

City of Rockledge

**REQUIREMENTS AND STANDARDS
FOR
DIRECT AND INDIRECT DISCHARGES
INTO THE
WASTEWATER AND COLLECTION
TREATMENT SYSTEM
OF THE
CITY OF ROCKLEDGE

(Sewer Pretreatment Regulations)**

Adopted October 9, 1996 (Ordinance No. 1129-96)
Amended June 18, 1997 (Ordinance No. 1141-97)
Amended June 4, 2003 (Resolution No. 2003-517)
Amended June 6, 2007 (Resolution No. 2007-611)
Amended August 5, 2009 (Resolution No. 2009-655)

ORDINANCE NO. 1129-96

AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, TO PROVIDE FOR AN INDUSTRIAL PRETREATMENT ORDINANCE; TO ADOPT UNIFORM REQUIREMENTS FOR USERS OF THE WASTEWATER COLLECTION AND TREATMENT SYSTEM; AND TO ENABLE THE CITY TO COMPLY WITH FEDERAL AND STATE LAW; TO PROVIDE FOR PROCEDURES TO IMPLEMENT THE ORDINANCE; TO PROVIDE FOR THE BENEFICIAL PUBLIC USE OF THE CITY'S WASTEWATER FACILITIES THROUGH REGULATION OF SEWER USE AND WASTEWATER DISCHARGE; TO PROVIDE EFFICIENT WASTEWATER TREATMENT THAT MEETS THE DEMAND OF THE COMMUNITY FOR MAINTAINING PUBLIC HEALTH AND ENVIRONMENTAL STANDARDS; TO PROVIDE PROCEDURES FOR COMPLYING WITH THE REQUIREMENTS OF THE ORDINANCE; TO PROVIDE PENALTIES AND OTHER PROCEDURES FOR VIOLATIONS; AND TO ESTABLISH AN EXHIBIT TO THE ORDINANCE TO BE USED BY THE PUBLIC ENTITLED "REQUIREMENTS AND STANDARDS FOR DIRECT AND INDIRECT DISCHARGES INTO THE WASTEWATER COLLECTION AND 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.

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

SECTION 1. This Ordinance sets forth uniform requirements for users of the wastewater collection and treatment system for the City of Rockledge (City) and enables the City to comply with applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*), the General Pretreatment Regulations (40 Code of Federal Regulations Part 403)-, and the requirements for existing and new sources of pollution (Chapter 62-625 FAC).

SECTION 2. The purpose of this Ordinance is to provide procedures for implementing Sections 57.70 through 57.79 of the City of Rockledge Code in order to provide for the maximum possible beneficial public use of the City's wastewater facilities through regulation of sewer use and wastewater discharge; while providing efficient wastewater treatment that meets the

demand of the community for maintaining public health and environmental standards; to provide procedures for complying with the requirements contained herein; and providing penalties and other procedures for violations thereof.

A copy of this policy will be available without charge from the Director of Wastewater Treatment and Water Reclamation (Director).

SECTION 3. Established herein as Exhibit "A" to this Ordinance are "Requirements and Standards for Direct and Indirect Discharges Into the Wastewater Collection and Treatment System of the City of Rockledge" which are adopted herein by reference for the protection of the public health, safety and welfare. Following the adoption of this Ordinance, the City may amend Exhibit "A", Requirements and Standards, by Resolution adopted at a regular meeting of the City Council. The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the City wastewater treatment system that will interfere with its operation;
- B. To prevent the introduction of pollutants into the City wastewater treatment system that will pass through the City wastewater treatment system, inadequately treated, into receiving waters, or otherwise be incompatible with the City wastewater treatment system;
- C. To protect the general public and City of Rockledge personnel who may be affected by wastewater and sludge in the course of their employment and to prevent damage or accelerated degradation to the facilities;
- D. To promote reuse and recycling of industrial wastewater and sludge from the City wastewater treatment system;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the City wastewater treat-

ment system;

- F. To enable the City of Rockledge 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 City wastewater system is subject; and
- G. To establish a wastewater permit mechanism for Significant Industrial Users.
- H. To establish a wastewater permit mechanism for Minor Industrial Users.

