

CITY OF TAMPA'S

WASTEWATER DISCHARGE AND INDUSTRIAL
PRETREATMENT STANDARDS
TECHNICAL MANUAL



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SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

- A. This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Tampa and enables the City to comply with all applicable state and federal laws, including the Clean Water Act (“Act”), as amended, set forth in 33 United States Code § 1251 *et seq.* and the General Pretreatment Regulations for Existing and New Sources of Pollution, as amended and set forth in 40 Code of Federal Regulations Part 403. The objectives of this ordinance are the following:
1. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
 2. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
 3. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment, and the general public;
 4. To promote reuse and recycling of industrial wastewater, and to improve opportunities to recycle biosolids (sludge) from the Publicly Owned Treatment Works; and
 5. To enable the City of Tampa 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 Publicly Owned Treatment Works is subject.
- B. This ordinance shall apply to all users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; and requires user reporting.

1.2 Administration

Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other City personnel.

1.3 Abbreviations

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

BOD Biochemical Oxygen Demand

BMP	Best Management Practices
BMR	Baseline Monitoring Report
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
EPA	U.S. Environmental Protection Agency
F.A.C.	Florida Administrative Code
FDEP	Florida Department of Environmental Protection
gpd	gallons per day
IU	Industrial User
mg/l	milligrams per liter
NAICS	North American Industrial Classification System
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical Industrial User
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIU	Significant Industrial User
SNC	Significant Noncompliance
TSS	Total Suspended Solids
U.S.C.	United States Code

1.4 Definitions

40 CFR 403 shall mean Part 403 of Title 40 of the Code of Federal Regulations, entitled, "General Pretreatment Regulations for Existing and New Sources of Pollution."

62-160 shall mean Chapter 62-160, Florida Administrative Code (F.A.C.), entitled "Quality Assurance."

62-625 shall mean Chapter 62-625, Florida Administrative Code (F.A.C.), entitled "Pretreatment Requirements for Existing and New Sources of Pollution."

"Act" or "the Act" shall mean The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 United States Code (U.S.C.) Section 1251 et. seq.

Approval Authority shall mean the state of Florida Department of Environmental Protection or its successor agencies.

Authorized Representative or Duly Authorized Representative of the User or Industrial User shall mean:

(1) If the user is a corporation, the responsible corporate officer means:

(a) The president, secretary, treasurer or vice-president of a 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 operating facilities provided the manager;

1. Is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making capital investment recommendations;
2. Is authorized to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations;
3. Can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements, and/or other control mechanism requirements as set forth in Rule 62-625.500(2)(a)2 F.A.C.;
4. Has been assigned or delegated the authority to sign documents in accordance with corporate procedures.

(2) The user or a general user is a partnership or sole proprietorship; a general partner or sole proprietor, respectively.

(3) The user is a federal, state, or local government 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 one (1) through three (3) above, may designate a duly authorized representative, if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Tampa.

Best Management Practices (BMPs) mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in subsections 62-625.400(1)(a) and (2), F.A.C. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, industrial sludge or waste disposal, or drainage from raw materials storage.

Biochemical Oxygen Demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures, in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter by weight.

Bypass shall mean the intentional diversion of wastewater streams from any portion of an industrial user's treatment facility.

Capacity Fee means a non-refundable capital expansion fee or impact charge designed to recover, from future customers generating the demand for wastewater service, the reasonably anticipated cost of the wastewater facilities necessary to provide the required wastewater service. The amount of the capacity fee is based on the City's investment in the existing and estimated costs of treatment plants and specific backbone trunk and intercepting sewers to be utilized by future customers, plus the rated carrying costs incurred by the City while waiting for the future customer to connect to the system.

Categorical Industrial User means an industrial user subject to categorical pretreatment standards under Rule 62-625.410 F.A.C., including 40 CFR Chapter 1, Subchapter N, Parts 405 through 471, as of July 1, 2009, hereby adopted and incorporated by reference.

