develop, submit for review, and implement a Pollution Prevention Plan, including an implementation timetable, or, alternatively, the Control Authority may develop such a plan for any User and require implementation. The User shall implement the Pollution Prevention Plan on a timely manner once the plan has been approved or issued.

The Pollution Prevention Plan shall be developed in accordance with the requirements described herein and shall contain, at a minimum, the following elements:

(A) Purpose and objective(s) of the plan;

(B) Description of strategies to prevent/minimize the introduction of pollutants into the User's discharge and to minimize waste generation;

(C) Description of maintenance of storage areas for oils, chemicals, hazardous substances, and any other substance or material of concern;

(D) Description of routine preventive maintenance and schedule of activities;

(E) Description and location of all floor drains and where they discharge. Floor drains are not allowed to drain into the SCS and must be sealed off. Exceptions may be approved if the drains receive pretreatment prior to discharge into the SCS.

(F) Description of spill prevention techniques and response procedures and equipment;

(G) Description of employee training program and participation in pollution prevention measures, preventive maintenance, response procedures, and documentation;

(H) Description of record keeping and reporting protocols, including forms;

(I) Description of the overall facility, including a site plan, process schematics, and plumbing diagrams;

(J) Description of waste and wastewater handling, storage, treatment, and discharge disposal facilities, including flow diagrams and process schematics;

(K) List of sources of wastes and locations of their introduction into the SCS;

(L) Inventory of raw materials, chemicals, intermediate products, and final products on-site;

(M) Information log of facility personnel, organization chart, emergency phone numbers, contact persons, and continuing educational procedures;

(N) Timetable for implementation of any necessary changes or additions to the User's procedures and/or facilities, including production and equipment.

(O) Review and approval of the Pollution Prevention Plan by the Control Authority shall not relieve the User of the responsibility to comply with the provisions of this Ordinance.

XI. Best Management Practices Plans

The Control Authority may require any User to develop, submit for review, and implement a Best Management Practices Plan (BMPP), or, alternatively, the Control Authority may develop such a plan for any User and require implementation to control discharges to the City's POTW. The User shall implement the provisions of the BMPP on a timely manner and shall exercise due diligence in pursuit thereof. The BMPP shall contain, at a minimum, the following elements:

(A) Purpose and objective(s) of the plan;

(B) Description of strategies to prevent/minimize the introduction of pollutants into the User's discharge and to minimize waste generation;

(C) Description of Best Management Practices options available to the User to control accidental spillage, discharges, leaks and drainage;

(D) Description of best available or practicable control technologies available for the specific application that the plan is developed for;

(E) Description of the overall facility, including site plan;

(F) Description of the waste handling, treatment, and discharge disposal facilities, including flow diagrams and process schematics;

(G) Description of operating and maintenance procedures;

(H) Inventory of raw materials, chemicals, intermediate products, and final products, and a list of waste sources;

(I) Description of employee training programs, continuing education programs and participation;

(J) Description of documentation, including record keeping and forms;

(K) Description of monitoring activities; and

(L) Information log of facility personnel, organization chart, emergency phone numbers, contact persons, and maintenance or service representatives.

(M) A facility may be exempt from some or all the requirements stated in Section 38.03, X of this Ordinance, at the discretion of the Control Authority, by adopting an adequate BMPP and, after review and approval of such a plan, upon receipt of a certificate from the Control Authority stating this exemption. The Industrial User shall request the Control Authority, in writing, for a certificate renewal at least 60 days prior to its expiration. A facility may be required to surrender its certificate at any time for any reason, as determined by the Control Authority, at which point the facility shall be required to comply with all applicable requirements as stated in this Ordinance.

(N) Review and approval of the BMPP by the Control Authority shall not relieve the Industrial User of the responsibility to comply with other applicable provisions of this Ordinance.

XII. Hauled Wastes

(A) No person shall discharge any trucked or hauled wastes, pollutants, or substances directly into a manhole or other opening in the POTW, unless the Control Authority has granted prior written permission.

(B) Under no circumstance shall hazardous wastes, as defined in 40 CFR 261, or as amended, be released into the SCS or POTW for disposal.

(C) Under no circumstances may a waste hauler dispose, or reintroduce back into any trap, separator, other device or the SCS any wastes from any other trap, separator or device. The Federal Water Pollution Control Act prohibits such discharges and that traps, separators, other devices or the SCS are not designated discharge points, unless specifically approved by the Director of Public Services or his designee. All discharges are subject to The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC § 1251 et seq., or as amended in the future. The Act provides statutory authority for both NPDES and Pretreatment Programs.

(D) All industrial waste haulers servicing establishments operated by Users of the City's POTW, including but not limited to, restaurants, car washes, Laundromats, auto repair shops, must be currently licensed.

(E) Industrial waste haulers are not permitted to discharge loads anywhere in the city limits if Apopka. Waste haulers may discharge loads only at locations in the City's SCS where designated by the Public Services Director or his designee (Control Authority). No load may be discharged without prior written consent of the Public Services Director, or his designee. The Control Authority may collect samples of each hauled load to ensure compliance with applicable standards or require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(F) Industrial waste haulers must submit to the Control Authority a universal waste-tracking form after the completion of each and every load of a non-domestic nature including, but not limited to, hauled wastes from Oil and Grease Interceptors, Oil and Water Separators, Sand and Grit interceptors and lint/hair traps.

(G) The hauler is responsible for submitting a form for each location serviced, regardless if the waste from multiple locations are mixed in the same vehicle/truck. This form shall be filled out legibly and fully completed with, at a minimum, the following information:

1. Name, address, and signature of an authorized representative of the industrial waste hauler;
2. Truck identification;
3. Industry type, name, address, and signature of an authorized representative of the waste source;
4. Wastewater Discharge Permit number (if applicable);
5. Volume and characteristics of waste hauled from each location; known or suspected waste constituents and whether any wastes are RCRA hazardous wastes;
6. Name, address, and signature of an authorized representative of the approved treatment facility where the hauled waste was disposed;
7. The total volume of hauled waste disposed at the approved treatment facility, signature; and
8. The condition of the interceptor, separator, trap, or tank serviced.

(H) The Control Authority may suspend the authorization for a hauler to service establishments located within the City limits or to discharge hauled wastes for violations of the provisions of this Ordinance, or other ordinances; for failure to obey order of authorized City personnel; or

(I) Failure to pay assessed fees, surcharges, or fines s levied by the City of Apopka or the Public Services Director or his designee.

XIII. Minor Industrial User, (MIU)

(A) Any User that discharges non-domestic pollutants to the POTW in amounts and with properties that may present the potential to impact the POTW or to violate the prohibited discharge limitations in this Ordinance.

This includes discharges that, in the opinion of the Control Authority, present the potential to cause sewer obstruction, a slug discharge, or chemical spills, among other things.

(B) Any MIU may be required to place pretreatment systems onsite, at the Users' sole expense and in accordance to local and State requirements and regulations.
Required pretreatment systems may include, but not be limited to, Oil and Grease Interceptors, Oil and Water Separators, Sand and grit Interceptors, hair traps, lint traps, or silver recovery systems, which may be monitored, sampled, and inspected by the Control Authority. Users in this category may include, but are not limited to:

1. Automotive related businesses (repair, sales, maintenance, car washes, commercial vehicle washes), machine shops, equipment service or repair businesses, airports, Laundromats, commercial laundries, dry cleaners, carpet cleaners, grocery stores, restaurants, lounges, delis, caterers, schools, churches, bakeries, delicatessens, movie theaters, shopping centers/malls, bowling alleys, hotels, motels, retirement and nursing homes, stadiums, hospitals, medical offices, veterinary offices, dental offices, beauty and hair salons, pet grooming services, laboratories, photographic processing facilities, and printing businesses;

2. Discharges containing one (1) or more Abnormally High Strength Compatible Waste;

3. Discharge that has been found by the Control Authority of the FDEP to potentially have significant impact, either singly or in combination with other contributing Users, on the City's SCS or POTW.

4. Users identified above may also be subject to the OGMP and Surcharge Program. See Section 38.16.

SECTION 38.04 – BEST MANAGEMENT PRACTICES PLAN FOR SILVER DISCHARGERS

I. Purpose and Intent

(A) The purpose of this section is to provide for the implementation of the Best Management Practices Plan (BMPP) for silver dischargers. The objectives of this section include:

1. To minimize the introduction of wastes containing silver into the City's POTW;

2. To promote pollution prevention by generators of wastes containing silver;

3. To require the installation and maintenance of equipment to achieve a level of treatment appropriate for the size of the generator (User); and

4. To enable the City to comply with the effluent discharge standards set forth in the City's State Domestic Wastewater Facility Permit and the requirements of the Pretreatment Program.

(B) The intent of this section is to provide for the control and regulation of Users that discharge wastes containing silver to the POTW. Implementation of the BMPP for silver dischargers will allow the City to reduce the loadings of other constituents of concern to the POTW.

II. General Criteria

(A) This section shall apply to all Users of the SCS and the POTW that generate wastes containing silver.

(B) The Control Authority may require any User that generates wastes containing silver to develop, submit for review, and implement a BMPP for silver discharges, or, alternatively, the Control Authority may develop such a plan for any User and require implementation to achieve a specific level of treatment (silver recovery or removal) as set forth in this section.

(C) The specific level of treatment shall depend on factors such as, but not limited to, the volume of wastes that are generated by the User and the concentration of silver in these wastes. The BMPP shall contain the elements listed in Section 38.03, Subsection VIII, of this Ordinance. The User may also be required to include in the BMPP a Slug Discharge Control Plan, as described in Section 38.03, Subsection X, of this Ordinance, at the discretion of the Control Authority.

(D) All Significant Industrial Users (SIU) shall comply with the Local Limit for silver set forth in Section 38.03 of this Ordinance. Significant Industrial Users shall obtain a Wastewater Discharge Permit pursuant to Section 38.05 of this Ordinance.

(E) The User, as required by the Control Authority, shall develop and implement the BMPP within sixty (60) days of notification by the Control Authority and shall exercise due diligence in pursuit thereof of the BMPP and maintenance of the silver recovery system. The Control Authority shall have the authority, at his discretion, to impose the Local Limit for silver upon any User contributing wastes containing silver to the City's POTW.

(F) Preparation and implementation of the BMPP by the User shall be accomplished at the sole expense of the User.

(G) The Control Authority may require payment from the User in order to recover the costs for inspections, sampling, and for analysis results that indicate a discharge from the User exceeded any Pretreatment Standard and/or the minimum recovery efficiency required by the Control Authority. Constituents exceeding the above standards or recoveries shall be subject to surcharges. Surcharges will be included on the Utility Billing and shall be calculated in the same manner as the Surcharge Program, Refer to Section 38.16, IV.

III. Off-Site Management

(A) Users that generate wastes containing silver shall have the wastes transported by a licensed/certified hazardous waste hauler to an approved off-site facility for treatment, recovery, and/or disposal.

