

ORDINANCE NO. 1731 - 2018

AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, DELETING SECTION 57.79 OF THE ROCKLEDGE LAND DEVELOPMENT REGULATIONS AND REPLACING IT WITH A NEW SECTION 57.79 "REQUIREMENTS AND STANDARDS FOR DIRECT AND INDIRECT DISCHARGE INTO THE WASTEWATER AND COLLECTION TREATMENT SYSTEM OF THE CITY OF ROCKLEDGE"; DECLARING THAT INVALIDITY OF ANY PORTION HEREOF SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE HEREOF AND FOR OTHER PURPOSES.

**WHEREAS**, The City of Rockledge is required by the Clean Water Act (33 United States Code [U.S.C.] Section 1251 et seq.) and the general pretreatment regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403) and Chapter 62.625 Florida Administrative Code (F.A.C.) to establish necessary regulations to govern its wastewater system; and

**WHEREAS**, The Wastewater Treatment and Water Reclamation Department has drafted appropriate regulations for this purpose and has had them reviewed by the Florida Department of Environmental Protection (FDEP), which has made comments; and

**WHEREAS**, The changes recommended by FDEP have been incorporated into the new §57.79 of the Rockledge Land

Development Regulations, which have received preliminary approval by the FDEP, and are ready for enactment.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKLEDGE, FLORIDA, AS FOLLOWS:**

**SECTION 1.** Section 57.79 of the Rockledge Land Development Regulations is deleted in its entirety and replaced with a new Section 57.79 of Rockledge Land Development Regulations, attached hereto as Exhibit "A" to this Ordinance.

**SECTION 2.** The provisions of this Ordinance are severable, and if any section, sentence, clause, or phrase hereof is for any reason held to be unconstitutional, invalid, or ineffective, such holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Council's intent that it would have passed the valid portions of this Ordinance without the inclusion therein of any invalid portion or portions.

**SECTION 3.** This Ordinance shall become effective ten (10) days following its adoption and signed by the Chairman of the City Council.

**ADOPTED** at a regular meeting of the City Council of the  
City of Rockledge, Florida, this \_\_\_\_\_ day of  
\_\_\_\_\_, 2018.

\_\_\_\_\_  
Chairman, City Council of the  
City of Rockledge, Florida

ATTEST:

\_\_\_\_\_  
City Clerk

1<sup>st</sup> Reading: 04/04/2018

2<sup>nd</sup> Reading: \_\_\_\_\_

EXHIBIT "A"

57.79 Requirements and standards for direct and indirect discharges into the wastewater and collection treatment system of the City of Rockledge

(a) *General Provisions*

(1) Purpose and Policy

This Ordinance sets forth uniform requirements for industrial users of the wastewater facility for the City of Rockledge, 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.] section 1251 et seq.), the general pretreatment regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403), and Chapter 62-625, Florida Administrative Code (F.A.C.). The objectives of this Ordinance are:

- a. To prevent the introduction of pollutants into Publicly Owned Treatment Works which will interfere with the operation of a Publicly Owned Treatment Works, including interference with its use or disposal of municipal sludge; [40 CF. 403.2(a)]
- b. To prevent the introduction of pollutants into Publicly Owned Treatment Works which will pass through the treatment works or otherwise be incompatible with such works; [40 CFR 403.2(b)]
- c. To protect both wastewater facility personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- d. To improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges; [40 CFR 403.2(c)]
- e. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the wastewater facility; and

f. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the wastewater facility is subject.

This Ordinance shall apply to all industrial users of the wastewater facility. The Ordinance authorizes the issuance of individual wastewater discharge permits [or general permits]; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires industrial user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) Administration

Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Director may be delegated by the Director to a duly authorized City of Rockledge employee.

(3) Abbreviations

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

- BMP - Best Management Practices
- BMR - Baseline Monitoring Report
- BOD - Biochemical Oxygen Demand (5 days @ 20° centigrade)
- CFR - Code of Federal Regulations
- CIU - Categorical Industrial User
- COD - Chemical Oxygen Demand
- EPA - United States Environmental Protection Agency
- FAC - Florida Administrative Code

- FDEP - Florida Department of Environmental Protection
- FS - Florida Statutes
- gpd - Gallons Per Day
- IU - Industrial User
- mg/l - Milligrams Per Liter
- NOV - Notice of Violation
- NPDES - National Pollutant Discharge Elimination System
- PLS - Private Lift Station
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- SIU - Significant Industrial User
- SM - Standard Methods for the Examination of Wastes and Wastewater, ed. Clesceri, Greenberg and Trussell, (most recent edition)
- SNC - Significant Noncompliance
- SSO - Sanitary Sewer Overflow
- SWDA - Solid Waste Disposal Act, 42 USC 6901 et. seq.
- TSS - Total Suspended Solids
- USC - United States Code
- WWF - Wastewater Facility

*(b) Definitions:*

Unless the content specifically states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

- (1) Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.
- (2) Approval Authority. The Florida Department of Environmental Protection or FDEP is designated as the Approval Authority.

- (3) Authorized Representative of the Industrial User, also Responsible Corporate Officer.
- (a) If the user is a corporation:
1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  2. The manager of one or more manufacturing, production, or operation facilities, 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 regulations; can ensure that the necessary systems are established or actions taken together complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (c) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his or her designee.
- (d) The individuals described in paragraphs (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the

overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

- (4) Best Management Practices (BMP). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 57.79(c)(1), [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Note: BMPs also include alternative means (i.e. management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.
- (5) 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° centigrade, usually expressed as a concentration (e.g., mg/l). Also Carbonaceous Biochemical Oxygen Demand (CBOD).
- (6) Categorical Industrial User (CIU). An Industrial User subject to a categorical Pretreatment Standard under Rule 62-625.410, FAC, including 40 CFR Chapter I, Subchapter N, Parts 405-471; or categorical Standard. CIU are required to maintain an approved wastewater discharge permit. This also applies to non-discharging CIU.
- (7) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471 and as listed in Appendix D.
- (8) Chemical Oxygen Demand (COD). A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.



- (9) City. The City of Rockledge or the City Council of Rockledge.
- (10) Control Authority. The City of Rockledge.
- (11) Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- (12) Day. The 24 hour period beginning at 12:01 am. This includes weekends and holidays.
- (13) Discharge. The introduction of pollutants in to the City's wastewater treatment system by any user. Any material that is discharged into the City's wastewater treatment system.
- (14) Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (15) Director. The Director of the Wastewater Treatment and Water Reclamation Department, or a duly authorized agent, who supervises the operation of the City Wastewater Collection and Treatment System and is charged with certain duties and responsibilities by this Ordinance.
- (16) Domestic Discharge. Wastewater discharged from bathroom sinks, showers, sanitary facilities and drinking fountains.
- (17) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- (18) Existing Source. Any source of discharge that is not a "New Source."
- (19) Fats, Oils and Grease (FOG). Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and

measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All such compounds are sometimes referred to herein as "grease".

- (20) Food Service Establishment (FSE). Establishments which prepare and/or package food or beverages for sale or consumption, on or off-site, with the exception of private residences. Food service establishments shall include, but are not limited to: food manufacturers, food packagers, restaurants, grocery stores, bakeries, lounges, hospitals, nursing homes, churches, schools and all other food service establishments not listed above.
- (21) Grab Sample. A sample which is taken from a wastestream without regard to wastestream flow and over a period of time not to exceed fifteen (15) minutes.
- (22) Grease Interceptor, Grease Trap or Grease Removal Device (GRD). Any device, unit, or installation for separating and retaining waterborne fats, oils and greases or grease complexes; as well as settleable solids prior to the discharge of wastewaters to the sanitary sewer collection and treatment system. All such installations, whether subsurface or above ground, regardless of size, are referred to herein as "Grease Interceptors", "interceptors", "Grease Traps", or "Grease Removal Devices".
  - a. A grease interceptor shall mean a large separator/containment box with a rated flow of more than 50 gallons per minute (gpm) and a minimum capacity of 1,000 gallons, normally installed underground, outside of the food service establishments.
  - b. A grease trap is a smaller separator/containment box with a rated flow of 50 (gpm) or less located inside or outside the food service establishments. These are sometimes called undersink interceptors.
- (23) Indirect Discharge. The introduction of pollutants into the City wastewater collection and treatment system from any non-domestic source regulated under

Section 307(b), (c), or (d) of the Act (including holding tank wastewater discharged into the wastewater treatment system).