SECTION 4. This Ordinance and the Requirements and Standards set forth in Exhibit "A" shall apply to all users of the City wastewater treatment system, and authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

SECTION 5. This ordinance shall apply to users within the City, who by discharging wastewater into the wastewater collection system, agree to comply with the terms and conditions set forth in this policy as well as any permits or orders issued hereunder. This ordinance provides for the regulation of direct and indirect discharge to the City of Rockledge system, the issuance of permits to certain users, authorized monitoring and enforcement activities, established administrative review procedures and requires user reporting.

No industrial user located outside the City of Rockledge may discharge wastewater into the City wastewater collection system. 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 other City personnel.

SECTION 6. 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 7. This Ordinance shall become effective immediately upon approval of the same by the Mayor; or, in the event this Ordinance is vetoed by the Mayor and such veto is overridden by the City Council, it shall become effective immediately upon such veto being overridden; or, in the event this Ordinance is neither approved nor vetoed by the Mayor, it shall become effective ten days after date of its adoption.

ADOPTED at a regular meeting of the City Council of the City of Rockledge, Florida, this 9th day of October, A.D. 1996.

/s/ Richard K. Blake
Chairman, City Council of the City
of Rockledge, Florida

ATTEST:

/s/ Betsi Beatty Moist
City Clerk

APPROVED:

/s/ John J. Oates
Mayor

Date: 10-9-96

Hour: 8:35 pm

EXHIBIT "A"

**REQUIREMENTS AND STANDARDS FOR DIRECT AND
INDIRECT DISCHARGES INTO THE WASTEWATER AND
COLLECTION TREATMENT SYSTEM OF THE CITY OF ROCKLEDGE**

For reference purposes the section numbers of the Requirements and Standards shall begin with Section 10.4.

10.4 Abbreviations

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

- BOD -Biochemical Oxygen Demand (5 days @ 20°C)¹
- 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
- gpd -gallons per day
- mg/l -milligrams per liter
- NOV -Notice of Violation
- NPDES -National Pollutant Discharge Elimination System
- 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
- SWDA -Solid Waste Disposal Act, 42 USC 6901 et. seq.
- TSS -Total Suspended Solids

¹ Resolution No. 2007-611 amended this abbreviation.

- USC -United States Code

10.5 Definitions

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

- A. 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.*
- B. Approval Authority. The Florida Department of Environmental Protection or FDEP is designated as the Approval Authority.
- C. Authorized Representative of the Industrial User.
 - (1) If the user is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government

facility, or their designee.

- (4) 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.

- D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).
- E. 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.
- F. City. The City of Rockledge or the City Council of Rockledge.
- G. Composite Sample. A composite sample is a sample collected over time, formed either by continuous sampling or by mixing discrete samples.
 - (1) Composite samples may be collected individually at equal time intervals or they may be collected proportional to the flow rate. The permit may specify which type of composite sample to use, either time composites or flow proportional composites.
 - (2) Subcategories of Composite Samples.
 - (a) Sequential Composite Sample - Composed of discrete samples taken into individual containers at constant time intervals

or constant discharge increments.

(b) Continuous Composite Sample - Collected continuously from the wastestream.

(c) Areal Composite - A sample composited from individual grab samples collected on an areal or cross-sectional basis.

(3) Composite samples are used when stipulated in a permit and when:

(a) The water or wastewater stream is continuous:

(b) Analytical capabilities are limited:

(c) Determining average pollutant concentration during the compositing period:

(d) Calculating mass/unit time loadings: and

(e) Associating average flow data to parameter concentrations.

H. Day. The 24 hour period beginning at 12:01 am. This includes weekends and holidays.

I. 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.

J. Director. The Director of Wastewater Treatment and Water Reclamation, 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.