(B) Users that exercise the BMPP described herein shall retain and preserve the uniform hazardous waste manifests (as required by the U. S. Environmental Protection Agency) and other related documents in a file on-site for a minimum of three (3) years, as described in Section 38.07, Subsection XII, of this Ordinance. The files shall be available for inspection and copying by the Control Authority upon request.

IV. On-Site Recovery and Management

(A) Users that generate wastes containing silver may be required by the Control Authority to obtain a registration certificate and to provide pretreatment of the wastes prior to discharge to the POTW.

(B) The User shall provide containment, including secondary containment, if required, for storage tanks and any hazardous materials or harmful substances or chemicals; which shall be maintained properly in order to prevent spills and leakage.

(C) The pretreatment equipment shall be operated and maintained properly and at the sole expense of the User.

(D) Monitoring points shall be installed on the process influent and effluent lines for retrieval of representative samples to determine the efficiency of the pretreatment (recovery/removal) processes.

(E) The User may be required to install and maintain a flow meter at the effluent line of the pretreatment system in order to determine actual volumes of wastewater containing silver being discharged to the SCS and the POTW.

(F) Minimum recovery efficiency required for the pretreatment system shall be determined by the Control Authority on a case-by-case basis and the specific level of treatment shall depend on factors such as, but not limited to, the volume of wastes that are generated by the User and the concentration of silver in these wastes.

(G) The pretreatment equipment and recovery system shall be designed and installed to meet the minimum silver recovery or removal levels set forth by the Control Authority.

(H) The recovery efficiency of the pretreatment system shall be determined/calculated at least once per week using silver test paper.

(I)

Additionally, Users that generate more than twenty (20) GPD of silver-rich solutions shall, at least once every four (4) months, determine the recovery efficiency by collecting one composite sample of the influent and effluent for analysis by a certified commercial laboratory using EPA/FDEP approved protocols. The user shall be responsible for sampling and analysis costs.

V.Record Keeping

(A) The following records and documents shall be retained on-site for a minimum of three years:

1. Volume of total process wastewater discharged to the City's POTW;

2. A log or report of weekly monitoring results;

3. Report of analyses from the certified laboratory where samples were analyzed;

4. Service and maintenance logs, including the waste-tracking form mentioned in Section 38.03, Subsection XI (E);

5. Uniform hazardous waste manifests; and

6. Installation, operation, and maintenance procedures.

(B) The files shall be subject to the retention requirements set forth in Section 38.07, Subsection XII, of this Ordinance. The files shall be available for inspection and copying by the Control Authority upon request.

VI. Compliance Inspections and Monitoring

(A) The Control Authority shall, once per year, have the right to conduct compliance facility inspections and conduct random compliance monitoring and sampling, as deemed necessary by the Control Authority, and as set forth in Section 38.08 of this Ordinance. Additional facility inspections for compliance purposes shall be $100.00 per visit for Users subject to the Best Management Practices Plan for Silver Dischargers.

VII. Enforcement

(A) Users that do not comply with the provisions set forth in this section shall be subject to the administrative enforcement procedures and remedies set forth in Section 38.11 of this Ordinance.

SECTION 38.05 – WASTEWATER DISCHARGE PERMIT APPLICATION

I. Wastewater Analysis

(A) All new Industrial Users shall submit, a Wastewater Discharge Permit application, information on the nature and characteristics of its wastewater within thirty, (30) days of the request.

(B) Additionally engineering plans showing remodeling or new construction for the purpose of determining effluent (process) and sanitary flows from the facility. Flow lines should be separated, one line for sanitary and one for process flow that may join together after a sampling point approved by the Control Authority. The Control Authority is authorized to prepare a form for this purpose and may periodically require Users to update this information. Sample collection and analysis shall be performed in accordance with Section 38.07, Subsections IX and X, of this Ordinance, the Code of Federal Regulations, and Rule 62-625, F.A.C., or as amended.

II. Wastewater Discharge Permit Requirements

(A) All Significant Industrial Users must have a Wastewater Discharge Permit issued by the Control Authority in order to discharge wastewater to the POTW.

(B) No Significant Industrial User shall commence discharge of production-based (process) wastewater into the SCS and the POTW without first obtaining a Wastewater Discharge Permit from the Control Authority, except that an existing Significant Industrial User that has filed a timely application pursuant to Subsection III, below, may continue to discharge for the time period specified therein.

(C) The Control Authority may require other Users to obtain a Wastewater Discharge Permit if deemed necessary by the Control Authority in order to carry out the purposes of this Ordinance.

(D) Any violation of the terms and conditions of a Wastewater Discharge Permit shall be deemed a violation of this Ordinance and subjects the Industrial User (Permittee) to the enforcement response and remedies set out in Sections 38.11 through 38.13 of this Ordinance. Obtaining a Wastewater Discharge Permit does not relieve the Permittee of its obligation to comply with all Federal, State, and local Pretreatment Standards and Requirements or with any other requirements of Federal, State, and local laws.

III. Wastewater Discharge Permitting: Existing Sources

(A) Any Significant Industrial User required to obtain a Wastewater Discharge Permit who is an Existing Source in this Section, of this Ordinance, and who was discharging wastewater into the SCS and POTW prior to the effective date of this Ordinance, and wishes to continue such discharge in the future, shall, one hundred eighty (180) days after the effective date of this Ordinance, submit a fully completed application to the Control Authority for a Wastewater Discharge Permit in accordance with Section 38.05 of this Ordinance.

(B) The application shall be submitted as part of the Baseline Monitoring Report prescribed in Section 38.07 of this Ordinance, and in accordance with Rule 62-625.600, F.A.C. The Industrial User shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this Ordinance, except in accordance with a Wastewater Discharge Permit issued by the Control Authority.

IV. Wastewater Discharge Permitting: New Sources

(A) Any IU required to obtain a Wastewater Discharge Permit who is a New Source as defined in Section 38.01, Subsection IV, of this Ordinance, and who proposes to begin or recommence discharging into the SCS and POTW, must obtain such a permit prior to beginning or recommencing such discharge.

For all Significant Industrial Users, an application for the Wastewater Discharge Permit, in accordance with Section 38.05, Subsection V, of this Ordinance, must be submitted as part of the Baseline Monitoring Report at least ninety (90) days prior to the date upon which any discharge will begin or recommence, as prescribed in Section 38.07 of this Ordinance, and in accordance with Rule 62-625.600, F.A.C.

V. Wastewater Discharge Permit Application Contents

All Users required to obtain a Wastewater Discharge Permit must submit a permit application. The Control Authority may require IU renewing an existing permit to submit all or some of the following information as part of a Wastewater Discharge Permit application. Users applying for their first Wastewater Discharge Permit shall submit, at a minimum, the following information as part of the application process:

(A) All information required by Section 38.07, Subsection I of this Ordinance;

(B) Description of equipment, activities, procedures, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used and stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

(C) Number and type of employees, and proposed or actual hours of operation;

(D) Each product produced by type, amount, process or processes, and rate of production;

(E) Type and amount of raw materials processed (both average and maximum amounts per day);

(F) As-built site plans or proposed site plans if construction is not complete, 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;

(G) The location for monitoring all wastes covered by the permit;

(H) Time, duration, and volume (both average and maximum amounts per day) of discharges;

(I) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 38.06, II, (A), 5, [40 CFR 403.12(e)(2)].

(J) Any other information as may be deemed necessary by the Control Authority to evaluate the Wastewater Discharge Permit application for revision.

(K) Incomplete or inaccurate Wastewater Discharge Permit Applications (BMR) will not be processed and will be returned to the Industrial User for completion.

VI. Signatories and Certification

(C) All Wastewater Discharge Permit applications, User reports, and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 38.07, XIII, (A).

(D) If the designation of an Authorized Representative, as defined in this Ordinance, 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 Industrial User, a new written authorization satisfying the requirements of this Section must be submitted to the Control Authority prior to or together with any reports to be signed by an Authorized Representative.

SECTION 38.06 – WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

I. Wastewater Discharge Permit Duration

(A) 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 Control Authority. Each Wastewater Discharge Permit will indicate a specific date upon which it will expire.

(B) If a Wastewater Discharge Permit is issued for less than five (5) years, then it may be extended at the discretion of the Control Authority as long as the full five (5) year term is not exceeded.

II. Wastewater Discharge Permit Contents

(A) A Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the Control Authority to prevent pass through or interference at the POTW, protect the quality of the WRF effluent (reclaimed water), protect the public and worker health and safety, facilitate sludge management and disposal, protect the environment, and protect against damage to any portion of the POTW.

(B) Wastewater Discharge Permits shall contain, at a minimum, the following information:

1. A statement that indicates the Wastewater Discharge Permit duration, which in no event shall exceed five (5) years;

2. A statement that the Wastewater Discharge Permit is nontransferable without prior written notification to the Control Authority in accordance with Section 38.06, Subsection VII, of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing Wastewater Discharge Permit;

3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards and Requirements;

4. Self-monitoring, sampling, logging, 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;

5. A waiver from monitoring for a pollutant neither present nor expected to be present in the discharge, in accordance with Section 38.05, V, (I).

6. 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; and

7. 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 and requirements, including those which become effective during the term of the Wastewater Discharge Permit.

(C) Wastewater Discharge Permits may contain, but need not be limited to, the following conditions:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

2. 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 POTW;

3. Requirements for the development and implementation of a Slug Discharge Control Plan, including a spill containment plan, if applicable, or other special conditions, including Best Management Practices necessary to adequately prevent slug/accidental, unanticipated, or non-routine discharges;

4. Requirements for the development and implementation of a Pollution Prevention Plan and/or a Best Management Practices Plan for the handling of the User's waste stream(s), chemicals, raw materials, any substance or material of concern, and the minimization and prevention of introducing pollutants into the discharge to the POTW;

5. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

6. Requirements for installation and maintenance of monitoring equipment and sampling facilities and equipment, including flow measurement devices. Industrial Users shall bear the responsibility and costs of all required devices;

7. Requirements for closure activities following cessation of operations by the IU at the facility, including notification to the Control Authority, proper mothballing of pretreatment facilities, equipment, raw materials, or any wastes or chemicals;

8. Other conditions as deemed appropriate by the Control Authority to ensure compliance with this Ordinance, and other local, State and Federal laws, rules, requirements, standards, and regulations.

III. Wastewater Discharge Permit Decisions

(A) The Control Authority will evaluate the data furnished by the User. The Control Authority may require additional information and may request such information by phone and or email or will make such a request in writing to the User. Within thirty, (30) days of receipt of a completed Wastewater Discharge Permit application, the Control Authority will determine whether to issue a Wastewater Discharge Permit. The Control Authority may deny any application for a Wastewater Discharge Permit.