- (24) Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (25) Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, contributes to the inhibition or disruption of the wastewater treatment system, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- (26) Local Limit. Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- (27) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (28) Minor Industrial User. Any industrial user not defined as a Significant Industrial User, or

Categorical Industrial User, that the control authority wishes to regulate.

(29) Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(30) New Source.

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

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

(2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

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

(b) Construction at an existing source results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (a)2 or (a)3 above but otherwise alters, replaces, or adds to existing process or production equipment.

- (c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
  - (1) Begun, or caused to begin, as part of a continuous onsite construction program
    - (i) any placement, assembly, or installation of facilities or equipment; or
    - (ii) 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
  - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- (31) 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.
- (32) Pass Through. A discharge which exits the City's wastewater collection and treatment system in the effluent or the sludge in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.
- (33) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

- (34) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- (35) Pollutant. Any component of a discharge, including but not limited to dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage 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 (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (36) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the wastewater collection and treatment facility. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- (37) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, including Federal Categorical Pretreatment Standards and prohibitive discharge standards required for users by this Ordinance.
- (38) Pretreatment Standards or Standards. Any regulation containing pollutant discharge limits promulgated by the EPA under sections 307(b) and (c) of the Act or the FDEP under Chapter 403, F.S., which applies to IUs. This term includes local limits.
- (39) Private Lift Station (PLS). A wastewater pump station connected to the City POTW via private forcemain; located on private property; owned, operated, and financed by the private property owner, manager, or other entity; not including the City.
- (40) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the

discharge of certain substances; these prohibitions appear in Section (c)(1) of this Ordinance.

- (41) Sanitary Sewer Overflow (SSO). An occasional unintentional discharge of raw sewage from any sanitary sewer.
- (42) Septic Tank Waste/Septage. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (43) Severe Property Damage. Substantial physical damage to property, damage to an IU's treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (44) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- (45) Significant Industrial User (SIU).
  - a. An industrial user subject to categorical pretreatment standards (CIU); and
  - b. An industrial user that:
    - (1) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the wastewater collection and treatment facility (excluding domestic discharge, non-contact cooling water, and boiler blowdown wastewater);
    - (2) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the City wastewater collection and treatment system; or
    - (3) Is designated as significant by the City on the basis that the industrial user has a reasonable potential for adversely affecting the wastewater collection and treatment facility's operation or for violating any pretreatment standard or requirement. Information obtained from Industrial User Surveys and sample analyses shall be

considered for purposes of determining status.

- c. The City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
    - (1) The Industrial User, prior to the City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
    - (2) The Industrial User annually submits the certification statement required in Section 57.79.(g).(13).b. [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
    - (3) The Industrial User never discharges any untreated concentrated wastewater.
  - (d) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the wastewater collection and treatment facility's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6) and Chapter 62-625.500(2)(e), FAC, determine that such industrial user should not be considered a significant user.
  - (e) Significant Industrial Users are required to maintain an approved wastewater discharge permit.
- (46) Significant Noncompliance (SNC).
- a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the wastewater measurements



- taken during a six (6) month period exceed a numeric pretreatment standard or requirement, including instantaneous limits as defined in section 57.79.(b)(24), by any amount;
- b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as listed in section (c)(4), multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
  - c. Any other violation of a Pretreatment Standard or Requirement as defined by Section 57.79(c) (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the City believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of wastewater collection and treatment facility personnel or the general public;
  - d. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director'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, including baseline monitoring reports, ninety (90) day compliance 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

- h. Any other violation(s) which the Director determines will adversely affect the operation or implementation of the local pretreatment program or has reason to believe is significant, specifically including, but not limited to, denial of access as specified under Section 57.79(h)(1).
- (47) Slug Load or Slug Discharge. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section (c)(1) of this Ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit Conditions.
- (48) Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- (49) Standard Methods. Standard Methods for the Examination of Wastes and Wastewater, ed. Clesceri, Greenberg and Trussell.
- (50) State. State of Florida.
- (51) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting therefrom.
- (52) Total Suspended Solids or Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- (53) User or Industrial User (IU). A source of indirect discharge. Any person who contributes, causes or allows any discharge into the City's wastewater treatment system, including tenants under any rental or lease agreement and persons who contribute such wastes from mobile sources.
- (54) Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing

facilities, and institutions, whether treated or untreated, which are contributed to the wastewater collection and treatment facility.

- (55) Wastewater Collection and Treatment System or treatment system or system. A "treatment system," as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which channel wastewater to a treatment system. Also known as POTW, or Publicly Owned Treatment Works.
- (56) Wastewater Treatment Plant or Treatment Plant. That portion of the wastewater collection and treatment facility which is designed to provide treatment of municipal sewage and industrial waste, including the structures, processes, equipment and arrangements necessary to treat and discharge treated wastewaters.

*(c) General System Use Requirements:*

(1) Prohibited Discharge Standards

No user shall introduce or cause to be introduced, directly or indirectly, into the wastewater collection and treatment facility any pollutant or wastewater which can be reasonably expected to cause pass through or interference. This applies to all users of the wastewater collection and treatment facility whether or not the user is subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements. Furthermore, no user may contribute the following substances to the system:

- (a) Liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause a fire or explosive hazard in or to be injurious in any other way to the wastewater

collection and treatment facility, including, but not limited to, gasoline, naphtha, benzene, fuel oil or other wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system or at any point in the system be more than 5percent nor any single reading over 10percent of the lower explosive limit (LEL) of the meter.

- (b) Wastewater having a pH less than 6.0 or more than 10.0, or otherwise causing corrosive structural damage to the wastewater collection and treatment facility or equipment;
- (c) Solid or viscous substances in amounts which may be reasonably expected to impair or cause obstruction of the flow in the wastewater collection and treatment system resulting in interference with the operation of the system including but not limited to sand, grease, inadequately shredded garbage or other material from the preparation, cooking and dispensing of food, animal guts or tissues, paunch manure, bone, hair, cinders, shells, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, solid residues from refining, or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes. Any and all substances which will not be carried freely under the flow conditions normally prevailing in public sewers; but in no case solids greater than 1 centimeter (1 cm) in any dimension;
- (d) Pollutants, including oxygen-demanding pollutants (BOD, etc.), of such character, released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with or otherwise require unusual attention or expense for handling at the wastewater collection and treatment facility.

- (e) Wastewater having a temperature greater than 150 degrees F (66 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
- (f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference of Pass Through;
- (g) Pollutants which result in the presence of toxic gasses, vapors or fumes within the treatment system in a quantity that may cause acute worker health and safety problems.
- (h) Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Section 57.79 (d)(8) of this Ordinance.
- (i) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (j) Wastewater which imparts color that cannot be removed by the treatment process, including but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment system's effluent, thereby violating the City's NPDES permit;
- (k) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Director and in compliance with applicable State or Federal regulations;
- (l) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Director.

- (m) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (n) Medical wastes, except as specifically authorized by the Director in a wastewater discharge permit;
- (o) Any material identified as hazardous waste according to 40 CFR Part 261. Wastewater causing, alone or in conjunction with other sources, the treatment system's effluent to fail a toxicity test. Waters containing toxic or poisonous substances resulting in interference, pass through and/or which constitute a health hazard to humans or animals, or create any hazard in the wastewater treatment system;
- (p) Any waste containing detergents, surface-active agents, or other substances in quantities which may cause excessive foaming in the wastewater collection and treatment facility; or
- (q) Any discharge of PCBs, Dioxin, pesticides and other toxic pollutants addressed as "Regulated Pollutants" in 40 CFR Part 403, Appendix B- 65, "Toxic Pollutants". This list includes PCBs, DDT, DDE, DDD, and shall also include any and all other substances that are banned for sale or use in the United States, Florida, Brevard County or the City of Rockledge. This list may be amended by the Director in the form of a sewer use directive.
- (r) Any material containing ammonia, ammonia salts or other chelating agents which may produce metal compounds in sufficient quantities to cause interference with the treatment system.