Categorical Pretreatment Standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Clean Water Act ("Act"), as amended, 33 U.S.C. Section 1317) that apply to a specific category of users, i.e. existing or new industrial users, and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471, and which have been adopted and incorporated by reference by the Florida Department of Environmental Protection (FDEP) in Subsection 62-625.200(3), F.A.C. Categorical Pretreatment Standard also means any regulation containing pollutant discharge limits promulgated by the FDEP in accordance with Rule 62-625.410 F.A.C., "Pretreatment Standards; Categorical Standards," as amended.

Chapter shall mean City of Tampa Code Chapter 26, entitled "The City of Tampa Utilities Ordinance" Article III, which is entitled the "City of Tampa Wastewater Department Ordinance."

City or "the City" or "this City" shall be construed to as if the words "of Tampa" follow and shall extend to and include its several officers, agents and employees.

Code of Federal Regulations (CFR) is the codification of general and permanent rules and regulations (sometimes called administrative law) published in the Federal Register by the executive departments and agencies of the Federal Government of the United States through the rulemaking process set out in the Administrative Procedures Act. These regulations are published chronologically in the Federal Register, and then compiled by topic or subject matter in the Code of Federal Regulations.

Color shall mean the true color of the light transmitted through waste solution after removing suspended material, including the pseudo colloidal particles.

Commitment means an official document authorizing performance of a specific activity regulated by this ordinance.

Composite Sample shall mean a sample collected over time, formed either by continuous sampling or by mixing discrete samples.

Control Authority shall mean, for the purpose of this provision, the City of Tampa.

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

Department means the Wastewater Department of the City of Tampa, which shall have jurisdiction and cognizance over the Publicly Owned Treatment Works (POTW) and treatment works of the City, and all matters relating to the use, management, operation, and maintenance thereof.

Director means the Director of the Wastewater Department, and/or his or her duly authorized designee, who shall be responsible for the management of the affairs of such Department, and for administration and enforcement of the provisions set forth in this ordinance.

Domestic Wastewater means all liquid and waterborne pollutants, exclusive of unpolluted water or wastewater, or wastes from processes or operations in industrial establishments.

Environmental Protection Agency (EPA) means the United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

Existing Source shall mean any source of discharge, the construction or operation of which commenced prior to the publication by the Federal Environmental Protection Agency 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 Clean Water Act ("Act").

Florida Administrative Code (F.A.C.) means it is the official compilation of the administrative rules for the state of Florida

Florida Department of Environmental Protection (FDEP) means the state of Florida Department of Environmental Protection, or any like agency, performing a similar function.

Grab Sample shall mean a single "dip and take" sample collected at a representative point in the discharge system.

Indirect Discharge shall mean the introduction of pollutants to a Publicly Owned Treatment Works (POTW) from any non-domestic source regulated under Section 307(b), (c), or (d) of the Clean Water Act ("Act").

Industrial User means a source of indirect discharge.

Industrial Waste means the liquid and waterborne pollutants resulting from processes or operations employed in industrial establishments, as distinguished from domestic sewage.

Instantaneous Limit shall mean 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.

Interference shall mean a discharge, which alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation, or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder, or more stringent state or local regulations: Section 405 of the Clean Water Act ("Act"), the Solid Waste Disposal Act (SWDA) including Title 11, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Local Limit shall mean specific discharge limits developed and enforced by the City of Tampa (Control Authority) upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Medical Waste shall mean any 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.

Monthly average shall mean the average results of all sampling, either grab samples or 24-hour composite samples, taken during a calendar month.

New source shall mean:

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

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

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

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

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (l)(b), or (l)(c) of this definition, 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 onsite construction program:

1. Any placement, assembly, or installation of facilities or equipment; or
2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchases of facilities or equipment, which is intended to be used in its operation within a reasonable time. Options to purchase, or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Non-Contact Cooling Water shall mean water used for cooling, which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. The only pollutant contributed from the discharge is heat.