K. Domestic Discharge. Wastewater discharged from bathroom sinks, showers, sanitary facilities and drinking fountains.

L. 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.

M. Existing Source. For users not subject to Categorical Standards; any

source of discharge which commenced prior to the adoption of this ordinance. For users subject to Categorical Standards; any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

N. 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.

(1) The 15 minute time limit applies to aqueous samples only. No particular time limit applies to the collection of solid samples (e.g. residuals). Grab samples may be used to determine consistency between an industry's self-monitoring data and to corroborate the results of composite samples.

(2) Grab sampling is the preferred method of sampling under the following conditions:

(a) Wastewater quality at a particular instant in time is desired; and

(b) The water or wastewater stream is not continuous (e.g., batch discharges or intermittent flow);

(c) The characteristics of the water or wastestream are known to be constant or nearly so;

(d) When the waste conditions are relatively constant over the period of discharge. In lieu of complex sampling activities, a grab sample provides a simple and accurate method of establishing waste characteristics;

(e) The sample is to be analyzed for parameters whose characte-

ristics are likely to change significantly with time (i.e., dissolved gases, bacteria, pH, etc.);

(f) The sample is to be collected for analysis of a parameter where the compositing process could significantly affect the actual concentration;

(g) Data on maximum/minimum concentrations are desired for a continuous water or wastewater stream; and

(h) Identifying and tracking slug loads and spills.

O. 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).

P. 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.

Q. 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 thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any

State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

R. 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.

S. Minor Industrial User. Any industrial user not defined as a Significant Industrial User, that the control authority wishes to regulate.

T. New Source.

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

(a) No other source is located at that site; or

(b) The source replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The new wastewater generating process of the source is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general

type of activity as the existing source, should be considered.

- (2) 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 (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin, as part of a continuous on-site 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
 - (b) 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.

U. 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.

- V. 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.
- W. 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.
- X. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- Y. 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).
- Z. 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 dilut-

ing the concentration of the pollutants unless allowed by an applicable pretreatment standard.

- AA. 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.
- BB. Pretreatment Standards or Standards. Prohibited discharge standards, categorical pretreatment standards, and local limits.
- CC. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 20.1 of this ordinance.
- DD. Septic Tank Waste/Septage. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- EE. Sewage. Human excrement and gray water (household showers, dish washing operations, etc.).
- FF. Significant Industrial User.
 - (1) An industrial user subject to categorical pretreatment standards; or
 - (2) An industrial user that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the wastewater collection and treatment facility (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
 - (b) 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

(c) 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.

(3) 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. Significant Industrial Users are required to maintain an approved wastewater permit.

GG. Significant Noncompliance (SNC).

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6-)month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- (2) 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 daily maximum

limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

- (3) Any other discharge violation 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;
- (4) 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;
- (5) 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;
- (6) 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;
- (7) Failure to accurately report non-compliance; or
- (8) 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 70.1.

- HH. Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 20.1 of this ordinance.
- II. Standard Industrial Classification (SIC) Code. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.
- JJ. Standard Methods. *Standard Methods for the Examination of Wastes and Wastewater*, ed. Clesceri, Greenberg and Trussell.
- KK. State. State of Florida.
- LL. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting therefrom.
- MM. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- NN. User or Industrial User. 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.
- OO. 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.
- PP. 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 na-

ture and any conveyances which channel wastewater to a treatment system.

QQ. 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.

10.6 Severability

If any provision of this policy is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

10.7 Conflicts

Other policies and parts of other policies inconsistent or conflicting with any part of this policy are hereby repealed to the extent of the inconsistency or conflict.

SECTION 20 - GENERAL SYSTEM USE REQUIREMENTS

20.1 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 5% nor any single reading over 10% 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;²
- 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

² Resolution No. 2003-517 amended this section.