Specific approval by the Director to discharge any substance which would otherwise be prohibited shall be limited to no greater than five (5) years.

Requests must be submitted on a form provided by the Director and signed and certified in accordance with Section 57.79(e)(7). Whenever possible, guidelines for the granting of specific approval shall be established by the Director in the form of a sewer use directive.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the City's wastewater system.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the wastewater collection and treatment facility. Floor drains located in process or materials storage areas must discharge to the user's pretreatment facility before connecting with the system.

## (2) Categorical Pretreatment Standards

The categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated. The State of Florida version of these regulations is included in Chapter 62-625 FAC.

- a. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c) and Chapter 62-625.410(4), FAC.
- b. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e) and Chapter 62-625.410(6) FAC.
- c. 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, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- d. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15 and Chapter 62-625.820, FAC.

## (3) Best Management Practices

The Director may develop Best Management Practices (BMPs), by Ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section (c)(4).

(4) Specific Local Limits

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following maximum daily allowable discharge limits except as otherwise limited in Section (c)(1) (Prohibited Discharge) and Section (c)(7) below (Special Agreement):

Cadmium .....	0.168 mg/L
Chloride .....	1,016 mg/L
Chromium .....	8.37 mg/L
Copper .....	0.843 mg/L
Cyanide .....	3.30 mg/L
Lead .....	2.66 mg/L
Molybdenum .....	0.445 mg/L
Nickel .....	3.36 mg/L
Oil and/or Grease .....	100 mg/L (Polar or non-polar)
Selenium .....	0.689 mg/L
Silver .....	2.01 mg/L
Sodium .....	1,705 mg/L
TDS .....	500 mg/L
Zinc .....	1.80 mg/L

Concentration limits apply at the point where the wastewater is discharged to the wastewater collection and treatment facility. Concentrations for metallic substances are for



"total" metal. At the discretion of the Director, mass limitations in addition to, or in place of, the concentration based limitations above may be imposed. Parameter compliance will normally be determined by composite sampling. At the discretion of the Director, either a time-composite and/or flow-proportional sample will be required. For time-composite and/or flow proportional sample collection, the allowable limit shall be the Concentration Limit, above. Exceeding the allowable limit for either collection method shall be a violation of this policy. Compliance sampling may be performed by City personnel.

(5) City's Right of Revision

The City reserves the right to establish, by Ordinance, by policy or in wastewater discharge permits, more stringent standards or requirements on discharges to the wastewater collection and treatment facility.

(6) Dilution

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 discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(7) Special Agreement

a. The City reserves the right to enter into special agreements with users dictating terms under which the user may discharge to the system.

1. In no case will the Special Agreement permanently waive compliance with a pretreatment standard. The user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15 and Chapter 62-625.820, FAC. Users may also request a variance from the categorical pretreatment standard. Such a request will be approved only if the user can prove that

factors relating to its discharge are fundamentally different from the factors considered by the EPA in its establishment of the standard. A user requesting a fundamentally different factor variance must comply with 40 CFR 403.13 and Chapter 62-625.700, FAC. If additional pretreatment or operation and maintenance (O&M) is required to meet the pretreatment standard, the completion date in the compliance schedule for such additional pretreatment or O&M shall not be later than the compliance date established for the applicable pretreatment standard. The compliance date for new sources is the date the discharge commences.

b. The City may, at its sole discretion, accept the temporary discharge of groundwater from the remediation of petroleum or petroleum product contaminated sites as defined in Rule 62-770, FAC. If discharge is proposed during the remedial action phase, a copy of the Remedial Action Plan must be submitted to the City for consideration during its preparation of the Special Agreement. A combustible gas detection meter per Section (c)(1)(a) shall be required to ensure that no potential explosive or fire hazard occur. The total Benzene + Toluene + Ethyl Benzene + Xylene (BTEX) concentration, measured using EPA Method 602, of the discharge may not exceed 10.0 mg/L. The total Naphthalene + 2 - Methylnaphthalene + 1 -Methylnaphthalene + Acenaphthylene + Acenaphthalene concentration, measured using EPA Method 610, may not exceed 100 mg/L.

c. The City reserves the right to immediately order the temporary or permanent interruption or reduction of discharge in the event that the discharge would cause or contribute to interference, pass through or hydraulic overload of the wastewater treatment system. Any user discharging under a Special Agreement shall be considered a Significant Industrial User and required to maintain a wastewater permit.

(d) *Wastewater Pretreatment*

(1) Pretreatment Facilities

Users shall provide the necessary wastewater pretreatment to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section (c)(1) of this Ordinance within the time limitations specified by EPA, the State, or the Director, whichever is more stringent. Any equipment or facility necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Ordinance.

(2) Additional Pretreatment Measures

- a. Whenever deemed necessary, the Director may require users to restrict their discharge during peak or low flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the wastewater collection and treatment facility and determine the user's compliance with the requirements of this Ordinance.
- b. Sand and lint interceptors shall be provided if required in the most recently adopted version of Chapter 10 of the Florida Building Code Plumbing, as adopted by the International Code Council or when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of sand or lint; except that such interceptors shall not be required for residential users. Interception units shall be of type and

capacity approved by the Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at its expense.

c. Grease interceptors, or grease traps, are required for any Food Service Establishment, as defined in 57.79 (b)(20), City Code, and the most recently amended version of Chapter 10 of the Florida Building Code Plumbing, as adopted by the International Code Council; or when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of fats, oils and or greases; except that such interceptors shall not be required for residential users.

1. Grease interceptors are required and installed at the User's expense when such User operates a Food Service Establishment that discharges process wastewater.

2. No User discharging wastewater to the City's sewer system through a grease interceptor shall allow wastewater oil and grease concentrations to exceed 100 milligrams per liter of animal/vegetable-based grease or to exceed 25% of the grease interceptor's capacity.

3. All grease interceptors shall be readily and easily accessible for maintenance and cleaning purposes in addition to ensuring accessibility for inspection by City personnel.

4. Each food service facility shall be responsible for the costs of pumping, cleaning, and maintaining its grease interceptor. All such grease interceptors shall be serviced and have accumulated waste content removed as required and stipulated in this Ordinance.

5. Grease interceptors shall be pumped at a frequency such as to maintain a grease layer of less than six inches on top of the interceptor and a solids layer

of less than eight inches on bottom of the interceptor. The measurement point for determination of the grease and solids layer shall be adjacent to the outlet pipe. All grease interceptors shall be pumped at a minimum frequency of once for every 90 days, unless an alternate frequency is approved by the City. In no instance shall a variance exceed 180 days. An approved variance will be null and void if the variance pumping frequency is not adhered to, and shall revert to the 90 day frequency. More frequent pumping may be required to meet the article requirements above. The City may also mandate more frequent pumping based on inspection results and sewer system capacity. Pumping frequency variances are not transferable.

a. Grease interceptor cleaning and maintenance shall include pumping the interceptor until empty, and cleaning the side walls, baffle walls and cross-pipes, and inlet and outlet pipes. Decanting, skimming, or backflushing is prohibited. A full pump-out is required. Pipes shall be immediately restored to their original design configuration should any damage occur. No emulsifiers, grease cutters or other chemicals which could cause grease to pass through the interceptor may be used in the maintenance of grease interceptors or drain lines.

b. All Users are required to maintain and update interceptor maintenance records, including waste hauler manifests. All waste hauling manifests shall be retained by the User for a period of not less than three (3) years and made available for review or duplication upon request by the City.

6. Existing facilities. Food service facilities existing prior to this Ordinance shall be permitted to operate and maintain existing grease interceptors or traps provided their grease interceptors or traps are in good operating condition. The City may require an existing facility to install a new grease interceptor or trap that complies with the

requirements of the Florida Building Code - Plumbing, as amended (current edition) or to modify or repair any noncompliant plumbing or existing grease interceptor or trap when any one or more of the following conditions exist:

- a. The facility is found to be contributing grease in quantities sufficient to cause line stoppages or necessitate increased maintenance on the wastewater collection system.
- b. Grease concentrations exceed 100 mg/l on wastewater effluent as determined by sampling performed by the City.
- c. The facility does not have a grease interceptor or trap.
- d. The facility has an irreparable or defective grease interceptor or trap.
- e. Remodeling of the food preparation or kitchen waste plumbing system is performed which requires a plumbing permit to be issued by the City.
- f. The facility is sold or undergoes a change of ownership.
- g. The facility does not have plumbing connections to a grease interceptor or trap in compliance with the requirements of this article.
- h. The facility may request in writing, to have their existing system reevaluated.

d. Petroleum Oil/Water Separators. Where the installation and use of an oil/water separator is required by this Section, wastes containing residual (trace amounts) petroleum based oil and grease shall be directed to the oil/water separator.