Non-Significant Categorical Industrial User (NSCIU) means an industrial user that discharges 100 gallons per day (gpd) or less of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and;

(1) Has consistently complied with all applicable categorical pretreatment standards and requirements;

(2) Annually submits the certification statement required in subsection 62-625.600(17), F.A.C., together with any additional information necessary to support the certification statement; and

(3) Never discharges any untreated categorical process wastewater.

Normal Strength means a wastewater strength determined by the Department to be typical for domestic users.

North American Industrial Classification System (NAICS) is an industry coding system designed to facilitate the collection, analysis, and presentation of economic data in the United States (U.S.), Canada, and Mexico, which are all member nations of the North America Free Trade Agreement (NAFTA). First implemented in 1997, as amended or supplemented, by the U.S. Office of Management and Budget (OMB), it is the successor to the Standard Industrial Classification (SIC) system.

NPDES Permit shall mean National Pollutant Discharge Elimination System Permit, a permit issued pursuant to Section 402 of the Clean Water Act (“Act”).

Official shall mean the Wastewater Department Director and/or his or her designee.

Pass Through shall mean a discharge which exits the POTW into waters of the state, or of the United States, 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 POTW's NPDES permit, including an increase in the magnitude or duration of a violation.

Person shall mean any individual, firm, company, association, corporation, governmental agency, board, commission, or municipal corporation other than the City of Tampa.

pH shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in moles per liter of solution. Stabilized pH is that determined after a sample of the waste has been subjected to natural aeration.

Pollutant shall mean dredged spoil, solid waste, incinerator residue, filter backwash, garbage, sewage, sludge, munitions, chemical wastes, biological materials, radioactive materials, except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011 et seq.), heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, and agricultural waste discharged into water.

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants properties in wastewater prior to, or in lieu of discharging, or otherwise introducing such pollutants into a wastewater treatment facility.

Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

Pretreatment Standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Prohibited Discharge Standards or prohibited discharges shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.

Properly Shredded Garbage shall mean the organic wastes resulting from the preparation, cooking, and dispensing of foods that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle being greater than one-half inch in any dimension.

Publicly Owned Treatment Works (POTW) shall mean the following:

(1) The “treatment works” as defined by Section 212 of the Clean Water Act (“Act”), which is owned by a “state or municipality,” as defined by Section 502(4) of the Clean Water Act (“Act”); and

(2) A facility which discharges wastes into the waters of the state, or which can reasonably be expected to be a source of water pollution and includes any or all of the following: the collection and transmission system, the wastewater treatment works, the reuse or disposal system, and the residuals management facility; and

(3) Includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature; and

(4) Includes sewers, pipes and other conveyance only if they convey wastewater to the POTW treatment plant.

Receiving Stream shall mean that body of water, stream, or watercourse receiving the discharge from a wastewater treatment plant, or that body of water, stream, or watercourse formed by the effluent from a wastewater treatment plant.

Sanitary Sewer means a public sewer owned or operated by the City of Tampa that carries liquid and waterborne wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground and surface waters that are not admitted intentionally.

Septic Tank Waste shall mean the contents of a settling tank in which settled sludge is in immediate contact with domestic sewage flowing through the tank while solids are decomposed by anaerobic bacterial action.

Service Area means the area within which the Department provides complete wastewater collection and disposal service, comprising the City of Tampa and the intergovernmental agreement area, as defined in the Intergovernmental Public Sanitary Sewer Agreement between the City of Tampa and Hillsborough County, dated August 15, 1967, as amended, or as shall hereafter be amended. For the purposes of this ordinance the service area does not include the areas in which wastewater collection systems are operated by other municipalities within Hillsborough County or by franchise, as well as those portions of Hillsborough County not included in the intergovernmental agreement act as hereinabove described, which discharge the collected wastewaters to the City treatment works. Nothing herein shall be construed as obligating the City or the Department to furnish or extend wastewater collection service to non-sewered areas within the service area. The provision of service shall be left to the discretion of

the Department, and will be subject to the application for service process as specified in this ordinance.