IV. Wastewater Discharge Permit Denial

(A) Incomplete application;

(B) Failure to respond to a request for additional information in a timely manner;

(C) Submittal of false or inaccurate information or data;

(D) The Industrial User's pretreatment facilities are inadequate to protect the POTW, as determined by the Control Authority, and are inadequate to treat the User's discharge effectively and sufficiently to meet the requirements and standards set forth in this Ordinance;

(D) The IU conducted construction of facilities, installation of equipment or systems, the start up of operations, and the discharge of wastes to the POTW without a permit;

(E) The discharge of any given waste(s), in the opinion of the Control Authority, would be harmful to the POTW, City employees, the public, and/or the environment; and/or

(F) Addition, modification, or repair of any equipment or any part of the User's facility is not completed in a timely manner.

(G) Denial of the Wastewater Discharge Permit application by the Control Authority does not relieve the User of the responsibility to comply with the City Code of Ordinances or any other local, State, or Federal rules and regulations, and obtain the necessary permits prior to commencement of operations. The User shall retain the right to reapply for a Wastewater Discharge Permit or appeal the Control Authority's decision using the appeals procedure as set out in Subsection V, below.

V. Wastewater Discharge Permit Appeals

(A) The applicant (User) may petition the Control Authority to reconsider the denial of a Wastewater Discharge Permit or the terms of a Wastewater Discharge Permit within ten (10) days of receipt of the notice of denial of the permit or, if appealing one or more terms of a permit, within ten (10) days of the effective date of the permit.

(B) Failure to submit a timely petition for review shall be deemed a waiver of the administrative appeal.

(C) In its petition, the appealing party must indicate the objection to the permit denial or the Wastewater Discharge Permit term(s) or provision(s) objected to, the reasons for this objection, and the alternative condition(s), if any, it seeks to place in the Wastewater Discharge Permit.

(D) The effectiveness of the Wastewater Discharge Permit shall not be stayed pending the appeal.

(E) If the Control Authority fails to act within thirty, (30) days upon receipt of the petition, a request for reconsideration is denied. Decisions 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 actions for purposes of judicial review. This determination can be appealed as described in Section 38.11, Subsection X, of this Ordinance.

VI. Wastewater Discharge Permit Modifications

(A) The Control Authority may reopen or modify a Wastewater Discharge Permit at any time for good reason, 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. To address a change in the POTW 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 City's SCS and POTW, the beneficial use of the WRF effluent or sludge, City personnel, the environment, and/or the public;

5. Violation of any terms or conditions of this Ordinance or the Wastewater Discharge Permit;

6. Misrepresentations or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application or in any required report;

7. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;

8. To correct typographical or other errors in the Wastewater Discharge Permit; and/or

9. To reflect a transfer of the facility ownership or operation to a new property owner or operator where requested in accordance with Subsection VII, below.

(B) Unless there is imminent danger to the public, City workers, the POTW, or the environment, or if a particular modification needs to become effective immediately for any other reason, permit holders shall be informed of any proposed change(s) to their respective permit(s) at least sixty (60) days prior to the effective date of the change, and shall be allowed a comment period within the first ten (10) days relating to any of the proposed change(s) in their permits after issuance of such proposed change(s) by the Control Authority.

(C) The Control Authority shall allow a discharger a reasonable period of time not to exceed 90 days, without express written approval by the Director of Public Services to comply with any changes in the permit required by the Control Authority, unless otherwise required by emergency or governmental regulations.

(D) The permit holder may petition the Control Authority for modification of a permit based on changed conditions. The Control Authority shall review such petitions with supporting data, as deemed necessary by the Control Authority, and take appropriate action.

VII. Wastewater Discharge Permit Transfer

(A) Wastewater Discharge Permits may be transferred to a new owner or operator only if the Permittee gives at least sixty, (60) days advanced written notice to the Control Authority, and the Control Authority approves the Wastewater Discharge Permit transfer. The notice to the Control Authority must include a written certification by the new property owner or operator which:

1. States that the new property owner and/or operator has no immediate intent to change the facility's operations, processes, or discharge concentrations and characteristics;

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

3. Acknowledges full responsibility for complying with all applicable standards, requirements, laws, and permits, including all provisions in this Ordinance and the existing Wastewater Discharge Permit to be transferred;

4. Includes the signature of the authorized representative of the new property owner (User) and/or operator and the certification statement in Section 38.05, Subsection VI, (A) and (B), of this Ordinance.

5. Completes and submits a Wastewater Discharge Permit Application, refer to Section 38.05 part V.

(B) Failure to provide advanced written notice of a transfer of ownership shall render the Wastewater Discharge Permit void as of the date of facility transfer.

VIII. Wastewater Discharge Permit Revocation

(A) The Control Authority may revoke a Wastewater Discharge Permit, as issued pursuant to the provisions of this Ordinance, for good cause, including, but not limited to, the following reasons:

1. Violation of any Pretreatment Standard or Requirement or any terms of this Ordinance or the Wastewater Discharge Permit;

2. Failure to notify the Control Authority of significant change(s) in the character and volume of the wastewater prior to the changed wastewater being discharged;

3. Failure to provide prior written notification to the Control Authority of changed conditions pursuant to Section 38.07, Subsection V, of this Ordinance;

4. Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application;

5. Falsifying Self-monitoring reports or any other report, certification statements, or data;

6. Tampering with monitoring equipment;

7. Refusing to allow the Control Authority timely access to the facility premises and records;

8. Failure to meet effluent limitations, standards, or requirements;

9. Failure to pay fines or penalties;

10. Failure to pay sewer charges or assessments;

11. Failure to meet Compliance Schedules;

12. Failure to complete a wastewater survey or the Wastewater Discharge Permit application;

13. Failure to provide advanced written notice of the transfer of business ownership of a permitted facility;

14. Failure to submit, on a timely manner, a Wastewater Discharge Permit application for the renewal of an existing Permit prior to the current Permit's expiration date; or

15. The User's discharge, in the opinion of the Control Authority, may interfere with the operation and/or maintenance of the POTW, may impede or threaten the beneficial use of the WRF effluent or sludge, or may pose a threat to the environment or human health or safety.

(B) Wastewater Discharge Permits shall be void upon cessation of operations. All Wastewater Discharge Permits issued to a particular User are void upon the issuance of a new Wastewater Discharge Permit to that User.

IX. Wastewater Discharge Permit Re-issuance

(A) A User with an expiring Wastewater Discharge Permit shall apply for a Wastewater Discharge Permit re-issuance by submitting a completed permit application, in accordance with this Section, at least sixty (60) days prior to the expiration date of the User's existing Wastewater Discharge Permit. Please contact the Industrial Pretreatment for the application.

(B) A request for extending the expiration date of the Wastewater Discharge Permit, if issued initially with duration of less than five (5) years, shall be submitted to the Control Authority at least sixty (60) days prior to the current expiration date.

SECTION 38.07 – REPORTING REQUIREMENTS

I. Baseline Monitoring Reports

(A) Existing Sources shall Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination request pursuant to 40 CFR 403.6(a)(4) and Rule 62-625.410(2)(d), F.A.C., whichever is later, existing Categorical Industrial Users subject to such Categorical Pretreatment Standard and currently discharging, or scheduled to discharge, to the POTW shall submit to the Control Authority a report which contains the information listed in Rule 62-625.600(1)(a) through (g), F.A.C.

(B) New Sources At least ninety (90) days prior to commencement of discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Pretreatment Standard, shall submit to the Control Authority a report which contains the information listed in Rule 62-625.600(1)(a) through (e), F.A.C. New Sources shall include in this report information on the method of pretreatment it intends to use to meet applicable Categorical Pretreatment Standards and Requirements. A New Source also shall give estimates of the information requested in Rule 62-625.600(1)(d) and (e), F.A.C.

II. Compliance Schedule Progress Reports

The following conditions shall apply to the Compliance Schedule:

(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 applicable Pretreatment Standards and Requirements. Such events include, but shall not be 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;

(B) No increment referred to in (A), above, shall exceed nine (9) months for any reason;

(C) The User shall submit a progress report to the Control Authority no later than fourteen (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

(D) In no event shall more than nine (9) months elapse between progress reports to the Control Authority.

III. Compliance Report with Categorical Pretreatment Standard Deadline

(A) Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards or Requirements, or in the case of a New Source ninety (90) days following commencement of the introduction of wastewater into the POTW;

(B) Any User subject to such Pretreatment Standards and Requirements shall submit to the Control Authority a report containing the information described in Section 38.07, Subsection I, (B) of this Ordinance. For Industrial Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c) and Rule 62-625.410(4), F.A.C., this report shall contain a reasonable measure of the User's long-term production rate.

(C) 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 38.07, Subsection XIII, (A) of this Ordinance. All sampling shall be completed in conformance with Section 38.08.

IV. Periodic Compliance Reports

(A) All Significant Industrial Users shall, at a frequency determined by the Control Authority, but in no case less than twice per year (in June and December, unless specified otherwise), submit a report to the Control Authority indicating the nature and concentration of pollutants in the discharge limited by all applicable Pretreatment Standards and Requirements for the User, including the measured or estimated average and

maximum daily flows for the reporting period. All Periodic Compliance Reports must be signed and certified in accordance with Section 38.07, Subsection XIII, (A) of this Ordinance.

In cases where the Pretreatment Standards or Requirements require compliance with a Best Management Practice (BMP) or Pollution Prevention Plan alternative, the User must submit documentation required by the Control Authority or the Pretreatment Standard or Requirement necessary to determine the compliance status of the User.

(B) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities and equipment shall be available to the Control Authority, as needed, and shall be properly operated, kept clean, and maintained in good working order at all times. Failure of a User to keep its monitoring and flow measurement facilities and equipment properly operated, kept clean, and maintained in good working order shall not be grounds for the User to claim that sample results are not representative of its discharge.

(C) If a User subject to the reporting requirements in this section monitors any pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in this Section the results of such monitoring shall be included in any calculations of actual daily maximum or monthly average pollutant discharge and results shall be reported in the Periodic Compliance Report. This increased monitoring frequency shall also be indicated in the report.

(D) The Control Authority may require an Industrial User to submit a monthly or quarterly certified statement concerning the characteristics of its industrial wastes that were discharged to the City's POTW.

Such certified statement shall be submitted to the Control Authority not later than the tenth day of the month following the month or quarter for which the report is due, or as otherwise specified in the Wastewater Discharge Permit. The certification statement shall be in accordance with Section 38.05, Subsection VI, of this Ordinance.

(E) The Control Authority may, at its discretion, authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if:

1. The Category for which the Industrial User in question is required to comply with specifically allows for such an exception; and

2. The Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User.

3. The Industrial User is responsible for ensuring that all the procedures and requirements for allowing such an exception are followed, as prescribed in this Ordinance, in 40 CFR 403 and in the specific Section (405 through 471), which the User is classified under. When the Control Authority grants such an exception, the Industrial User remains responsible for complying with all other applicable requirements.

V. Reporting Changed Conditions

(A) Each User must notify the Control Authority of any planned significant change(s) to the User's operations and/or system that might alter the nature, quality, or volume of its wastewater at least sixty (60) days prior to the change(s) becoming effective.