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 one-half inch (1/2") or 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°F (55°C) at the point of discharge to the wastewater treatment system, or which will inhibit biological activity in the treatment system resulting in interference; but in no case wastewater which causes the temperature of wastewater immediately downstream of the point of introduction into the treatment system to exceed 104°F (40°C) during minimum flow conditions within the receiving public sewer conduit.
- F. Any oils or greases, including but not limited to petroleum oil, non-biodegradable cutting oil, products of mineral oil origin, in amounts greater than 100 mg/L using EPA Method 1664. Any fats, oils,

grease of animal or vegetable origin, in amounts greater than 100 mg/L oil and grease, using EPA Method 413.1, Any saponifiable or non-saponifiable fats, oils or greases that will cause interference or pass through.³⁴

- 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 30.6 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;

³ Resolution No. 2003-517 amended this section.

⁴ Resolution No. 2007-611 amended this section.

- 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 product 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 40.7. 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.

20.2 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 are 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.

20.4 Specific Local Limits

The following pollutant limits⁵ 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 20.1(R) (Prohibited Discharge) and Section 20.7 (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
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.

⁵ Resolution No. 2009-655 amended this list

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.⁶

20.5 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.

20.6 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.

20.7 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. 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

⁶ Ordinance No. 1141-97 amended this section.

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 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 30.2(C) 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 - Methyl naphthalene + 1 -Methyl naphthalene + 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.

SECTION 30 - WASTEWATER PRETREATMENT

30.1 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 20.1 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.

30.2 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 Chapter 8 of the Standard Plumbing Code, as adopted by the Southern Building Code Congress International, Inc. 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 intercept-

tors 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 it's expense.

- C. Grease interceptors shall be provided as required in 57.79.(i).
- D. 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.
- E. 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 property and at his 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.

30.3 Separation of Domestic and Industrial Wastestreams

In order that representative sampling may occur, permitted industrial users must separate domestic wastestreams from industrial wastestreams.

30.4 Accidental Discharge/Slug Control Plans

Users shall provide protection from accidental discharge of materials which, if discharged, would violate Section 20.1 of this ordinance. The Director may require a 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 60.6 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 60.9 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.

30.5 Monitoring/Control Manhole

All permitted industrial users shall install a monitoring/control manhole, or manholes, downstream from any treatment, storage or other approval pre-treatment 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. The Director, at his 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.

30.6 Hauled Wastewater

- A. Only septic tank waste (septage) or other approved non-industrial wastes will be accepted for disposal.
- B. Septic tank waste (septage) and other non-industrial hauled wastes that have been specifically approved by the Director may be introduced into the wastewater collection and treatment facility only at locations designated by the Director, providing such discharge does not violate Section 20.1 or any other requirements established by the City. In addition to Director approval, septic tank waste haulers may be required to obtain wastewater discharge permits.
- C. The septage hauling vehicle must have discharge connections that are compatible with facilities provided by the City. Tanks, piping, valves, etc. shall be free of any leakage of waste. Additionally,

the vehicle and pumping equipment must be free of leakage of fuel, lubricating or hydraulic fluids.

- D. Any vehicle that has been used to haul any product not approved for discharge to the Wastewater Treatment Facility shall be purged and inspected by authorized personnel prior to use. A Truck Report, containing the date and the following statement must be given to the City prior to re-use of the truck for hauling products approved for discharge.

"I _____ have inspected truck No. _____(identification No.) and attest that the tank, pump and piping are free of residual product."

A letter listing authorized inspectors must be signed by an authorized company representative (as provided by Section 10.5(c) of this ordinance and provided to the City).

- E. Fees for dumping septage will be established as part of the user fee system as authorized in Section 140 of this ordinance.

SECTION 40 - WASTEWATER DISCHARGE PERMIT APPLICATION

40.1 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. A copy of the Questionnaire is attached as Appendix B, however it may be modified by the Director or additional information may be required. 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 40.7.

40.2 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.

40.3 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 40.3 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 100 through 120 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.

40.4 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 40.6 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.

40.5 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 re-commencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 40 of this ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

40.6 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 60.1(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. Measured daily maximum, daily average and monthly average wastewater flow rates including daily, monthly and seasonal variations;
- 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.