1. Commercial users that have the potential to discharge wastes containing residual petroleum based oil and grease, such as commercial laundries, self-service laundries, car washes and automotive related facilities,

shall have an approved oil/water separator. Other commercial users and owners of private wastewater collection systems may be required by the Director to install an approved oil and grease interceptor or an oil/water separator, as appropriate, for the proper handling of waste streams containing oil and grease for those facilities that have been found by the Director to be contributing oils and grease in quantities sufficient to cause line stoppages or necessitate increased maintenance on the City's wastewater system: or are contributing waste streams containing oil and grease in excess of one hundred (100) mg/I by weight.

2. Automotive related enterprises, commercial and self-service laundries, and other commercial users, which contribute wastes containing petroleum (hydrocarbon) based oils and greases shall install an oil/water separator. Oil/water separators shall be sized on an individual case by case basis using established design guidelines approved by the Director. It shall be easily accessible for inspections, cleaning and maintenance.

3. The design of oil/water separators shall be based on peak flow and where applicable, capable of treating and removing emulsions. Oil/water separators shall be sized to allow efficient removal (retention) of the petroleum-based oils and grease from the commercial user's discharge to the POTW. Minimum removal efficiency for oil/water separators for trace petroleum based wastes shall be ninety (90%) percent.

4. Expansion, remodeling, repair, or renovation of an automotive related enterprise, commercial laundry, self-service laundry, or other facilities of a commercial user that potentially may contribute wastes with petroleum based oils and greases where such expansion, remodeling, repair or renovation is subject to a building permit issued by the City.

5. Each facility shall be responsible for the costs of pumping, cleaning, and maintaining its oil-water separator. All such oil-water separators shall be

serviced and have accumulated waste content removed as required and stipulated in this Ordinance.

6. All oil-water separators shall be pumped at a minimum frequency of once for every 180 days, unless an alternate frequency is approved by the City. In no instance shall a variance exceed 365 days. An approved variance will be null and void if the variance pumping frequency is not adhered to, and shall revert to the 180 day frequency. More frequent pumping may be required to meet the article requirements above. The City may also mandate more frequent pumping based on inspection results and sewer system capacity. Pumping frequency variances are not transferable.

7. Existing facilities. Commercial users with the potential to discharge petroleum based oils existing prior to this Ordinance shall be permitted to operate and maintain existing oil-water separators provided they are in good operating condition. The City may require an existing facility to modify or repair any noncompliant plumbing or existing oil/water separator when any one or more of the following conditions exist:

a. The facility is found to be contributing oil or grease in quantities sufficient to cause line stoppages or necessitate increased maintenance on the wastewater collection system.

b. Grease concentrations exceed 100 mg/l in wastewater effluent as determined by sampling performed by the City.

c. The facility has drains receiving oily waste and does not have an oil/water separator.

d. The facility has an irreparable or defective oil/water separator.

e. The facility is sold or undergoes a change of ownership.

f. The facility may request in writing, to have their existing system reevaluated.



(3) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter with alarm and/or mechanism for interrupting discharge.

(4) Any new source, discharging into the wastewater treatment system, greater than 100,000 gallons per day or greater than two percent (2%) of the average daily flow in the system, whichever is lesser, shall install and maintain, on his or her property and at his or her expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be dictated by the Director. A wastewater permit may be issued solely for flow equalization.

(5) Separation of Domestic and Industrial Wastestreams

In order that representative sampling may occur, permitted industrial users must separate domestic wastestreams from industrial wastestreams. In such case where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, the City shall impose fixed alternative limits in accordance with subsection 62-625.410(6), F.A.C. [62-625.410(6), F.A.C.]

(6) Accidental Discharge/Slug Control Plans

Users shall provide protection from accidental discharge of materials which, if discharged, would violate Section (c) of this Ordinance. The Director shall evaluate, at least once every two years, whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. New SIUs must be evaluated within 1 year of being designated an SIU. The Director may require any industrial user to develop, submit for approval, and implement an accidental discharge/slug control (Spill Prevention) plan. A detailed accidental discharge/slug control plan shall address, at a minimum, description of discharge practices, including non-routine batch

discharges; description of stored chemicals; procedures for immediately notifying the Director of any accidental or slug discharge, as required by Section (g)(6) of this Ordinance; and procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

Review of such plans and operating procedures shall not relieve the user from the responsibility of to meet the requirements of this Ordinance. Required spill prevention plans, including operating procedures and worker training, shall be fully implemented within 180 days of notification of their requirement by the City.

Any spill that enters the wastewater treatment system must be reported in accordance with Section (g)(6) of this Ordinance.

The user shall be responsible for any expense caused by the accidental or intentional discharge of prohibited material. This shall include but not be limited to any expense incurred by the City for mitigation of damage, repair of facilities, damages to other customers and fines that may be levied on the City by State or Federal Regulatory Agencies.

(7) Monitoring/Control Manhole

- a. All permitted industrial users shall install a monitoring/control manhole, or manholes, downstream from any treatment, storage or other approval pretreatment works. The size, location and design of the monitoring/control manhole shall be as specified by the Director to facilitate observation, monitoring, measurement and/or sampling of the industrial discharge. The monitoring/control manhole shall contain at a minimum, instrumentation for continuous monitoring and recording of flow and pH.

It shall be continuously accessible to City personnel for sampling and provide such other instrumentation as necessary to determine permit compliance.

- b. The Director, at his or her discretion, may allow monitoring to be undertaken at a location other than a control/monitoring manhole, should the check point or location provide the requisite capability to adequately determine compliance through sampling, monitoring, observation, etc.
  - c. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (8) Hauled Wastewater
- A. a. Only septic tank waste (septage) or other approved non-industrial wastes will be accepted for disposal, in an emergency situation, with written approval from the Director.
- (9) Private Lift Station
- a. When deemed necessary for connection to the POTW, a private lift station will be constructed to convey wastewater to the POTW via pumps and a private forcemain.
  - b. The property owner shall construct, operate and maintain the private lift station in a sanitary and effective manner at all times, at no expense to the City.
  - c. Private sewers shall be maintained so as to preclude the entrance of any infiltration and inflow. Should it be determined by the Director that infiltration/inflow are entering the public sewer from a private wastewater collection system, the property owner shall be responsible for determining the cause(s) and for making all necessary repairs to the system, to the Director's satisfaction.
  - d. All operation, maintenance, and repair of private lift stations and pumping facilities shall be done by a reputable person or firm (contractor)

experienced in the operation, maintenance and repair of such facilities

1. The contractor must be able to have a twenty four (24) hour, seven (7) days a week response time and
  2. Be able to respond to site within two (2) hours after notification of failure, spill or overflow.
- e. The City shall have the right to inspect all private wastewater collection systems and appurtenances, and to cause discontinuance of sewer service if the private wastewater collection system is not maintained in a sanitary and effective operating condition or if the POTW may be harmed thereby.
- f. The owners of all private lift stations shall maintain a written maintenance record and shall make the same available to the City. These records shall be maintained for a period of three years.
- g. Maintenance
- (1) Wet wells shall be pumped out and cleaned at least once a year, or more often if necessary, to prevent solids and grease build-up. Proof will be provided to the Director upon request.
  - (2) Provide twenty-four (24) hour emergency telephone numbers, enabling the City to notify the property owner and contractor of reported emergency.
  - (3) A sign posted on the control panel or adjacent to the lift station site. The sign shall state the following information:
    - (a) Private Sanitary Sewer Lift Station
    - (b) Owner or Business Name and phone number
    - (c) Contractor's name and phone number

(10) Sanitary Sewer Overflows

- a. The City shall bear responsibility for cleanup and reporting of Sanitary Sewer Overflow (SSO) events on public property or public Right-of-Way.
- b. In such case a SSO occurs, due to the negligence or fault of a private entity, that entity shall bear the responsibility and cost of cleanup.
- c. If or when the Director deems it necessary for the City to respond to a private SSO event, the private

entity found responsible will be charged the cost of cleanup at a rate determined by the Director

(e) *Wastewater Discharge Permit Application*

(1) Industrial User Survey

When requested by the Director, any user or potential user must submit information regarding the nature and characteristics of their wastewater by completing a wastewater questionnaire. The questionnaire shall be completed and returned to the Director within ninety (90) days. The Director may periodically require existing users to complete or update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the user and shall be considered a violation of the Ordinance. The survey must be signed and certified in accordance with Section (e)(7).