(B) The Control Authority 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 Section 38.05 of this Ordinance.

(C) The Control Authority may issue a Wastewater Discharge Permit under Section 38.06 of this Ordinance, or modify an existing Wastewater Discharge Permit in response to changed conditions or anticipated changed conditions.

(D) For purposes of this requirement, significant changes include, but are not limited to:

1. Flow increases in excess of fifteen (15) percent of the monthly average daily flow or ten (10) percent of the initially permitted annual average daily flow, if applicable;

2. An increase in the concentration of pollutants in the discharge to the extent that there is a greater potential of exceeding applicable Pretreatment Standards or causing disruption in the process of the POTW; or

3. The introduction of any previously unreported pollutants in the discharge.

VI. Reporting Potential Problems

(A) In the case of any discharge that may cause potential problems at the POTW, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a Slug Discharge, the User shall immediately telephone and notify the Control Authority of the incident. This notification shall include the location of the discharge, the type, concentration, and volume of waste discharged, if known, and corrective actions taken by the User.

(B) Within five (5) days following such a discharge, the User shall submit a detailed written report describing the cause(s) 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 POTW, 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 Ordinance or by other local, State, and Federal laws and regulations.

(C) A notice shall be permanently posted on the User's bulletin board, or other prominent place(s), by all SIU or any other User which is specifically required by the Control Authority to post such a notice, advising employees whom to call in the event of a discharge described in paragraph (A) above.

Employers shall ensure that all employees who may cause or become aware of such a discharge to occur are advised and are familiar with the emergency notification procedure.

(D) Significant Industrial Users are required to notify the Control Authority immediately of any changes at its facility affecting the potential for a Slug Discharge.

VII. Reports from Un-permitted Users

(A) All Users not required to obtain a Wastewater Discharge Permit shall provide appropriate reports to the Control Authority upon request, and as the Control Authority may require.

VIII. Notice of Violation/Repeat Sampling and Reporting Requirements

(A) If sampling performed by a User indicates a violation, the User must notify the Control Authority immediately after becoming aware of the violation. The User shall also repeat sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation.

(B) The User may not be required to resample if the Control Authority monitors the User's facility at least once a month or if the Control Authority performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Control Authority receives the results of this sampling.

IX. Analytical Requirements

(A) All pollutant analysis, including sampling techniques, protocols, and detection limits used for characterization of wastewater and wastes or for determining the water quality of the discharge to the POTW, shall be performed in accordance with the techniques and requirements set forth in 40 CFR Part 136, Rules 62-160 and 62-625.600(1)(e)(6), F.A.C., unless otherwise specified in an applicable Categorical Pretreatment Standard.

(B) If the references cited herein do not contain applicable analytical protocols for the pollutant in question, or where the EPA determines that the sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Control Authority or other parties approved by the EPA or the FDEP. The Control Authority shall be given written notice of the analytical protocols employed by the Industrial User to demonstrate compliance with permit conditions and provisions of this Ordinance.

X. Sample Collection and Analysis

(A) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, and based on data that is representative of conditions occurring during the report period.

The Control Authority shall indicate the frequency of monitoring for each pollutant necessary to assess and assure compliance by the Industrial User with applicable Pretreatment Standards and requirements. Except as indicated in Sections C and D below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless the Control Authority authorizes time-proportional composite sampling or grab sampling. Where the Control Authority authorizes time-proportional composite sampling or grab sampling, the samples must be representative of the discharge.

(B) Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA and FDEP guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. The Control Authority, as appropriate, as documented in approved EPA methodologies may authorize composite samples for other parameters unaffected by the compositing procedures. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(C) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds shall be obtained using grab sample collection techniques, as approved by the EPA and the FDEP.

(D) For sampling required in support of Baseline Monitoring and 90-day Compliance Reports required in Sections 38.07, Subsection 10, (D) and [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum.

(E) For the reports required in this Section the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and requirements.

(F) The Control Authority may require the owner of any property serviced by a building sewer that conveys industrial wastes to install, at his expense, a suitable control manhole together with such necessary approved flow meters, samplers, and other appurtenances to facilitate observation, sampling, and measurement of the process wastewater. The control manhole shall be located so as to provide safe and easy access and shall be constructed to allow for proper sample collection and inspection of the discharge. The control manhole shall be built in accordance with plans approved by the City.

(G) Annual costs for sampling activities required under this Section shall be recovered, at the City's option, through fees charged to the respective Users. Fees may be assessed for each scheduled, unscheduled, or demanded monitoring visits.

(H) Direct costs that are incurred by the City (or its authorized agent) for sampling, inspecting, laboratory analysis, and clean-up due to negligence of the User and which requires the City to use its equipment and personnel, adjusted to reflect administrative, legal, and other indirect costs necessary for implementation and enforcement of the provisions of this Ordinance, may be billed to the respective User. All self-monitoring costs incurred by any User, including, but not limited to, the cost of sampling, laboratory analysis, and reporting, shall be borne by the User. Costs for additional sample collection and laboratory analyses may be assessed on a daily basis as long as the results show that the User continues discharging wastes to the POTW that are not in compliance with the standards, requirements, or limits in Section 38.03 of this Ordinance.

XI. Submittal Date

(A) Written reports shall be considered submitted by the postmark date on the envelope containing the report.

XII. Record Retention

(A) Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance, and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 38.03, Subsection XI, of this Ordinance.

(B) Sampling and analyses records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the date(s) analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

(C) Records shall be retained and preserved at the User's facility for a period of at least three (3) years. This period shall be automatically extended for the duration of any unresolved litigation concerning the User or the City, or where the Control Authority has specifically notified the User of a longer retention period.

(D) All records pertaining to matters which are the subject of any enforcement or litigation activities brought by the City pursuant hereto shall be retained and preserved by the User until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

(E) The Control Authority shall have the right to inspect all records and related documents. The records shall be made available by the User, subject to the provisions of this Ordinance, for inspection and copying by the Control Authority.

XIII. Certification Statement

(A) The following certification statement is required, signed and submitted by Users submitting Wastewater Discharge Permit applications in accordance with Section 38.05, of this Ordinance and Users submitting Baseline Monitoring Reports under Section 38.07, of this Ordinance.

(B) Industrial Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 38.07, Subsection III, of this Ordinance. Industrial Users submitting Periodic Compliance Reports required by Section 38.05, Subsection VI, of this Ordinance; and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 38.07, 4, (E) of this Ordinance. An Authorized Representative, as defined in Section 38.07, Subsection VIII, of this Ordinance, must sign 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 gathered 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."*

(C) If the designation of an Authorized Representative 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 written authorization satisfying the requirements of this Section must be submitted to the Control Authority prior to or together with any reports to be signed by an Authorized Representative.

SECTION 38.08 – COMPLIANCE MONITORING

I. Right Of Entry: Inspection And Sampling

(A) The Control Authority shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Ordinance and any Wastewater Discharge Permit or order issued hereunder. Users shall allow the Control Authority ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(B) Sampling fees for the purpose of compliance shall be born by the IU. Fees for the Control Authority sampling shall be billed through Utility Billing. Providing that sampling is performed according to, Florida Administrative Code 62-625, the Industrial User may have the sampling performed and analyzed by the laboratory of their choice for the IU portion of the sampling and <u>for reporting purposes</u>. The laboratory must be licensed by state with certifications for analyzing the constituents of the particular industrial wastes and local limits in Section 38.03, V (B). Sampling requirements for each IU shall be in the Wastewater Discharge Permit.

(C) Where a User has security measures in force, which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Control Authority shall be permitted to enter immediately for the purposes of performing specific responsibilities.

(D) The Control Authority shall have the right to set up on the IU property, or require installation of, such devices as are deemed necessary by the Control Authority to conduct monitoring, sampling, and/or metering of the IU operations.

(E) The Control Authority may require the IU to install monitoring equipment, as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by

the IU and at the IU sole expense. All devices used to measure wastewater flow and quality shall be calibrated at a minimum frequency of once every twelve (12) months, or more frequently if required by the Control Authority or if specified by the manufacturer, to ensure their accuracy.

(F) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the IU at the written or verbal request of the Control Authority and shall not be replaced. The costs of clearing such access shall be borne by the User. Unreasonable delays in allowing the Control Authority access to the IU premises shall be a violation of this Ordinance. The Control Authority shall have the right to remove obstructions and recover the costs from the User if emergency conditions are deemed to exist as determined by the Control Authority.

(G) When the monitoring facility is constructed in the public right-of-way or easement, in an unobstructed location, the monitoring facility shall provide ample room in or near it to allow accurate sampling and preparation of samples and analysis.

(H) Whether constructed on public or private property, the monitoring facilities should be provided in accordance with the Control Authority's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such a manner so as to enable the Control Authority to perform independent monitoring activities.

(I) While performing the necessary work on private properties referred to in this Ordinance, the Control Authority or other authorized City personnel shall observe all safety rules applicable to the premises established by the IU; and the Industrial User, to the extent allowed by law, shall be held harmless for injury or death to the City employee(s) for intentional or negligent acts solely caused by the City employee(s), and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, for intentional and/or negligent acts, solely caused by the City employee(s).

II. Search Warrants

(A) If the Control Authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample the IU to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect City employees, the environment, and overall public health, safety and welfare, then the Control Authority may seek issuance of a search warrant from a court of competent jurisdiction.

SECTION 38.09 – CONFIDENTIAL INFORMATION

(A) Information and data shall be considered confidential in accordance with Chapter 119, F.S., as may be amended from time to time, and in accordance with the limitations as follows.

(B) Information and data on a IU obtained from reports, surveys, Wastewater Discharge Permit applications, Wastewater Discharge Permits and monitoring programs, and from the Control Authority's inspection and sampling activities, shall be available to the public without restriction, unless the IU specifically requests, and is able to demonstrate to the satisfaction of the Control Authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data.

(C) When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to this Ordinance, the NPDES Program or State Pretreatment Program (FDEP), and in enforcement proceedings and judicial review involving the person furnishing the report. Wastewater constituents and characteristics, and other effluent data as defined in 40 CFR 2.302, shall not be recognized as confidential information and shall be available to the public without restriction.

SECTION 38.10 – PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

As required by 62-625.500(2)(b) 8, F.A.C., the Control Authority shall publish at least annually, in the daily newspaper with the largest circulation within the jurisdiction served by the POTW, a list of the Industrial Users which, at any time during the previous twelve (12) months were in Significant Noncompliance with applicable Pretreatment Standards and Requirements.