Service Area Districts means the sewer service area comprised of sewer service area districts as provided by Resolution 3079-1 for the purpose of establishing an equitable capacity fee component for each district, which is based on the cost of the intercepting system serving the district.

Sewage shall mean the spent water from a community comprising the liquid and water-carried wastes from residences, commercial buildings, industries and institutions, together with minor quantities of ground and surface waters that are not admitted intentionally and shall be synonymous with wastewater.

Sewer Improvement Service Charge means a non-refundable fee from customers receiving benefit, which recovers the cost of providing the local or neighborhood collection system. This fee is recalculated by audit every three (3) years.

Sewer Improvements shall mean the sewer mains, service laterals and appurtenant facilities, which serve the purpose of collecting wastewater from the premises connected thereto for conveyance to a trunk or intercepting sewer. Portions of the trunk and intercepting sewers may function secondarily for the purpose of collection of wastewater from connected premises, and are considered as sewer improvements with respect to such connected premises.

Significant Industrial User shall mean:

- (1) All industrial users subject to categorical pretreatment standards;
- (2) Any other industrial user that:
 - (a) Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary and/or domestic wastewater, 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 POTW treatment plant; or
 - (c) Is designated as such by the City as the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operations, or for violating any pretreatment standard or requirement in accordance with paragraph 62-625.500(2)(e) F.A.C.
- (3) That the City as the control authority (except where the FDEP is acting as the control authority) may determine that an industrial user subject to categorical pretreatment standards under Rule 62-625.410 F.A.C., including 40 CFR Chapter 1, Subchapter N, Parts 405 through 471, is a non-significant categorical industrial user (NSCIU).

(4) Upon a finding that a user meeting the criteria of Subsection (2) above has no reasonable potential for adversely affecting the POTW's operation, or for violating any pretreatment standard or requirement, the City as the control authority, may at any time, upon its own initiative, or in response to a petition received from an industrial user or POTW, in accordance with paragraph 62-625.500(2)(e), F.A.C., and with the consent of the Approval Authority (FDEP), determine that such industrial user is not a significant industrial user.

Significant Noncompliance shall mean, for the purpose of this provision, that an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken during a six (6) month period exceed (by any magnitude), a numeric pretreatment standard or requirement, including instantaneous limits;

(2) Technical Review Criteria (TRC) violations defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period, equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, total oil and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the control authority (the City) determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(4) Any discharge that has resulted in the control authority's (City's) exercise of its emergency authority under Rule 62-625.500(2)(a)5.b., F.A.C., to halt or prevent such a discharge;

(5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within forty-five (45) days after the due date, required reports, such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report non-compliance; and

(8) Any other violation or group of violations, including a violation of best management practices, which the control authority determines will adversely affect the operation or implementation of the pretreatment program, except when the approval authority (FDEP) is acting as the control authority.

Slug means any discharge of water or wastewater in which the concentration of any given pollutant or the rate of flow exceeds more than five (5) times the allowable discharge limit of concentration or average rate of flow during a normal working day (i.e., one, two or three-shift operation) and continues for a period of more than fifteen (15) minutes, or the discharge of any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the treatment works.

Special User means any industrial, commercial or institutional user of the treatment works who shall be so classified by the City, by reason of the characteristics of the wastes discharged or of the type, extent and nature of the facilities used and required to provide service to such user.

Special User Surcharge means the additional charge to industries and other users of the treatment works for treatment and disposal of wastewater with characteristics in concentrations greater than normal strength.

Strength of Waste means the concentration, expressed in milligrams per liter by weight (mg/l), of a pollutant or substance contained in the liquid waste.