(2) Wastewater Analysis

When requested by the Director, a user must submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

(3) Wastewater Discharge Permit Requirement

- a. No Significant Industrial User shall discharge wastewater into the wastewater collection and treatment facility without first obtaining a wastewater discharge permit from the Director. However, a Significant Industrial User that has filed a timely application pursuant to Section (e) of this Ordinance may continue to discharge for the time period specified therein.
- b. The Director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Ordinance. Such other permitted users shall be termed Minor Industrial Users.

c. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 57.79(k) through (m) of this Ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

(4) Wastewater Discharge Permitting: Existing Connections

Any Significant Industrial User or Minor Industrial User discharging into the wastewater treatment system prior to the effective date of this Ordinance and who wishes to continue discharging water into the wastewater treatment system, shall, within ninety (90) days after said effective date, apply to the Director for a wastewater discharge permit in accordance with Section 57.79(e) of this Ordinance, and shall not cause or allow discharges to the wastewater collection and treatment facility 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 Director.

(5) Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or re-commence discharging into the wastewater collection and treatment facility must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 57.79(e) of this Ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

(6) Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit a permit application. The Director may

require all users to submit as part of an application the following information:

- a. All information required by Section (g)(1).b of this Ordinance;
- b. Physical address of the facility;
- c. Standard Industrial Classification (SIC) code(s) by which the facility is identified;
- d. Description of activities, facilities, and system processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the wastewater collection and treatment facility;
- e. Number and type of employees and proposed or actual hours of operation;
- f. Each product produced by type, amount, process or processes, and rate of production;
- g. Type and amount of raw materials processed (average and maximum per day);
- h. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- i. Time and duration of discharge;
- j. Flow Measurement. The IU shall submit information showing the measured average daily and maximum daily flow (in gpd), to the POTW from each of the following:
  1. Regulated process streams; and
  2. Other streams as necessary to allow for use of the combined wastestream formula of subsection 62-625.410(6), F.A.C. Verifiable estimates of these flows are permitted, where justified by cost or feasibility considerations.

k. Wastewater constituents and characteristics, including any pollutants in the discharge which are limited by any Federal, State or local standards, pretreatment standards applicable to each regulated process; and nature and concentration (or mass if pretreatment standard requires) of regulated pollutants in each regulated process (daily maximum and average concentration or mass as required by pretreatment standard). Sampling and analysis will be undertaken in accordance with 40 CFR Part 136, Chapter 62-160 FAC and EPA Standard Operating Procedures - Quality Assurance Manual.

l. Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application.

m. A permit fee payable to the City based on a fee schedule approved or modified by the City Council from time to time, listed in 57.79(p)(1)b.

n. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. Where permit applications concern facilities not yet in operation, modifications and/or expansions to existing facilities which are not yet accomplished and/or other situations where information required for permit applications must be estimated or otherwise derived, applicant will identify such responses, and submit with the application the method or means by which the estimation or derivation was accomplished and data which supports the information provided. Determinations as to sufficiency, accuracy, and completeness shall be made solely by the Director.

(7) Application Signatories and Certification

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



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

b. A facility determined to be a non-Significant Categorical Industrial User by the Director pursuant to (b)(45)c. must annually submit the signed certification statement in Section 57.79(g)(13)b.

(8) Wastewater Discharge Permit Decisions

The Director will evaluate data furnished by the user and may require additional information. Within forty-five (45) days of receipt of a completed wastewater discharge permit application, the Director will determine whether or not to issue a wastewater discharge permit. The Director may deny any application for a wastewater discharge permit.

*(f) Wastewater Discharge Permit Issuance Process*

(1) Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for three (3) years, and extended at the discretion of the Director, not to exceed five (5) years from the original effective date of the permit. Applicable fees will be applied to extend a wastewater discharge permit. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(2) Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment system's effluent, protect worker health and safety, promote the reuse of reclaimed wastewater, facilitate sludge management and disposal, protect ambient air quality and protect against damage to the wastewater collection and treatment facility.

a. Wastewater discharge permits must contain:

1. A statement that indicates 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 notification to and approval by the City in accordance with Section (f)(4) 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, applied to the user based on applicable general pretreatment standards found in Chapter 62-625, F.A.C., categorical pretreatment standards, local limits, and State and local law;
4. Self-monitoring, sampling, reporting, notification, and recordkeeping 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 statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules shall not extend the compliance date beyond applicable State or Federal deadlines;
6. Requirements to control Slug Discharge, if determined by the Director to be necessary.

- b. 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 flow regulation and equalization requirements;
  2. Instantaneous, daily and monthly average and/or maximum concentration, mass or other measure of identified wastewater pollutants or property limits;
  3. Requirements for installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  4. Requirements for development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
  5. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
  6. Monitoring program specifications. These may include but not be limited to sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
  7. Requirements for reporting non-compliance, within twenty-four (24) hours of knowledge of occurrence;
  8. Requirements for notification of any discharge which could cause pass through, pose a threat to the City's wastewater collection and treatment facility, City personnel, or receiving waters within twenty-four (24) hours of knowledge of occurrence;
  9. Requirements for automatic re-sampling and reporting, within 30 days of any violation identified during sampling events, both self-monitoring and control authority; at cost to the facility.
  10. Submission of periodic self-monitoring or special notification reporting requirements;

11. Requirements for maintaining and retaining plant records of wastewater discharge as specified in Section 57.79(g)(13) of this Ordinance and affording the Director access thereto;
12. Requirements for prior notification of and approval by the Director for:
  - (a) Any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.
  - (b) Any change in the manufacturing and/or pretreatment process used by the permittee.
13. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the wastewater collection and treatment facility;
14. A unit charge or schedule of user charges and fees for the management of the wastewater discharged to the wastewater collection and treatment facility;
15. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit;
16. Specify certification and /or minimum qualifications for pretreatment works operators.
17. Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

(3) Wastewater Discharge Permit Modification

The Director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- b. 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;

- c. A change in the wastewater collection and treatment facility that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. Information indicating that the permitted discharge poses a threat to the City's wastewater collection and treatment facility, City personnel, or the receiving waters;
- e. Violation of any terms or conditions of the wastewater discharge permit;
- f. Misrepresentations or failure to fully disclose all relevant facts in the permit application or in any required reporting;
- g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13 and Chapter 62-625.700, FAC;
- h. To correct typographical or other errors in the wastewater discharge permit; or
- i. To reflect a transfer of the facility ownership or operation to a new owner or operator.

Modification for this purpose may not be allowed unless the permit is transferable as provided in Section (f)(4). The filing of a request by the user for permit modification does not stay any permit condition(s).

(4) Wastewater Discharge Permit Transfer

Wastewater discharge permits may be reassigned or transferred to a new owner or operator with prior approval of the Director only if the Permittee gives at least thirty (30) days advance notice to the Director and the Director approves the wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner or operator which:

- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

- b. Identifies the specific date on which the transfer is to occur; and
- c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

(1) Such notice shall also include the payment of all fees, fines and/or other monies owed to the City or which may be required by Sections 57.79(o) and 57.79(p) of this Ordinance.

Failure to provide advance notice of a transfer or include payment in full renders the wastewater discharge permit voidable on the date of facility transfer.