For the purpose of this provision, the term Significant Noncompliance shall mean:

(A) Chronic violations of wastewater discharge limits, as defined in Section 38.01, Subsection IV, of this Ordinance;

(B) Technical Review Criteria (TRC) violations, as defined in Section 38.01, Subsection IV, of this Ordinance;

(C) Any other discharge violation that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(D) Any discharge of a pollutant that has caused imminent endangerment to human health or safety, the POTW, or the environment, or has resulted in the Control Authority's exercise of its emergency authority to halt or prevent such a discharge;

(E) Failure to meet, within ninety (90) days of the scheduled date, a Compliance Schedule milestone contained in a Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within thirty (30) days after the due date, any required reports such as Baseline Monitoring Reports, reports on compliance with Categorical Pretreatment Standard and Requirements, deadlines, Periodic Self-monitoring Reports, and reports on compliance with Compliance Schedules;

(G) Failure to accurately report noncompliance; and/or

(H) Any other violation(s), which the Control Authority determines will adversely affect the operation or implementation of the Pretreatment Program.

SECTION 38.11 – ADMINISTRATIVE ENFORCEMENT REMEDIES

I. General

(A) Any User found to be violating any provision(s) of this Ordinance, and any of the orders, rules, regulations, and permits issued hereunder, shall be served by the City with written notice by personal delivery by an authorized City employee or by registered or certified mail that states the nature of the violation and providing a reasonable time limit for satisfactory correction of the violation. The offender shall permanently cease all violations within the period stated in such notice.

(B) If the discharge from any User causes a deposit, obstruction, damage, or process Upset to any portion of the POTW, then the Control Authority shall cause the deposit or obstruction to be promptly removed, or cause the damage to be promptly repaired, at the sole expense of the person or User causing such deposit, obstruction, or damage. The User may be charged for such costs in the IU utility bill.

(C) The remedies provided in this Ordinance shall not be exclusive and the City may seek whatever other remedies are authorized by statute, at law or in equity, against any person or User violating the provisions of this Ordinance.

(D) In addition to any fines or fees levied under this Ordinance, the City may, where the circumstances of the particular case so dictate, but in any event at the sole discretion of the Public Services Director, seek injunctive relief to prohibit the User from discharging any wastewater into the POTW, or to provide such other affirmative relief as may be appropriate.

(E) Notwithstanding any other penalty as detailed or summarized in this Ordinance, any person or User who violates any provision of this Ordinance is also subject to other applicable provisions of the City's Code of Ordinances.

(F) The Enforcement Response Plan, as approved by the FDEP, contains the protocols that are used by the Control Authority for implementation and enforcement of the Pretreatment Program.

II. Notification of Violation

(A) When the Control Authority determines that a User has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or any order issued hereunder, or any other applicable Pretreatment Standard or Requirement, the Control Authority may serve upon that User a written Notice of Violation.

(B) Within ten (10) days of the receipt of this notice, the User shall submit to the Control Authority an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions.

(C) Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Control Authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

III. Consent Orders

(A) The Control Authority may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action(s) to be taken by the User to correct the noncompliance within a time specified by the document.

(B) Such documents shall have the same force and effect as the administrative orders issued pursuant to this Ordinance and shall be judicially enforceable.

IV. Show Cause Hearing

(A) The Control Authority may order a User which has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or any order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Public Service Director and appropriate staff and show cause why the proposed enforcement action should not be taken.

(B) Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally, or by registered or certified mail, at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not preclude, or be a prerequisite for, the Control Authority taking any other action(s) against the User.

V. Compliance Orders

(A) When the Control Authority finds that a User has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or any order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time.

(B) If the User does not come into compliance within the time required, sewer service and/or water service may be discontinued, unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operating in a timely manner.

(C) Compliance orders may also contain other requirements to address the noncompliance, which may include requiring additional self-monitoring and implementing management practices designed to minimize the amount and/or nature of pollutants discharged to the SCS and POTW. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, the Control Authority taking any other action(s) against the User.

VI. Cease and Desist Orders

(A) When the Control Authority finds that a User has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or any order issued hereunder, or any other Pretreatment Standard or Requirement, or that the IU past violations are likely to recur, the Control Authority may issue an order to the User directing it to cease and desist all such violations and directing the User to:

1. Immediately comply with all requirements; and

2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(B) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

VII. Administrative Fines

(A) When the Control Authority finds that a User has violated, or continues to violate, any provision of this Ordinance, the Wastewater Discharge Permit or any order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may fine the IU in an amount not to exceed one thousand dollars ($1,000.00) per violation. Such fines shall be assessed on a per-violation for each pollutant that has been exceeded and per-day basis.

(B) In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. Violation fine(s) are incorporated into the Users utility bill and is due and payable upon receipt.

(C) Unpaid charges, fines, and penalties shall, if the bill is unpaid by the delinquent/due date, a ten percent late charge based upon the amount that is delinquent shall be added to the amount owed the city on the following months billing per City of Apopka Ordinance Article IV, Section 82.179, (C). Users that dispute such fines must file a written request for the Public Services Director to reconsider the fine along with full payment of the fine amount within thirty, (30) days of being notified of the fine.

(D) Where a request has merit, the Public Services Director may convene a hearing on the matter. In the event the IU appeal is successful, the payment shall be returned to the IU. The Public Services Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(E) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the IU.

VIII. Emergency Suspensions

(A) The Control Authority shall recommend to Public Services Director to immediately suspend a IU wastewater discharge and/or water service, after formal or informal notice to the IU, 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 City personnel, the public, the environment, or the POTW.

(B) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a IU failure to immediately comply voluntarily with the suspension order, the Control Authority shall make a request to the Public Services Director to take such steps as deemed necessary, including immediate severance of the sewer connection and/or water service, to prevent or minimize damage to the POTW, its reclaimed water, or endangerment to any individuals or the environment.

(C) The Control Authority may request of the Public Services Director to allow the IU to recommence its discharge when the User has demonstrated to the satisfaction of the Control Authority that the period of endangerment has passed, unless the termination proceedings in Section 38.11, Subsection IX, of this Ordinance, are initiated against the User.

(D) Prior to the date of any show cause or termination hearing under Sections 38.11, Subsections IV or IX, respectively, of this Ordinance, a User that is responsible in whole or in part for any discharge presenting imminent endangerment shall submit to the Control Authority a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence.

(E) Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

(F) Nothing in the foregoing Section, or in this Ordinance as a whole, is intended to preclude the Control Authority from taking immediate action to temporarily modify a permit, or to completely sever utility service(s) to an industry, when there is imminent risk to the operation of the POTW or of injury to the City's personnel and/or to the health and welfare of the public or to the environment.

IX. Termination of Discharge

(A) In addition to the provisions in Section 38.06, Subsection VI, of this, any User who violates the following conditions is subject to termination of discharge to the City's SCS and the POTW:

1. Violation of Wastewater Discharge Permit conditions;

2. Failure to accurately report the wastewater constituents and characteristics of its discharge;

3. Failure to report significant change(s) in operations or wastewater volume, constituents, and characteristics prior to discharge;

4. Refusal of reasonable and timely access to the IU premises for the purpose of inspection, monitoring, or sampling; and/or

5. Violation of the Pretreatment Standards or Requirements in Section 38.03 of this Ordinance.

(B) Such User shall be notified of the proposed termination of its discharge and be offered an opportunity to a show cause hearing, as described under Section 38.11, Subsection IV, of this Ordinance, as to why the proposed action should not be taken. Exercise of this option by the Public Services Director and the Control Authority shall not be a bar against, or a prerequisite for, taking any other action(s) against the User.

(C) The City reserves the right, at the discretion of the Public Services Director by request of the Control Authority, to either plug the sewer lateral to terminate the discharge or to sever water service to prevent discharges. Other appropriate regulatory agencies may be notified of this action.

X. Appeal Procedures

(A) The User shall have the right to an administrative review of the Control Authority's determination by the Public Services Director. In order to exercise this right, the User shall comply with all applicable requirements of the City Code of Ordinances, as it may be amended from time to time.

SECTION 38.12 – JUDICIAL ENFORCEMENT REMEDIES

I. Injunctive Relief

(A) When the Control Authority finds that a User has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or any order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may request of the Public Services Director that the City petition the Court through the City's 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 Ordinance on activities of the User.

(B) The Control Authority 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(s) against a User.

II. Civil Penalties

(A) A User who has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or any order issued hereunder, or any other Pretreatment Standard or Requirement, shall be liable to the City for a maximum civil penalty of twelve hundred fifty dollars ($1,000) per violation, per day. Refer to Section 38.11, VII (A-E).

(B) The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including, but not limited to, costs related to sampling, monitoring, clean ups and repair requiring immediate attention, and the cost of any actual damages incurred by the City.

(C) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation(s), the magnitude and duration of the violation(s), any economic benefit gained through the IU violation(s), corrective actions by the User, the compliance history of the User, and any other factor as the law requires.

(D) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, the Control Authority from taking any other action against a User.

III. Criminal Prosecution

(A) A User who willfully or negligently violates any provision of this Ordinance, a Wastewater Discharge Permit or any order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be punishable as set out in the City Code of Ordinances.

(B) A User who willfully or negligently introduces any substance(s) into the POTW that causes personal injury or property damage shall, upon conviction, be punishable as set out in the City Code of Ordinances. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State or Federal law.

(C) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed or required to be maintained, pursuant to this Ordinance, Wastewater Discharge Permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished as set out in the City Code of Ordinances.

IV. Remedies Nonexclusive

The remedies provided for in this Ordinance are not exclusive. The Public Services Director or his designee may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's Enforcement Response Plan.
However, the Control Authority may take other action(s) against any User when the circumstances warrant. Further, the Control Authority as guided by the Public Services Director is empowered to take more than one enforcement action against any noncompliant User.

SECTION 38.13 – SUPPLEMENTAL ENFORCEMENT ACTION

I. Performance Bonds

(A) The Control Authority may decline to issue or reissue a Wastewater Discharge Permit to any User who has failed to comply with any provision of this Ordinance, conditions in a previous Wastewater Discharge Permit or any order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Public Services Director or his designee necessary to achieve consistent compliance.

II. Liability Insurance

(A) The Control Authority may request of the Public Services Director or his designee to decline to issue or reissue a Wastewater Discharge Permit to any User who has failed to comply with any provision of this Ordinance, conditions in a previous Wastewater Discharge Permit or any order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the SCS or POTW caused by its discharge.

III. Payment of Outstanding Fees and Penalties

(A) The Control Authority may request of the Public Services Director of his designee to decline to issue or reissue a Wastewater Discharge Permit to any User who has failed to pay any outstanding fees, fines, or penalties incurred as a result of any provision of this Ordinance, a previous Wastewater Discharge Permit, or any order issued hereunder.

IV.Water Supply Severance

(A) Whenever a User has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or any order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will only recommence, at the IU expense, after the User has satisfactorily demonstrated its ability to comply and has paid in full the penalties, fines, and/or fees assessed for the violation(s) and outstanding invoices for wastewater services.