Technical Manual/Technical Standards shall mean that the Official may establish technical standards setting forth administrative guidelines governing enforcement of the City of Tampa Code Chapter 26, "City of Tampa Utilities Ordinance," Article I ("Administrative Provisions"), Article III ("City of Tampa Wastewater Department Ordinance"), and Article VII ("City of Tampa Grease Management Ordinance") and any other information needed for the uniform and orderly administration of the above described City of Tampa Code provisions. The Official may also establish requirements not specifically addressed in the above described City of Tampa Code provisions, but necessary to their effective enforcement. The Official and/or City may also be required to establish requirements for enforcement under applicable federal or state law, and/or rules and regulations, and/or as a condition of the City's NPDES Permit. Such standards are to be published in the "City of Tampa's Wastewater Discharge and Industrial Pretreatment Standards Technical Manual," as amended, which shall be on file in the office of the City Clerk at least seven (7) days prior to adoption thereof and shall be made available to the public for inspection and for duplication at cost. The "City of Tampa's Wastewater Discharge and Industrial Pretreatment Standards Technical Manual," as amended, adopted by reference, shall have the force and effect of law as a municipal ordinance, subject to the requirements of applicable federal or state law, and/or rules, and regulations.

Total Suspended Solids (TSS) means the total suspended matter that either floats on the surface of, or is suspended in water, wastewater, or other liquid, and that is removable by laboratory filtration.

Treatment Works means any plant, pipeline system, facility or property used or useful, or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage and without limiting the generality of the foregoing shall include existing sewers, sewer improvements, intercepting and trunk sewers, river and channel crossings, pumping stations and force mains, the sewage treatment plant or plants, outfalls and all necessary

appurtenances and equipment, including all extensions and improvements thereto, and shall include all property, rights, easements, and franchises relating to any such work deemed necessary or convenient for the operation thereof. The term "treatment works" is synonymous with and replaces the term "sewer system" and, as such, includes the sewage disposal system, the sewer improvements and the existing sewers all as used and defined in antecedent documents.

United States Code (U.S.C.) means the compilation and codification of the general and permanent federal laws of the United States. The U.S.C. is published by the office of the Law Revision Counsel of the U.S. House of Representatives. There are two (2) leading annotated versions of the United States Code published by competing private companies, namely the United States Code Annotated (U.S.C.A.) and the United States Code Service (U.S.C.S.)

Unpolluted Wastewater means any wastewater which is substantially free of pollutants and shall contain, by definition, none of the following:

- (1) BOD in excess of five (5) milligrams per liter;
- (2) Suspended solids in excess of five (5) mg/l;
- (3) Emulsified greases or oils;
- (4) Acids and alkalies;
- (5) Phenols or other substances imparting taste or odor in receiving waters;
- (6) Toxic or poisonous substances;
- (7) Noxious or odorous gases;
- (8) Temperature in excess of one hundred fifty (150) degrees Fahrenheit.

"Unpolluted Wastewater" shall also mean any wastewaters judged by the department of pollution control of the state, to be admissible to streams and watercourses under the jurisdiction of such department, and in accordance with the standards of water quality established by such department for the particular stream or watercourse into which such unpolluted wastewater is to be discharged.

User means any person who directly or indirectly discharges, causes, or permits the discharge of wastewater into the POTW.

Wastewater means the spent water of the community comprising the liquid and water-carried wastes from residences, commercial buildings, industries and institutions, together with minor quantities of ground and surface waters that are not admitted intentionally.

Wastewater Disposal Charges means the charges made for the conveyance, treatment, and

disposal of wastewater and is synonymous with and replaces the term "sewage disposal service charges" as used in antecedent documents.