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.

40.7 Application Signatories and Certification

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."

40.8 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. If no determination is made within this time, the application will be deemed denied. The Director may deny any application for a wastewater discharge permit.

SECTION 50 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

50.1 Wastewater Discharge Permit Duration

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

50.2 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 50.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits applied to the user based on applicable pretreatment standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an

identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and

- (5) A statement of applicable penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

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) Installation requirements for 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) Development and implementation requirements for spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (5) Installation and maintenance requirements for 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) Reporting Requirements for Non-compliance, within twenty-four (24) hours of occurrence;
 - (8) Notification requirements for 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 occurrence;
 - (9) Automatic re-sampling and reporting requirements, within 30 days of any violation identified during self-monitoring;
 - (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 60.13 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 collec-

tion and treatment facility;

- (15) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (16) 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;
- (17) Specify certification and /or minimum qualifications for pretreatment works operators.
- (18) Other conditions as deemed appropriate by the Director to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

50.3 Wastewater Discharge Permit Appeals

The Director shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Director to reconsider the terms of a wastewater discharge permit within fourteen (14) days of notice.

- A. Failure to submit a timely petition for review shall be deemed a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the objectionable wastewater discharge permit provision(s), the reasons for this objection and the alternative condition, if any, the user seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall be stayed pending the appeal.
- D. The Director shall make his or her decision in writing within fifteen

(15) days of receipt of the petition to reconsider and a written decision not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the City Manager. The decision of the City Manager shall be final.

50.4 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 50.5.

The filing of a request by the user for permit modification does not stay any permit condition(s).

50.5 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.

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 140 and 150 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.

50.6 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 60.5 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; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

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 50.5. Existing wastewater discharge permits issued to a particular user are void upon the issuance of a new permit to

that user.

50.7 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 40.6 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

⁷ Resolution No. 2003-517 amended this section.

SECTION 60 - REPORTING REQUIREMENTS

60.1 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.
- A. 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 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 60.11 of this ordinance.
 - (c) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols oil and grease, sulfide and vola-

tile 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 6.12 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 60.2 or Appendix D of this ordinance.
- (8) Signature and Certification. Baseline monitoring reports must be signed and certified in accordance with Section 40.7 of this ordinance.

60.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 60.1(B)(7) 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 discretion, reporting intervals shorter than those defined by compliance schedule increments.

60.3 Compliance Reports for Categorical Pretreatment Requirements

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 60.1(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. Compliance reports must be signed and certified in accordance with Section 40.7 of this ordinance.

60.4 Periodic Compliance Reports for Significant Industrial Users

Any user subject to a pre-treatment standard or requiring pre-treatment to meet a specific limitation shall, at a frequency determined by the Director, but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such standards and the measured or estimated average or maximum daily flows for the reporting period. Periodic compliance reports must be signed and certified in accordance with Section 40.7. All Significant Industrial Users, including those that meet discharge limits without pre-treatment, 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. Reports shall not be required of waste haulers.

A. Wastewater samples must be representative of the user's discharge.

Wastewater monitoring and flow measurement facilities shall be prop-

erly 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.

- B. 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 60.12 of this ordinance, the results of this monitoring shall be included in the report.

60.5 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.

- A. 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 40 of this ordinance.
- B. The Director may issue a wastewater discharge permit under Section 40.8 of this ordinance or modify an existing wastewater discharge permit under Section 50.4 of this ordinance in response to changed conditions or anticipated changed conditions.
- C. No user shall implement the planned changed condition(s) until and unless the Director has responded to the user's notice.
- D. For purposes of this requirement, changes include, but are not limited to, flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants.

60.6 Reports of Potential Problems

Each user shall 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 within twenty-four (24) hours. 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.⁸ 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.

⁸ Resolution No. 2007-611 amended this section.

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.

60.7 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.

60.8 Timing

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

60.9 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. 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.