V. Public Nuisances

(A) A violation of any provision of this Ordinance, a Wastewater Discharge Permit or any order issued hereunder, or any other Pretreatment Standard or Requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the Public Services Director or the Control Authority. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code of Ordinances governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

SECTION 38.14 – AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

I. Upset

(A) As defined in Section 38.01, Subsection IV, 176 of this Ordinance, for the purposes of this Section "Upset" is an exceptional incident in which there is unintentional and temporary noncompliance with applicable Categorical Pretreatment Standards or Requirements because of factors beyond the reasonable control of the Industrial User.

An Upset does not include noncompliance to the extent caused by, but not limited to, operational error, lack of preventive maintenance, careless or improper operation of treatment facilities, or improperly designed or inadequate treatment facilities as described in 40 CFR 403.16(a) and Rule 62-625.840, F.A.C.

(B) An Upset shall constitute an affirmative defense to an action brought for noncompliance with Pretreatment Standards or Requirements if the requirements of paragraph (C), below, are met.

(C) A User who wishes to establish the affirmative defense of an Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An Upset occurred and the User can identify the cause(s) of the Upset;

2. The facility was, at the time, being operated in a prudent and professional-like manner and in compliance with applicable operation and maintenance procedures; and

3. The User has submitted the following information to the Control Authority within twenty-four (24) hours of becoming aware of the Upset. If this information is provided orally, with a written submission which, must be provided within five (5) days:

   (a) A description of the indirect discharge and cause of noncompliance;

   (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time (duration that) the noncompliance is expected to continue; and

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

(D) In any enforcement proceeding, the User seeking to establish the occurrence of an Upset shall have the burden of proof.

(E) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards or Requirements.

(F) Users shall control production of all discharges to the extent necessary to maintain compliance with Pretreatment Standards or Requirements upon reduction, loss, or failure of its treatment or pretreatment 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.

II. Prohibited Discharge Standards

(A) A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the General Prohibitions in Section 38.03, Subsection I (A), of this Ordinance, or the Specific Prohibitions in Section 38.03, Subsection I (B) 3 through 7, of this Ordinance, if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference, and that either:

(G) A Local Limit designed to prevent pass through or interference exists for each pollutant in the IU discharge that caused the pass through or interference, and the User was in compliance with each Local Limit directly prior to and during the pass through or interference; or

(H) A Local Limit designed to prevent pass through or interference does not exist for each pollutant in the IU discharge that caused the pass through or interference, and the IU discharge directly prior to and during the pass thorough or interference did not change substantially in nature or constituents from the IU discharge activity when the POTW was regularly in compliance with its State Domestic Wastewater Facility Permit requirements and applicable requirements for sludge use or disposal.

III. Bypass

(A) A User may allow any Bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, or any other applicable provision or requirement, but only if it is for essential maintenance to assure efficient operation. These Bypasses are not subject to the provisions in paragraph (D) of this Subsection.

(B) If a User knows in advance of the need for a Bypass, prior notice shall be submitted to the Control Authority at least ten (10) days prior to the date of the Bypass.

(C) A User shall submit oral notice to the Control Authority of an unanticipated Bypass that exceeds applicable Pretreatment Standards or Requirements as soon as possible; however, in no case later than twenty-four (24) hours from the time the User becomes aware of the Bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the Bypass.

(D) The requirements for a written report shall not be waived, for any reason. The written submission shall contain, at a minimum, the following information:

1. A description of the Bypass and its cause;

2. The duration of the Bypass, including exact dates and times, and, if the Bypass has not been corrected, the anticipated duration that it is expected to continue; and

3. Steps taken or planned to reduce, eliminate, and prevent future reoccurrence of the Bypass.

(E) Bypass is prohibited and the Control Authority may take an enforcement action against a User for a Bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3. The User submitted notices as required under paragraphs (B) and (C) of this Subsection.

(F) The Control Authority may approve an anticipated Bypass, after considering its adverse effects, if the Control Authority determines that it will meet the conditions listed in paragraph (D) of this Subsection.

SECTION 38.15 – PRETREATMENT PROGRAM FEES AND FINES

The City may adopt reasonable fees for reimbursement of costs to implement and enforce the Pretreatment Program, such reasonable fees may include:

(A) Wastewater Discharge Permit applications for Industrial Users, including the cost of processing such applications, shall be $ 100.00;

(B) Fees for monitoring, inspection, and surveillance procedures, including the cost of sample collection and analysis of an IU discharge shall be the actual cost.

(C) Wastewater Discharge Permit Renewal fee shall be $100.00; and

(D) Annual inspection fees shall be $100.00.

(E) Re-inspections for the purpose of compliance shall be $100.00.

SECTION 38.16 – OIL & GREASE MANAGEMENT PROGRAM

I. Purpose and Intent

(A) The purpose of this section of the Pretreatment Program is to provide for the implementation of the Oil & Grease Management (OGMP) and the Surcharge Program.

(B) The objective of the Oil & Grease Management Program is to minimize the introduction of fat-soluble wastes vegetable-and animal-based oil and grease, petroleum hydrocarbons petroleum-based oil and grease, sand, food particles and other solids to the POTW.

(C) Initially all Users will have the option of remaining in the Surcharge Program or be placed in the OGMP and will be issued certificates of approval for the program. The primary objective of the Surcharge Program is to recover the costs from Users for receiving and treating Abnormally High Strength Compatible Wastes, such as BOD, CBOD, COD, TSS, and Oil &Grease (both Vegetable and Petroleum Hydrocarbons).

II. Requirements and Limitations

(A) The objective of the OGMP is also to provide facilities that are required to have and maintain grease interceptors or oil and water separators on an agreed (contractual) basis to minimize the impact to the SCS and the POTW.

(C) All under the sink traps shall be cleaned at a minimum of once per week. Grease Interceptors, Oil and Water separators shall be cleaned (pumped out) not exceeding once each ninety (90) days.
The User shall remain on the OGMP as long as the interceptor, trap or separator is maintained as required. The Public Services Director or his assignee will assign the schedule based on conditions at the facility.

Those Users that have historically and consistently tested high on BOD and/or TSS may be required to schedule cleanings more than the 90 maximum cycle.

(D) The OGMP also requires that interceptors and separators, as prescribed in this Section, be installed for the proper handling of wastewater containing excessive amounts of high strength, compatible solids, fats, oil (vegetable) and grease, the Local Limits for oil (vegetable) is 400 mg/L. Oils and greases containing Petroleum Hydrocarbons are not compatible with the SCS or the POTW processes and are prohibited in amounts above 100 mg/L.

(E) Interceptors and Separators are required in businesses include but are not limited to automotive related businesses (repair, sales, maintenance, car washes, commercial vehicle washes), machine shops, equipment service or repair businesses, airports, Laundromats, commercial laundries, dry cleaners, carpet cleaners, grocery stores, restaurants, lounges, delis, caterers, schools, churches, bakeries, delicatessens, movie theaters, shopping centers/malls, bowling alleys, hotels, motels, retirement and nursing homes, stadiums, hospitals, medical offices, veterinary offices, dental offices, beauty and hair salons, pet grooming services, laboratories, photographic processing facilities, and printing businesses. Such interceptors and separators shall not be required for residential or multifamily homes.

1. All interceptors and separators shall be of type and capacity approved by the Director of Public Services, Industrial Pretreatment and shall be located for easy accessibility for cleaning, inspections, monitoring, and sampling. Approval of Interceptors is also based on the City's Construction Manual and the drawings contained therein.

2. A minimum of a 750 gallon Interceptor or Oil and Water Separator shall be required and maximum of 1250 gallons per unit. Interceptors and separators may be run in series. The information for sizing of interceptors and separators can be found in the Florida Building Code, Plumbing Section, Interceptors and Separators and the City of Apopka Construction Manual, and in this ordinance. The City has copies of an approved interceptor with sampling ports.

3. Sampling ports shall be located at each end of the interceptor with appropriate caps for traffic if located in a drive/parking area.

4. The grease trap (under-the-sink) is not permitted in any new construction.

5. An under-the-sink trap may however, be approved at the sole discretion of the Public Services Director, where there is no evidence that solids, fats, oils and grease or the facility will not discharge Abnormally High Strength Wastes. Under the sink traps placed in a facility may be tested, if it is determined that the facility is discharging Abnormally High Strength Wastes, the facility will be placed on the Surcharge Program and is subject to those fees. The review of such traps will be carried out on a case-by-case basis and are subject to the Florida Building Code, Plumbing Section, Interceptors, and the City of Apopka Construction Manual. Installation of under the sink grease traps shall require an outside sampling port, with a minimum of a 2" line and port or as directed by the Director of Public Services or his designee.

6. Buildings that currently have under the sink grease traps shall be allowed to continue with their use, until the building is being remodeled at which time the facility shall install a minimum 750-gallon Interceptor. The interpretation of what constitutes remodeling is the sole discretion of the Director of Public Services or his designee;

7. Interceptors, traps and separators shall be inspected, cleaned, and repaired regularly, as needed, at the Users sole expense.

8. Maintenance of grease interceptors and oil and water separators shall at a minimum be cleaned and pumped once each 90 days. High volumes, high CBOD, oil/grease content and/or high TSS may require more frequent pumping, as directed by the Director of Public Services or his designee. Grease traps (under-the-sink) require weekly cleanings at a minimum or as directed by Director of Public Services or his designee.

9. It is also the responsibility of the User to insure that the interceptor or separator is cleaned and pumped entirely and that no liquids, solids, greases, or oils are allowed to remain in the trap, interceptor or separator. The User is solely responsible for procuring of and any expenditure for the pumping, cleaning and hauling of waste;

10. Grease interceptors, traps and separators may be inspected at intervals of a minimum of 30 days. It shall be determined by the calculation of the Fats, Oil and Grease (FOG), method whether the trap is sufficiently removing the required amounts of solids and FOG. The cleaning (pumping) schedule may be reduced at the exclusive request of the Public Services Director or his designee based on the calculations and;

11. Users not in compliance with the authorized cleaning schedules shall be issued a Notice of Violation and a maximum of five (5) working days to clean the interceptor, trap or separator.

12. Except where express written authorization to do so by the Director of Public Services or his designee, no User shall increase the use of process water, or in any way attempt, to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard, Requirement, or discharge limitation.

13. Users that remain in a non-compliance status shall be placed in the Surcharge Program and will be subject to the fees described in this section.

III. Fees and Charges

(A) The Director of Public Services or his designee may place the User in the Surcharge Program after three (3) NOV's for periods of three (3) calendar months. At the end of that period Industrial Pretreatment will review the program with the User and may place the User back into the OGMP, providing the User begins or resumes scheduled cleanings and OGMP fees.

1. The current schedule of fees for the Oil and Grease Management Program, which becomes effective upon adoption of this Ordinance by the City Council, shall include:

2. Registration and Certificate fee for new participants, $25.00; Monthly administrative and sampling charges of $20.00. Monthly administrative charge may be adjusted annually based on costs of treatment;

3. Additional facility inspections for compliance purposes shall be $50.00 per visit. Sample collection and laboratory analysis related to violation or enforcement activities will be added to the Utility Billing and will be the actual cost.