(5) Wastewater Discharge Permit Revocation

Wastewater permits may be revoked for good cause, including, but not limited to, the following reasons:

- a. Failure to notify the City of significant changes to the wastewater prior to the changed discharge;
- b. Falsifying self-monitoring reports;
- c. Tampering with monitoring equipment;
- d. Failure to provide prior notification to the Director of changed conditions pursuant to Section 57.79(g)(5) of this Ordinance;
- e. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- f. Refusing to allow the Director timely access to the facility premises and records;
- g. Failure to meet effluent limitations;
- h. Failure to pay fines;
- i. Failure to pay sewer charges;
- j. Failure to meet compliance schedules;
- k. Failure to complete a wastewater survey or the wastewater discharge permit application;
- l. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- m. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Ordinance; or

- n. Wastewater discharge permits shall be voidable upon non-use or cessation of operations for more than one year or upon transfer of business ownership except as provided in Section (f)(4). Existing wastewater discharge permits issued to a particular user are void upon the issuance of a new permit to that user.

(6) Wastewater Discharge Permit Reissuance

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 57.79(e) of this Ordinance, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit.

- a. A permit's effectiveness continues beyond its expiration date where the Permittee has filed a timely application for permit reissuance but the City, through no fault on the part of the user, has not issued the permit at the time of expiration.

(7) Regulation of Waste Received from Other Jurisdictions

- a. If another municipality or User located within another municipality contributes wastewater to the POTW, the Director shall enter into an interlocal agreement with the contributing municipality.
- b. Prior to entering into an agreement required by paragraph A, above, the Director may request the following information from the contributing municipality:
  - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  - 2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
  - 3. Such other information as the Director may deem necessary.

- c. An interlocal agreement, as required by paragraph A, above, may contain the following conditions:
1. A requirement for the contributing municipality to adopt a sewer use Ordinance which is at least as stringent as this Ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 57.79(c)(4) of this Ordinance. The requirement shall specify that such Ordinance and limits must be revised as necessary to reflect changes made to the City's Ordinance or Local Limits;
  2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
  3. A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Director; and which of these activities will be conducted jointly by the contributing municipality and the Director;
  4. A requirement for the contributing municipality to provide the Director with access to all information that the contributing municipality obtains as part of its pretreatment activities;
  5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
  6. Requirements for monitoring the contributing municipality's discharge;
  7. A provision ensuring the Director access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection,



sampling, and any other duties deemed necessary by the Director; and

8. A provision specifying remedies available for breach of the terms of the interlocal agreement.

*(g) Reporting Requirements*

(1) Baseline Monitoring Reports

- a. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), and Chapter 62-625.410(2)(d), FAC, whichever is later, existing Significant Industrial Users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the wastewater collection and treatment facility shall be required to submit to the Director a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, including existing users which have changed their operational discharges so as to become new sources, shall be required to submit to the Director a report that contains the information listed in paragraph B. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards, give estimates of its anticipated flow and quantity of pollutants discharged. Sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report which contains the information listed in paragraph B, below.
- b. Users described above shall submit the information set forth below.

1. Identifying Information. The name and address of the facility, including the name of the operator(s) and owner(s).
2. Environmental Permits. A list of any environmental control permits held by or for the facility.
3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications (SIC) of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the wastewater collection and treatment facility from the regulated processes
4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the wastewater collection and treatment system from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e) and Chapter 62-625.410(6), FAC.
5. Measurement of Pollutants.
  - A. The categorical pretreatment standards applicable to each regulated process;
  - B. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 40 CFR Part 136, EPA Standard Operating Procedures Quality Assurance Manual and Section (g)(11) of this Ordinance.

- C. Grab samples must be used for pH, cyanide, total phenols oil and grease, sulfide and volatile organics. All other pollutants will be measured by composite samples obtained through flow proportional sampling techniques. If flow proportional composite sampling is infeasible, samples may be obtained through a time proportional sampling techniques or through four (4) grab samples. If grab sampling is conducted, the user must prove such a sample is representative of the discharge. Sampling must be performed in accordance with procedures set out in Section (g)(12) of this Ordinance;
6. Special Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements;
7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M, should be included. The completion date in this schedule shall be no later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section (g)(2) of this Ordinance.
8. Signature and Certification. Baseline monitoring reports must be signed and certified in accordance with Section (e)(7) of this Ordinance.

(2) Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section (g)(1)b.(8) of this Ordinance:

- a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events may include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- b. No increment referred to above shall exceed nine (9) months;
- c. The user shall submit a progress report to the Director no later than fourteen (14) days following each interim date in the schedule and the final date of compliance. Reports shall include, as a minimum, whether or not the user 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 such progress reports to the Director.
- e. The Director may require, at his or her discretion, reporting intervals shorter than those defined by compliance schedule increments.

(3) Final Report on Compliance with Categorical Pretreatment Standard Deadline.

- a. 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 wastewater collection and treatment facility, an user subject to such pretreatment standards and requirements shall submit to the Director a report containing the information described in Section

(g)(1)b.4-6 of this Ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c) and Chapter 62-625.410(4), FAC, this report shall contain a reasonable measure of the user's long-term production rate. For other users subject to 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.

- b. Compliance reports must be signed and certified in accordance with Section (e)(7) of this Ordinance.

(4) Periodic Compliance Reports; also Self-Monitoring Reports

- a. For Significant Industrial Users

(1) Any Significant Industrial user shall, at a frequency determined by the Director, but in no case less than twice per year (on dates specified), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average or maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User.

(2) Periodic compliance reports must be signed and certified in accordance with Section (e)(7). All Significant Industrial Users, including those that meet discharge limits without pretreatment, are required to monitor and report unless the city performs the monitoring in lieu of the SIU. Reports shall not be required for users other than SIUs who use no pretreatment device other

than a grease trap, sand separator, lint trap and/or flow equalization device.

- (3) Wastewater samples must be representative of the user's discharge.
- (4) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Director, using the procedures prescribed in Section (g)(12) of this Ordinance, the results of this monitoring shall be included in the report.

b. For Categorical Industrial Users

1. Any CIU, except an NSCIU, after the compliance date of such pretreatment standard, or, in the case of a new source, after the commencement of the discharge into the treatment works, shall submit to the Director during the months of June and December, unless required more frequently in the pretreatment permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period.

A. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the IU shall submit documentation required by the Director or the pretreatment standard necessary to determine the compliance status of the IU.

B. The IU may request submission of this report in months other than June and December, if based on such factors as local high or low flow rates, holidays, or budget cycles, the alternate dates more accurately represent actual operating conditions.

2. CIU's must notify the Director immediately of any changes at its facility causing it to no

longer meet the conditions of section (4)b.1. above. Upon notification, the CIU must immediately begin complying with the minimum reporting required in section (4)b.1.A of this Ordinance.

3. All periodic compliance reports must be certified in accordance with section (g)(13) of this Ordinance and signed by an authorized representative of the user as defined in section 57.79(c)(3).
4. Sampling and analysis shall be performed in accordance with sections (g)(11) and (g)(12) of this Ordinance.
5. For this report, the IU will be required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.
6. If an IU subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in section (g)(12) of this Ordinance, the results of this monitoring shall be included in the report.

(5) Reports of Changed Conditions

Each user is required to notify the Director of any planned changes to the user's operations or pretreatment system(s) which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change. The Director may require the user to submit such information as necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section (e) of this Ordinance.

- a. The Director may issue a wastewater discharge permit under Section 57.79(e)(8) of this Ordinance or modify an existing wastewater discharge permit under

Section 57.79(f)(3) of this Ordinance in response to changed conditions or anticipated changed conditions.

- b. No user shall implement the planned changed condition(s) until and unless the Director has responded to the user's notice.
- c. For purposes of this requirement, significant changed conditions are defined as, but not limited to:
  - 1. Increase of ten percent (10%) in the annual average daily flow stated herein;
  - 2. Increase of twenty percent (20%) in the monthly average daily flows;
  - 3. Increase of twenty-five percent (25%) in the average annual pollutant loadings;
  - 4. Batch discharges;
  - 5. Presence of any previously unreported pollutants in the process wastewater;
  - 6. New pretreatment processes or facilities; or
  - 7. Increase of twenty-five percent (25%) in production capacity or the addition of different production capabilities.