SECTION 2 -GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

- A. It shall be unlawful for any person to discharge any pollutant(s), which cause pass through or interference.
- B. It shall be unlawful for any person to discharge or deposit any of the following materials, waste materials, wastes, gases, or liquids into any sanitary sewer (except where these may constitute occasional intermittent inclusions in the wastewater discharged from residential premises):
 - 1. Any pollutant which creates a fire or explosion hazard in the POTW including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods specified in 40 CFR 261.21.
 - 2. Any water or wastes having a pH lower than 6.0 or higher than 11.0, or having any other corrosive properties capable of either causing damage or creating a hazard to structures, equipment and/or personnel of the Department. An excursion of greater than fifteen (15) minutes per day, lower than 6.0, and higher than 11.0, will be considered a violation. At no time shall the pH be less than 5.0 unless the Director stipulates in writing that the City's collection system and treatment facilities are specifically designed to accommodate such discharges. A variance to the upper pH limit may be granted if it has been determined to be beneficial to the Department. An application for the variance must be made in writing to the Director. The variance may be terminated at any time it is determined the discharge is causing damage or creating a hazard to structures, equipment and/or personnel of the Department.
 - 3. Trucked or hauled pollutants, except at discharge points designated by the Department.
 - 4. Any solid or viscous substance in quantities capable of causing obstruction to flow in sewers, or resulting in interference with the proper operation of the treatment works, including, but not limited to, ashes, cinders, ceramic wastes, sand, mud, straw, shavings, thread, glass, rags, metal, feathers, bones, tar, plastics, wood, paunch manure, insulation materials, fibers of any kind, stock or poultry feed, processed grains, viscera or other fleshy particles from meat, poultry, or seafood processing or packing plants, lime, or similar sludges.
 - 5. Any pollutants, including oxygen-demanding pollutants (BOD), etc., discharged into any treatment works in such a flow rate or strength as to cause interference with the operation or performance of the treatment works.

6. Any waste, liquid or vapor at such a temperature as will create hazardous conditions within, or cause deterioration of the sanitary sewers, or inhibit the biological activity in the treatment works resulting in interference, but in no case heat in such quantities that the temperature of the influent at the treatment works exceeds forty (40) degrees Centigrade (one hundred four (104) degrees Fahrenheit). Unless a specific temperature is a condition of the user's wastewater discharge permit, no user shall discharge effluent into any sewer line of the treatment works exceeding sixty (60) degrees Centigrade (one hundred forty (140) degrees Fahrenheit).
 7. Any water or waste containing more than one hundred (100) milligrams per liter of petroleum oil, non-biodegradable cutting oils, or products of mineral origin.
 8. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- C. It shall be unlawful for any person to discharge or deposit any of the following materials, waste materials, waste gases or liquids into any sanitary sewer; prohibited materials include, but are not limited to:
1. Any noxious or malodorous gas or any substance capable of creating a public nuisance or hazard to life, or preventing entry of workmen into the treatment plant or collection system for maintenance, inspection or repair.
 2. Any waters or wastes having a color which is not removable by the existing wastewater treatment plant processes, and which causes the plant effluent to exceed color requirements for discharge to the receiving waters.
 3. Any radioactive isotope in concentration greater than that permitted by the latest effective regulations promulgated under applicable federal or state law.
 4. Any unpolluted wastewater of storm water runoff, groundwater, or landfill leachate.
 5. Sludges, screenings, or other residues from the pretreatment of industrial wastes.
 6. Medical wastes, except as specifically authorized by the Department.
 7. Any toxic or poisonous substance or any other materials in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with the wastewater treatment processes, or to contribute a hazard to humans or animals, or to cause a violation of the water quality standards for the stream or watercourse receiving the effluent from Department operated treatment works, or cause sludge products to be unsuitable for reclamation and reuse, or to exceed the limitations set forth in a pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Clean Water Act (“Act”).

8. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW
 9. Wastewater containing floatable oils, fat or grease.
 10. Any garbage that has not been properly shredded.
 11. Any gasoline, benzene, naphtha, kerosene, toluene, xylene or other hydrocarbon solvents or oils, or other flammable or explosive liquids, solids or gases, or fuel tank bottom waters, except as specifically authorized by the Department.
 12. Any contents removed from grease traps, or food services separators.
 13. Any contents from septic tanks, except as authorized by the Department.
- D. 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 POTW.