IV. Sampling

(A) Sampling for the Surcharge Program shall be performed every 30 days. Users not compliant with the OGMP will be subject to sampling and surcharges, refer to IV, Surcharge Program for details. Sampling ports must remain in good condition and accessible, no holes, cracks or missing caps shall be allowed.

(B) Sampling ports are to be readily available for sampling. Sampling shall be accomplished by pumping liquid waste from the discharge end (port) of the interceptor, trap or separator, if one is available and clear of debris, is not broken, sealed or crushed. The user shall be responsible for the maintenance of the sampling port that requires repairs. If the sampling port is unusable for any reason, the sample may be taken from the discharge pipe at the end of the interceptor, trap or separator processes or at the nearest manhole from the trap, interceptor or separator, providing that sanitary wastes are separate from the process waste.

V. Surcharge (Effluent Penalty) Program

(A) In the event that the laboratory analysis results for a sample acquired from a IU discharge exceeds one or more of the parameters applicable for surcharge (namely: BOD, CBOD, COD, TSS, and/or Oil & Grease, or other constituents as determined in the Local Limits Evaluation), and the User has been placed in the Surcharge Program, the Control Authority will calculate the surcharge as explained in this subsection.
If more than one parameter exceeds its allowable limit, then the procedure below is completed for each parameter and the sum of the individual surcharges will be the total surcharge appearing in the IU utility bill for that sampling period or event.

The formula for calculating surcharges (Effluent Penalty) is as follows:
[(Result) - (Allowable Local Limit)] x (*Treatment Surcharge Factor*) x (Water Usage) x (8.34 pounds conversion factor). See page 66 for example calculations.

Actual allowable limits for BOD, TSS, and the Treatment Surcharge Factor will be calculated after the close of the Fiscal Year. Charges will take affect within 90 days of the following the new calendar year. BOD and TSS are calculated on an annual basis of actual amounts received at the POTW for treatment.

(B) Restaurants, and other Food Service facilities in strip shops, office complexes, or other facilities that previously installed Master Meters water usages shall be calculated based on Chapter 64E-6.008 Florida Administrative Codes described here;

1.Food Operations (gallons per day)

(a) Restaurant operating 16 hours or less per day per seat	40
(b) Restaurant operating more than 16 hours per day per seat	60
(c) Restaurant using single service articles only and operating 16 hours or less per day per seat	20
(d) Restaurant using single service articles and operating 16 hours or more per day per seat	35
(e) Bar and cocktail lounge per seat	20
(f) Drive-in restaurant per car space	50
(g) Carry out only, including caterers; per 100 square feet of floor space	50
Add per employee per 8 hour shift	15
(h) Food outlets excluding deli's, bakery, or meat department per 100 square feet of floor space	10
Add for deli per 100 square feet of deli floor space	40
Add for bakery per 100 square feet of bakery floor space	40
Add for meat department per 100 square feet of floor space	75
Add per water closet	200

2. Hotels and Motels;

(a) Regular room	100
(b) Resort hotels, camps, cottages per room	200
(c) Add for establishments with self-service laundry facilities per machine	750

3. Mobile Home Park;

(a)Per single wide mobile home space, less that 4 single wide spaces connected

	to a shared onsite system	250
	(b)Per single wide mobile home space, 4 or more single wide spaces are connected to a shared onsite system	225
	(c)Per double wide mobile home space, less than 4 double wide home spaces connected to a shared onsite system	300
	(d)Per double wide mobile home space, 4 or more double wide mobile home spaces Connected to a shared onsite system	275
4.	Office building;	
	(a)Per employee per 8 hour shift or per 100 square feet of floor space, whichever is Greater	15
	(b)Transient Recreational Vehicle Park; Recreational vehicle space for overnight stay, without water and sewer hookup per vehicle per space	50
	(c)Recreational vehicle space for overnight stay, with water and sewer hookup per vehicle space	75
5.	Service stations per water closet;	
	(a) Open 16 hours per day or less	250
	(b)Open more than 16 hours per day	325
6.	Shopping Centers without food or laundry;	
	(a) Per square foot of floor space	0.1
7.	Stadiums, racetracks, ballparks per seat	4
8.	Stores per bathroom	200
9.	Swimming and bathing facilities, public per person	10
10.	Theaters and Auditoriums, per seat	4
11.	Veterinary Clinic;	
	(a) Per practitioner	250
	(b) Add per employee per hour shift	15
	(c) Add per kennel, stalls or cage	20
12.	Warehouse;	
	(a) Add per employee per 8 hour shift	15
	(b) Add per loading bay	100
	(c) Self-storage, per unit (up to 200 units)	1
13.	Institutional (gallons per day);	
	(a) Churches per seat, which includes kitchen wastewater flows unless meals are prepared on a routine basis	3

If meals are served on a regular basis add per meal prepared	5
(b) Hospitals per bed which does not include kitchen wastewater flows	200
Add per meal prepared	5
(c) Nursing, rest homes, adult congregate living facilities per bed, which does not include Wastewater flows	100
Add per meal prepared	5
(d) Parks, public picnic	
With toilets only per person	4
With bathhouse, showers & toilets per person	10
(e) Public institutions other than schools and hospitals per person, which does not include Kitchen wastewater flows	100
Add per meal prepared	5
(f) Schools per student	
Day-type	10
Add for showers	4
Add for cafeteria	4
Add for day school workers	15
Boarding type	75
(g) Work/Construction camps, semi-permanent per worker	50

(C) For food operations, kitchen waste flows shall normally be calculated as 66% (percent) of the total establishment wastewater flow.

(D) Systems serving high volume establishments, such as restaurants, convenience stores and service stations located near interstate highways and similar high-traffic areas, require special sizing due to the expected above average sewage volume. Minimum estimated flows for these facilities shall be 3.0 times the volumes determined from above figures.

(E) Facilities in strip shops, office complexes, or other facilities shall not be exempt from sizing calculations regarding oil and grease traps or interceptors and are subject to the same limitations of the OGMP or Surcharges as outlined in this section. Individual metering is highly recommended for food services.

VI. Hauled Wastes

(A) No person shall discharge any trucked or hauled wastes, pollutants, or substances directly into a manhole or other opening in the POTW, unless the Director of Public Services has granted prior written permission.

(B) All industrial waste haulers servicing establishments operated by Users of the City's POTW, including but not limited to, restaurants, car washes, laundromats, auto repair shops, must be currently licensed.

(C) Industrial waste haulers are not permitted to discharge loads anywhere in the city limits of Apopka. Waste haulers may discharge loads only at locations in the City's SCS where designated by the Director of Public Services or his designee. No load may be discharged without prior written consent of the Director of Public Services. The Director of Public Services may require charges to the waste hauler to discharge loads to the WRF. The Industrial Pretreatment section may collect samples of each hauled load to ensure compliance with applicable standards or require the industrial waste hauler to provide an analysis of any load prior to discharge.

(D) Under no circumstances may a industrial waste hauler dispose, or reintroduce back into any trap, separator, other device or the SCS any wastes from any other trap, separator or device. The Federal Water Pollution Control Act prohibits such discharges and that traps, separators, other devices or the SCS are not designated discharge points, unless specifically approved by the Director of Public Services or his designee. All discharges are subject to The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC § 1251 et seq., or as amended in the future. The Act provides statutory authority for both NPDES and Pretreatment Programs.

(E) Industrial waste haulers must submit to the Industrial Pretreatment section a universal waste tracking form after the completion of each and every load of a non-domestic nature including, but not limited to, hauled wastes from Oil and Grease Interceptors, Oil and Water Separators, and lint/hair traps. The waste hauler shall responsible for procuring the universal waste tracking form.

(F) The hauler is responsible for submitting a form for each location serviced, regardless if the waste from multiple locations are mixed in the same vehicle/truck. This form shall be filled out legibly and fully completed with, at a minimum, the following information:

1. Name, address, and signature of an authorized representative of the industrial waste hauler;
2. Truck identification; Industry type, name, address, and signature of an authorized representative of the waste source;
3. The condition of the interceptor, separator, trap, or tank serviced.
4. Volume and characteristics of waste hauled from each location; known or suspected waste constituents and whether any wastes are RCRA hazardous wastes;
5. Name, address, and signature of an authorized representative of the approved treatment facility where the hauled waste was disposed;
6. The total volume of hauled waste disposed at the approved treatment facility, signature;

(G) The Director of Public Services may suspend the authorization for a hauler to service establishments located within the City limits or to discharge hauled wastes for violations of the provisions of this Ordinance, or other ordinances; for failure to obey order of authorized City personnel; or

(H) Failure to pay assessed fees levied or renewal of license by the City of Apopka or the Director of Public Services.

VII. Other Program Fees

(A) These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties assessed by the City. These fees may be charged to recover the costs incurred by the City to implement and enforce the provisions of this Ordinance.

VIII. Billing and Payments

(A) Special Service billings for Pretreatment Program fees and penalties shall be added to the utility bill and rendered for each billing cycle, typically on a monthly basis. The Surcharge Program fees will be reflected on the bill as Surcharge instead of Effluent Penalty. Delinquent payments for special service billings shall be subject to the same conditions set forth for the regular water, reclaimed water, and sewer services.

(B) Reconnection charges may be applicable If sewer service is discontinued for nonpayment of sewer service charges or other violation of the provisions of this Ordinance, there shall be imposed a reconnection charge in an amount established by the City in accordance with the current practice and procedures regarding the establishment of reconnection charges.

(C) Unpaid charges, fines, and penalties shall be charged, if the bill is unpaid by the delinquent/due date, a ten percent late charge based upon the amount that is delinquent and shall be added to the amount owed the city on the following months billing per City of Apopka Ordinance Article IV, Section 82.179, ©. Users that dispute such fines must file a written request for the Public Services Director to reconsider the fine along with full payment of the fine amount within thirty, (30) days of being notified of the fine. The Director of Public Services may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

IX. Other Miscellaneous Provisions

(A) Billing for surcharges, Program Management fees and penalties, as provided by this Ordinance, shall be computed and processed by the Control Authority and coordinated through the Utility Billing Manager.

(B) Private collection systems or wastewater treatment facilities that contribute discharge to the POTW shall be metered at the expense of the property owner and such meter shall be made available for authorized City personnel for reading and billing purposes subject to the current City rates for sewerage.

SECTION 38.17 – GROUNDWATER REMEDIATION AND MISCELLANEOUS DISCHARGES

I. Groundwater Remediation Discharges

(A) Purpose:

The purpose of this section is to provide for the discharge of treated groundwater from remediation sites by Users of the POTW without causing pass through, interference, or Upset at the POTW, and to prevent any discharge(s) that would otherwise violate any applicable Pretreatment Standard and Requirement, including Local Limits as well as the general and specific prohibitions described in Section 38.03 of this Ordinance.