(6) Reports of Potential Problems

Each user shall immediately report accidental or intentional discharges of prohibited materials or other substances regulated by this policy to the City. Prevention of prohibited material(s) discharge through maintenance and/or equipment shall be provided at the user's own cost and expense.

- a. In the case of an accidental or other discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug



load, that may cause potential problems for the wastewater collection and treatment system, it is the responsibility of the user to notify the City (Director) of the incident immediately. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

- b. Unless waived by the Director, within five (5) days following such 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 wastewater collection and treatment facility, 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.
- c. Failure to notify the City of potential problem discharges shall be deemed a separate violation of this policy.
- d. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that employees, who may cause or suffer such a discharge are advised of the emergency notification procedure.
- e. Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

(7) Reports from Unpermitted Industrial Users

Users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit

shall provide appropriate reports to the Director as the Director may require.

(8) Timing

Written reports will be deemed to have been transmitted upon receipt by the Director.

(9) Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Director within twenty-four (24) hours of becoming aware of a violation. Within thirty (30) days, the user shall repeat sampling and analysis and submit the results of the repeat analysis to the Director. The user is not required to re-sample if, at a minimum, discharge from the facility is monitored by the City monthly, or if the City samples between the user's initial sampling and when the user receives the results of this sampling, and such sampling by the City indicates no violations, provided however that the City has no obligation or duty to resample.

(10) Strict Prohibition of the Discharge of Hazardous Waste

The discharge of hazardous waste, as defined in 40 CFR Part 261 and Rule 62-730, Florida Administrative Code (FAC), is strictly prohibited. Such discharge, if detected by sampling, shall be reported as indicated in Section (g)(9). If such discharge occurs accidentally, intentionally, or is suspected to have occurred, it shall be reported in accordance with Section (g)(6).

(11) Analytical Requirements

Pollutant method analysis and sampling techniques, to be submitted as part of a wastewater discharge permit application or report, shall be performed in accordance with the techniques prescribed in Chapter 62-160 FAC, unless otherwise specified in an applicable categorical pretreatment standard. If Chapter 62-160 FAC does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA

and/or FDEP. Analyses shall be performed by a laboratory certified by the Florida Department of Health and signed by an authorized representative of that laboratory.

(12) Sample Collection

- a. Except as indicated in Sections B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques unless time-proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA 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. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with instantaneous Limits.
- b. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, volatile organic compounds, dissolved oxygen, chlorine residual, un-ionized ammonia, microbiology, specific conductance, and dissolved constituents must be obtained using grab collection techniques.
- c. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section (g)(1).b and (g)(3); [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 Director may authorize a lower minimum. For the reports required by paragraphs Section (g)(4) [40 CFR 403.12(e) and 403.12(h)], the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

- d. At least forty-eight (48) hours prior to sampling, the user is required to notify the Director of its sampling schedule. Upon request by the Director, the user may be required to split collected samples for independent analyses.

(13) Record Keeping

- 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 20.3. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years or as required by Florida law. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Director. The City shall have the right to remove records for the purpose of copying, if copying facilities are not available on the premises.

- b. Annual Certification for Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to (b)(38) and 57.79(e)(7)b [Note: See 40 CFR 403.3(v)(2)] must annually submit the following certification statement signed in accordance with the signatory requirements in (b)(3); [Note: See 40 CFR 403.12(b)(6)]. This certification must accompany an alternative report required by the Director:

*Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]:*

- (a) *The facility described as \_\_\_\_\_ [facility name] met the definition of a NonSignificant Categorical Industrial User as described in (b)(45)b.3.; [Note: See 40 CFR 403.3(v)(2)]*
- (b) *The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and*
- (c) *The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.*
- (d) *This compliance certification is based on the following information.*

(h) *Compliance Monitoring:*

(1) Right of Entry: Inspection and Sampling

The Director or his or her authorized agent shall have the right to carry out all inspections, surveillance and monitoring procedures necessary to determine, independent of information supplied by the IU, compliance or noncompliance with applicable pretreatment standards. The Director is authorized to enter any premises of any IU in which a discharge source or treatment system is located or in which records are kept under subsection 62-625.600(14), F.A.C. to assure compliance with pretreatment standards, all requirements of this Ordinance, and any individual wastewater discharge permit [or general permit] or order issued hereunder. IUs shall allow the Director 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.

- a. Where a user has security measures which require proper identification and/or clearance prior to entry, the user shall make necessary arrangements so that, upon presentation of suitable identification, the Director, personnel from the City, the State and/or EPA will be permitted to enter without delay for the purposes of performing specific responsibilities.
- b. The City, State and EPA shall have the right to set up, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations on the user's property. This shall include the right to add tracers to the user's wastestream for purposes for determining their destination.
- c. The Director may require the user to install monitoring recording equipment as necessary. The City may also require that provision be made on these monitors for the installation of City-owned recorders and transmitters. The facility's sampling

and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. Any City-owned equipment operating at a user's facility will be maintained at the user's expense.

1. To ensure accuracy, equipment used to measure wastewater flow and quality shall be verified annually, or calibrated as indicated by the equipment manufacturer. Documentation of verification or calibration will be provided upon request.
- d. The City shall be given the opportunity to interview user employees regarding facilities operation, pretreatment and spills.
- e. Any temporary or permanent obstruction to safe and easy access to the facility shall be promptly removed by the user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the user.
- f. Unreasonable delay as determined by the Director in allowing City personnel access to the user's premises shall be a significant violation of this Ordinance, and shall constitute grounds for termination of service and permit revocation under section (k)(8) of this Ordinance.

(2) Search Warrants

If the Director or his or her authorized agent 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 as part of a routine inspection and sampling program of the City of Rockledge designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the

Director may seek issuance of a search warrant from the Circuit Court of Brevard County, Florida.

*(i) Confidential Information*

Information and data obtained from reports, questionnaires, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from City inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under Chapter 119, Florida Statutes. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report.

Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 and material safety data sheets will not be recognized as confidential information and will be available to the public without restriction.

The general nature and transmittal of this information shall be clearly indicated in the report. Each item, page, exhibit or portion of the report for which confidentiality is requested will be stamped "Confidential" by the user.

*(j) Recognition and Publication of Users*

(1) RECOGNITION OF OUTSTANDING USERS

The City may annually award a Certificate of Recognition and Appreciation to the user that has operated most effectively, made the most important improvement or made the greatest contribution to pretreatment, or to waste minimization.



(2) PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE

The City shall publish annually, notification of IUs which were in Significant Non-Compliance (SNC) with applicable pretreatment requirements at any time during the previous twelve (12) months. Public notification shall be included in a newspaper(s) of general circulation within Brevard County, Florida. For the purpose of this Ordinance, an IU is in SNC if its violation meets one or more of the following criteria:

- a. Chronic violations of wastewater discharge limits defined here as those in which sixty six percent (66%) or more of all the measurements taken during a six (6) month period exceed (by any magnitude), a numeric pretreatment standard or requirement, including instantaneous limits;
- b. Technical Review Criteria (TRC) violations defined here as those in which thirty three percent (33%) or more of all the measurements taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, total oil and grease, and 1.2 for all other pollutants except pH);
- c. Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of treatment works personnel or the general public);
- d. Any discharge that has resulted in the Director's exercise of its emergency authority under section (k)(7) of this Ordinance, to halt or prevent such a discharge;
- e. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting

construction, completing construction, or attaining final compliance;

- f. Failure to provide, within forty-five (45) days after the due date, any required reports such as BMRs, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance; and
- h. Any other violation or group of violations, including a violation of BMPs, which the Director determines will adversely affect the operation or implementation of the pretreatment program.

*(k) Administrative Enforcement Remedies*

The Director shall notify users of violations, enter into consent orders, order show cause hearings, issue compliance orders of cease and desist orders, make emergency suspensions or termination of service, require performance bond and levy assessments as is necessary to enforce this policy. Guidelines for determining appropriate action are provided in Appendix C, Enforcement Response Plan.