60.10 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 60.9. If such discharge occurs accidentally, intentionally, or is

suspected to have occurred, it shall be reported in accordance with Section 60.6.

60.11 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.⁹

60.12 Sample Collection

- A. Except as indicated in Section B, below, wastewater samples collected for purposes of determining user compliance with pretreatment standards and requirements must be obtained using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- 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 tech-

⁹ Resolution No. 2007-611 amended this section.

niques. Compliance sampling by the city for specific pollutant limitations as provided in Section 20.4 shall also be obtained using grab collection techniques.

- C. 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.

60.13 Record Keeping

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.

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.¹⁰ 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.

¹⁰ Resolution No. 2007-611 amended this section.

SECTION 70 - COMPLIANCE MONITORING

70.1 Right of Entry: Inspection and Sampling

The Director shall have the right to enter any user facility at a reasonable time to determine whether the purpose of this ordinance is being met and to determine if the user is complying with the requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Any user shall allow the Director ready access to all parts of its facility 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. In addition to discharge, samples may be taken of any product used or stored and of any intermediate product produced in the facility.
- D. 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 con-

dition by the user at its own expense. Any City-owned equipment operating at a users facility will be maintained at the user's expense. To ensure accuracy, equipment used to measure wastewater flow and quality shall be calibrated as indicated by the equipment manufacturer.

- E. The City shall be given the opportunity to interview user employees regarding facilities operation, pretreatment and spills.
- F. 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.
- G. 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 100.8 of this ordinance.

70.2 Search Warrants

If the Director or his 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.

SECTION 80 - 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.

**SECTION 90 - RECOGNITION OF OUTSTANDING CUSTOMERS AND PUBLICATION OF USERS
IN SIGNIFICANT NON-COMPLIANCE**

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.

The City shall fully satisfy the public participation requirements of the State of Florida, which shall include annual publication, in the largest daily newspaper published in Brevard County, a list of the users which, during the previous twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements.

SECTION 100 - 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.

100.1 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.

100.2 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

100.6(E). Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 100.4 and 100.5 of this ordinance and shall be judicially enforceable.

100.3 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.

100.4 Compliance Orders

When the Director finds that an 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.

100.5 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 pre-

requisite for, taking any other action against the user.

100.6 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 the maximum not to exceed **[\$1000.00]**. 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. 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 suc-

cessful, 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.

100.7 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 100.8 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 100.3 or 100.8 of this ordinance.

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

100.8 Termination of Discharge

In addition to the provisions in Section 50.6 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 20 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 100.3 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.

SECTION 110 - JUDICIAL ENFORCEMENT REMEDIES

110.1 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.

110.2 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 maximum 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.

110.3 Criminal Prosecution¹¹

- 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 [**of the second degree, punishable as provided in Sections ___(775.082, 775.083) of the Florida Statutes.....**] 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.

¹¹ Resolution No. 2007-611 amended this section.

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 not more than One Thousand Dollars (\$1,000.00) per violation, per day, or imprisonment for not more than sixty (60) days, or both.

110.4 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.

110.5 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.

SECTION 120 - SUPPLEMENTAL ENFORCEMENT ACTION

120.1 Performance Bonds [Optional]

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.

120.2 Liability Insurance [Optional]

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.

SECTION 130 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

130.1 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 non-compliance;
 - (b) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-

- compliance is expected to continue; and
- (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.

130.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 20.1 of this ordinance or the specific prohibitions in Sections 20.1 (A) - 20.1 (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.

130.3 Bypass

- A. For the purposes of this section,
- (1) "Bypass" means the intentional diversion of wastestreams from any portion of a users 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 nat-

ural 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.

(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.

- (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.

SECTION 140 - WASTEWATER TREATMENT RATES
Proposed rates are as follows:

[RESERVED]

SECTION 150 - MISCELLANEOUS PROVISIONS

150.1 Pretreatment Charges and Fees [Optional]

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

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. 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;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and
- E. 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.