(B) General Criteria:

1. The discharge to the POTW, by a project or User, of certain liquids or wastes or pollutants may be prohibited or limited by the provisions set forth in this Ordinance or by decision of the Control Authority. No sludge(s) of any nature shall be discharged to the SCS or POTW.

2. Groundwater from remediation sites shall be pretreated prior to discharge to the POTW.

3. A groundwater remediation facility or project that discharges to the City's POTW shall be classified as a SIU and shall acquire a Wastewater Discharge Permit before commencement of discharge to the POTW. The User, before issuance of a Wastewater Discharge Permit, shall submit a Wastewater Discharge Permit Application (BMR) to the Control Authority as described in Section 38.05, I of this Ordinance.

   The Control Authority may require complete characterization of the groundwater prior to issuing a Wastewater Discharge Permit. The permit application shall be completed pursuant to the requirements in Section 38.05, V.

4. The Control Authority may impose limitations, flow restrictions, and monitoring requirements for the treated discharge to the POTW in accordance with the provisions of this Ordinance and standards set forth in Rule 62-550, F.A.C.

5. The User shall not discharge treated or untreated groundwater to the POTW without written approval of the Director of Public Services or his designee and obtaining a Wastewater Discharge Permit.

6. A flow-monitoring device shall be installed on the discharge line in accordance with the plans approved by the City and according to the manufacturer's recommendations. Flow monitoring shall be provided, installed, calibrated, and maintained at the IU sole expense. The flow measuring devices shall be calibrated annually and be + or – 5%.

7. The User shall provide a monitoring point, at a location approved by the Control Authority, and at their sole expense, for the collection of samples and field data. Users may be required to supply at their own expense composite sampling equipment if required.

8. Groundwater treatment systems shall be designed and operated in accordance with the best available technology and as approved by the Control Authority.

9. Pursuant to the provisions of the Wastewater Discharge Permit, the Control Authority shall require the discharge to the POTW to be monitored on a regular basis for the determination of compliance with the limits set forth in this Ordinance.

(C) Discharge Limits

Discharges from groundwater remediation facilities to the POTW shall comply with the standards for organic compounds as set forth in 40 CFR 414.101, 40 CFR 414.111, or the standards and requirements established by the FDEP for low yield/poor quality groundwater or natural attenuation of default sources concentrations as set forth in Rule 62-777, F.A.C.

II. Medical Wastes

(A) Hospitals, clinics, medical/dental practitioner offices, medical/dental laboratories, veterinary offices, convalescent and nursing homes, and funeral homes shall dispose of medical wastes, pathological wastes, laboratory wastes, contaminated medical wastes, and wastes from expired humans or animals (corpses) in

accordance with the latest edition of guidelines that are published by the EPA, the Centers for Disease Control (CDC), the Public Health Department, or other appropriate Federal, State, and local agencies. Subject facilities may be required to file an Application for Wastewater Discharge Permit. Subject facilities may be permitted based on information contained therein, as well as inspection, sampling or both.

(B) Toxic, biological, or contaminated wastes, which are not addressed by the aforementioned guidelines, shall not be discharged to the City's POTW without written permission from the Control Authority.

(C) Hospitals, clinics, medical/dental practitioner offices, medical/dental laboratories, veterinary offices, convalescent and nursing homes, and funeral homes shall prepare and maintain a Biomedical Waste Plan in accordance with the requirements set forth in Rule 64E-16, F.A.C. In addition these facilities shall perform Best Management Practices (BMP) when discharging any wastes of an industrial nature.

(D) The Biomedical Waste Plan and other pertinent records shall be retained and preserved at the facility in accordance with Section 38.07, Subsection XII, of this Ordinance. All records shall be available for review and copying by the Control Authority upon request.

(E) Enforcement action(s) shall proceed in accordance with the provisions set forth in this Ordinance and the Enforcement Response Plan (ERP).

III. Miscellaneous Discharges

(A) Purpose:

The purpose of this section is to provide for other types of discharges to the POTW, including, but not limited to, uncontaminated groundwater, cooling water, unpolluted process water, miscellaneous pumpage, leachate, and/or run-off from solid waste handling facilities.

(B) General Criteria: The User shall provide written notification to the Control Authority, explain the necessity for this miscellaneous discharge, and receive written authorization prior to commencement of discharge.

(C) The User may be required to submit a Wastewater Discharge Permit Application (BMR) to the Control Authority. The Control Authority may deny the discharge entirely or impose restrictions, prohibitions, flow restrictions or other provisions on the discharge in accordance with this Ordinance, and will be included in the issuance of a Wastewater Discharge Permit.

(D) The Control Authority may limit the volume and duration of the discharge to the POTW. The User shall be responsible for measurement of the flows leaving the facility. The flow-monitoring device shall be installed on the discharge line in accordance with the plans approved by the Public Services Director, Control Authority and according to the manufacturer's recommendations.

(E) Flow monitoring shall be provided, installed, calibrated, and maintained at the IU expense. The flow measuring devices shall be calibrated at a frequency determined by the Control Authority, but the device shall be calibrated at least as frequent as recommended by the manufacturer.

IV. Sand, Grit, Oil and Water Separators

(A) The purpose of this section is to minimize the introduction of sand, grit and oil into the SCS and the POTW. Facilities in this category may be required to apply for a Wastewater Discharge Permit and may be permitted under the guidelines in this ordinance, State and/or Federal guidelines. Criteria for this category may be found in CFR 40 (Code of Federal Regulations) and the Florida Administrative Code 62-625 relating to discharges to the POTW.

(B) Wastes containing excessive amounts of floatable objects or other debris that could cause clogs in the SCS, such as, but not limited to, sand, grit, oil, fibrous materials, rags, strings, feathers, entrails, glass or other objects larger than one (1) inch in size, shall direct the flow to an interceptor with a screening device that would prevent passage of these solids into the SCS.

(C) Sand, grit and oil and water separators and screening devices shall be provided at the IU sole expense. The interceptor or separator shall be installed, operated, and maintained in accordance with the plans approved by the Director of Public Services or his designee and the manufacturer's recommendations.

(D) Sand, grit and screening devices shall be designed and installed to accommodate the anticipated range of flows and, prior to installation, plans shall account for peak flows in order to assure proper equipment, installation, and maintenance requirements that will be necessary to ensure proper removal and continuous operation of the

device(s). The User may be required to provide equalization or may be bound by flow restrictions based on the time of day or other factors to the SCS and POTW. See J, of this section for further sizing and capacity details.

(E) Sand, grit and screening devices shall be installed for easy access for cleaning, inspection, and sampling. Separators and screening devices shall be serviced and emptied of their contents on a regularly scheduled basis to maintain efficient operation at all times. The Public Services Director or his designee will determine the scheduled maintenance frequency.

(F) Operation and maintenance of the separator(s) and screening devices shall be performed at the IU expense, and if applicable, as prescribed in the Wastewater Discharge Permit if issued to the User by the Industrial Pretreatment Section.

(G) Wastes removed from the sand, grit and screening devices shall not be discharged into the SCS. See section XII, for restrictions of Hauled Wastes.

(H) The User shall maintain a log of cleaning activities and keep a file onsite of the records and documents related to the separator(s). Records and documents retained in the file should include as-built drawings, manufacturer's instructions, logs or reports of cleaning activities, hauler information and receipts, site inspection reports and monitoring data, and shall be available to the Control Authority for review, inspection, and copying upon request. Records shall be retained with the requirements prescribed in Section 38.07, XII of this Ordinance.

(I) Interceptors and separators shall be provided to prevent the discharge of oil, grease, sand and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. The Director of Public Services or his designee shall approve sand/grit interceptors on a case-by-case basis and Florida State Building Code, Chapter 10, Section 1003 (Traps, Interceptors and Separators). Sand/Grit interceptors will be sized according to Table 1003.3.4.1 in the same section.

(J) Failure to comply with the provisions set forth herein can result in implementation of enforcement procedures set forth in Section 38.11 of this Ordinance.

SECTION 38.18 – FUTURE REGULATIONS

(A) All Users of the POTW, whether commercial or residential, shall observe and comply with any and all present and future Federal, State and local laws, rules, regulations, requirements, ordinances, orders, mandatory guidelines and procedures which apply or pertain to the collection, treatment, disposal, and reuse of wastewater and sludge.

SECTION 38.19 – APPLICABLE REGULATIONS AND LIMITATIONS

(A) State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Ordinance.

(B) The City is mandated to establish, by ordinance or through permit condition(s), more stringent limitations, requirements, or time periods on discharges to the wastewater disposal system if deemed necessary to comply with the objectives stated throughout this Ordinance or Federal, State, County or Local laws.

(C) The Control Authority may initiate revisions of discharge limitation(s) and any other requirements in this Ordinance, or in individual permits, at any time. Affected parties shall be duly notified and shall have the opportunity to comment on the revisions prior to their adoption or incorporation; provided, however, that all affected parties are assumed to know and to comply with all State and Federal rules, standards, requirements, and guidelines, including, but not limited to, the development, promulgation, and application of Local Limits, the appropriate use (or inapplicability) of Combined Waste stream Formulas, and all User and POTW monitoring and reporting requirements.

SECTION 38.20 – CONFLICT

(A) All other City Ordinances, and other parts of the City's Code of Ordinances, that are inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such conflict or inconsistency, unless they are more stringent, in which case the more stringent provision shall be the one applicable.

SECTION 38.21 – SEVERABILITY

(A) If any court of competent jurisdiction invalidates any provision of this Ordinance, the remaining provisions shall not be affected and shall continue in full force and effect.

SECTION 38.22 – RIGHT OF REVISION

(A) The City reserves the right to establish, at any time, by Ordinance or in the Wastewater Discharge Permits, more stringent standards or requirements on discharges to the POTW.

SECTION 38.23 – EFFECTIVE DATE

(A) This Ordinance shall be in full force and effect immediately following its passage, approval, adoption by City Council, the Department of Environmental Protection and publication, as provided by law.

SECTION 38.24 – FORMS AND ATTACHMENTS

(A) See attached forms and documents for implementation.

SURCHARGE CALCULATIONS

Definitions:

Result: the laboratory result, in milligrams per liter (mg/L), for a sample that has exceeded the *allowable limit* for the parameter in question.

Allowable Local Limit: the technically based allowed Local Limit, in mg/L, for a particular parameter for discharge by any User and amended to this Ordinance by reference. If the limit is exceeded for any parameter, then a surcharge becomes applicable and is calculated as explained in this Subsection.

Treatment Surcharge Factor = the factor, in cost per pound ($/lb) as explained and defined in Section 38.16, Subsection IV, (A) of this Ordinance.

Water Usage = the water usage, in millions of gallons (MG), by the User for the sampling period or event.

8.34 = a fixed conversion factor, in pounds per gallon (lbs/gal) used to convert the mg/L concentration to pounds (lbs), since milligram per litter is the same as one pound per one million pounds [(mg/l) = (lb/1,000,000 lbs)]

Example Calculation: *Make the following assumptions:*