(1) Notification of Violation

When the Director finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may serve upon that user a written Notice of Violation (NOV). Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. 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 Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(2) Consent Orders

The Director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for non-compliance. Such orders or documents will include specific action to be taken by the user to correct the non-compliance within a time period specified by the document. Mitigation projects may be accepted in lieu of payment of administrative penalties as provided in Section (k)(6)e.. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections (k)(4) and (k)(5) of this Ordinance and shall be judicially enforceable.

(3) Show Cause Hearing

The Director may order any user which has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. 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 (return receipt requested) at least fourteen (14) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as noticed, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(4) Compliance Orders

When the Director finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the

Director may issue an order to the user responsible for the discharge directing that, following a specified time period if the user does not come into compliance, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the non-compliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. Furthermore the Director may continue to require such additional self-monitoring for at least ninety (90) days after consistent compliance has been achieved. After ninety (90) days of consistent compliance, self-monitoring conditions in the discharge permit shall supersede the compliance order. 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, taking any other action against the user.

(5) Cease and Desist Orders

When the Director finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- a. Immediately comply with all requirements; and
- b. Take such appropriate remedial or preventive action as needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(6) Administrative Fines

- a. Any user which has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, shall be liable to the City for a civil penalty of at least \$1,000.00 per day per violation. Guidelines for determining the penalty are provided in Appendix C. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation [62-625.500(2)(a)5.a, FAC]. The user shall also be responsible for any other costs incurred by the City as a result of the violation.
- b. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of eight percent (8%) of the unpaid balance, and interest shall accrue thereafter at a rate of .067% per month. Users will be notified by the Director of any penalties. Payment of penalties shall be through (added to) the user's utility account. The person responsible for the utility account shall be responsible for any penalty regardless of any rental or lease agreement. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
- c. Users desiring to dispute such penalties must file a written request for the Director to reconsider the penalty within fourteen (14) days of being notified of the penalty. Where a request has merit, the Director may convene a hearing on the matter within 21 days of receipt of the request from the user. In the event the user's appeal is successful, the user's utility account shall be so adjusted. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.

- d. Any user aggrieved by a decision of the Director shall have right of appeal to the City's Code Enforcement Board, whose decision is final; subject, however, to such legal remedy as an aggrieved party might have.
- e. As a part of a Consent Order, the Director may accept mitigation projects in lieu of the payment of administrative penalties where the project provides a valuable service to the City and the user's expense in undertaking the project is at least one hundred and fifty percent (150%) of the administrative penalty.
- f. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(7) Emergency Suspensions

The Director may immediately suspend the discharge of a user, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the wastewater collection and treatment facility, or which presents, or may present, an endangerment to the environment.

- a. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer or water connection, to prevent or minimize damage to the wastewater collection and treatment facility, its receiving stream, or endangerment to any individuals. The Director may allow the user to recommence its discharge when the user has

demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section (k)(8) of this Ordinance are initiated against the user.

- b. A user responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Sections (k)(3) or (k)(8) of this Ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(8) Termination of Discharge

In addition to the provisions in Section (f)(5) of this Ordinance, any user, required to maintain a wastewater permit, who violates the following conditions of this Ordinance, wastewater permits, or orders issued hereunder is subject to discharge termination:

- a. Violation of wastewater discharge permit conditions;
- b. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- c. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- d. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- e. Violation of the pretreatment standards in Section 57.79(c) of this Ordinance.

Noncomplying user(s) will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section (k)(3) of this

Ordinance why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user.

(1) *Judicial Enforcement Remedies*

(1) Injunctive Relief

When a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may petition the Court of appropriate jurisdiction 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. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(2) Civil Penalties

- a. Any user who has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a minimum civil penalty of [\$1,000] per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- b. The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, administrative costs, costs of



consultation and expert testimony 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 guidelines established in Appendix C and all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- d. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(3) Criminal Prosecution

- a. A user who willfully or negligently violates any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least One Thousand Dollars (\$1,000.00) per violation, per day, or imprisonment for not more than sixty (60) days, or both.
- b. A user who willfully or negligently introduces any substance into the wastewater collection and treatment facility which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least One Thousand Dollars (\$1,000.00), or be subject to imprisonment for not more than sixty (60) days, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- c. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other

documentation filed, or required to be maintained, pursuant to this 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 by a fine of at least One Thousand Dollars (\$1,000.00) per violation, per day, or imprisonment for not more than sixty (60) days, or both.

(4) Remedies Nonexclusive

The remedies provided for in this Ordinance are not exclusive. The Director may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Director may take other action against any user when the circumstances warrant. Further, the Director may take more than one enforcement action against any non-compliant user.

(5) Enforcement Guidelines

Guidelines in Appendix C shall be used to determine City response to a violation of this Ordinance. The Director shall determine the appropriate response and assessment, as authorized by this Ordinance. Should a violation not be specifically addressed within the text of the Ordinance, the Director shall determine appropriate response and assessment.

*(m) Supplemental Enforcement Action*

(1) Performance Bonds

The Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit, or 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

Director to be necessary to achieve consistent compliance.

(2) Liability Insurance

The Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit, or 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 wastewater collection and treatment facility caused by its discharge.

(n) *Affirmative Defenses to Discharge Violations*

(1) Upset

- a. For the purposes of this section, "upset" means an incident in which there is unintentional and temporary non-compliance with categorical pretreatment standards due to factors beyond the reasonable control of the user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical pretreatment standards if the requirements of paragraph (c.), below, are met.
- c. A user who wishes to establish the affirmative defense of 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 workman-like manner and in compliance with applicable operation and maintenance procedures; and

3. The user has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five (5) days:

- A. A description of the indirect discharge and cause of noncompliance;
- B. The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- C. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.

- d. In any enforcement proceeding, the IU seeking to establish the occurrence of an upset shall have the burden of proof.
- e. IUs 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.
- f. IUs shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(2) Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance

with the general prohibitions in Section (c)(1) of this Ordinance or the specific prohibitions in Sections (c)(1)(a) through (c)(1)(r) 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 discharges from other sources, would cause pass through or interference and that either:

- a. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- b. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City of Rockledge was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(3) Bypass

- a. For the purposes of this section:
  1. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
  2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

c. Bypass Notifications

1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass.

2. A user shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

d. Bypass Defense

1. Bypass is prohibited, and the Director may take an enforcement action against a user for a bypass, unless:

- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (b) 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

(c) The user submitted notices as required under paragraph (C) of this section.

2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

(o) *Wastewater Treatment Rates*

Proposed rates are as follows:  
[RESERVED]

(p) *Miscellaneous Provisions*

(1) Pretreatment Charges and Fees

a. The City shall collect reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include:

1. Fees for wastewater discharge permit applications including the cost of processing such applications;

2. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;

3. Fees for reviewing and responding to accidental discharge procedures and construction;

4. Fees for filing appeals; and

5. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

b. The following fee structure will be followed for all applicable commercial users:

1. Significant Industrial User, Categorical Industrial Users will be charged a permit fee to accompany the Wastewater discharge application in the amount of \$3,000.00. This is a three (3) year permit.

A. One-year permit extensions may be granted, at a cost of \$1,000.00. The Wastewater Discharge Permit cannot be extended beyond five (5) years from the original permit date.

B. Non-Discharging CIU will be charged a permit fee to accompany the Wastewater permit application in the amount of \$750.00. This is a three (3) year permit.

1. One-year permit extensions may be granted, at a cost of \$250.00. The Wastewater Non-Discharge Permit cannot be extended beyond five (5) years from the original permit date.

2. Best Management Program, Minor Industrial Users, issued a permit; will be charged a program fee to accompany the Wastewater discharge application in the amount of \$750.00. This is a three (3) year permit.

3. Commercial Users required to operate Grease Interceptors or Petroleum Oil/Water Separators, as listed in Chapter 30; will be assessed an annual fee of \$240.00.

4. Commercial Users required to operate Private Lift Stations, as listed in Chapter 30; will be assessed an annual fee of \$120.00.

C. Individual residential customers are not subject to the above-listed fees.



D. Commercial Users subject to Enforcement Fines and Fees are subject to associated Fines and Fees as listed in Appendix C.

E. These rates are effective for all New Users upon amendment date. Existing Users will be assessed associated fees upon permit cycle renewal or annual calendar cycle.

(q) *Effective Date*

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.