2.2 National and State of Florida Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated by reference.

1. Where a categorical pretreatment standard is expressed only in terms of either 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(e); Rule 62-625.410(4), F.A.C.
2. 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); Rule 62-625.410(6), F.A.C.
3. 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; 62-625-700, F.A.C., that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
4. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15; Rule 62-625.820, F.A.C.

2.3 Local Limits

- A. The following maximum daily concentrations of certain metals are hereby established to protect against pass through and interference. No person shall discharge wastewater

containing in excess of the following:

Metal	Daily Maximum mg/l
Arsenic as As	0.21
Beryllium as Be	0.001
Cadmium as Cd	0.13
Chromium as Cr (Total)	2.77
Copper as Cu	0.67
Lead as Pb	0.80
Mercury as Hg	0.0002
Molybdenum as Mo	0.10
Nickel as Ni	0.42
Selenium as Se	0.47
Silver as Ag	1.80
Zinc as Zn	4.60

- B. Cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidification in excess of 0.05 mg/l by weight as CN are prohibited.
- C. Any pollutant, except in compliance with federal standards promulgated pursuant to the Clean Water Act (“Act”), and any more stringent state or local standards.
- D. The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Director may impose mass limitations in addition to, or in place of, the concentration-based limitations.
- E. The control authority (the City, except where the FDEP as the approval authority is acting as the control authority) may develop Best Management Practices (BMPs) to implement local limits, as set forth in above Section 2.3, and the requirements of Section 2.1 above. Such BMPs shall be considered local limits and pretreatment standards for purposes of this ordinance.

2.4 City's Right of Revision

Permissible concentrations of heavy metals and other incompatible pollutants in the discharge of any user of the treatment works will be evaluated and revised from time to time. Such limitations will recognize the total quantity of each such material received at the treatment works, the tolerance of the treatment processes thereto, the efficiency in removal of the material, and the appropriate effluent or stream standards adopted by the state or federal regulatory agencies.

2.5 Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a 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.

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance, and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of this ordinance within the time limitations specified by the EPA, the state of Florida, or the Director, whichever is more stringent. Any facilities 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.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- B. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All 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 their expense.
- C. All industrial users discharging or proposing to discharge in excess of twenty-five thousand (25,000) gallons per day of wastewater shall provide a control manhole, of design approved by the Director, incorporating a wastewater meter and provisions for collection of flow proportioned composite samples of wastewaters.
- D. All industrial users discharging or proposing to discharge less than twenty-five thousand

(25,000) gallons per day, shall provide means for convenient and accurate determination of the quantity of wastewater discharged to the sewers by one of the following:

1. A wastewater meter, or
 2. The City water metered into the premises, or to the industrial process and discharged to the sewers, or
 3. The private water supply metered for use on the premises, or in the process and discharged to the sewers, or
 4. A combination of (2) and (3) above.
- E. All industrial users discharging or proposing to discharge less than twenty-five thousand (25,000) gallons per day shall provide a convenient location for sampling wastewaters before discharge to the sewers. The location or locations shall permit accurate correlation of wastewater characteristics with the volume and rates of flow of wastewater past the sampling location.
- F. All control manholes and metering and sampling facilities shall be installed and maintained by the special user at his/her/their/its own expense.

3.3 Determination of Character and Strengths of Wastes

- A. The industrial waste and/or pollutants being discharged by any persons into the treatment works shall be subject to periodic inspection and analysis. A determination of character and strength of said wastes may be made annually, or more often as may be deemed necessary by the Director or his/or her authorized assistants. Samples shall be collected over such period of time and composited in such a manner as to be representative of the wastes being discharged. All activities related to sampling and analysis shall comply with the requirements of Section 6.10 of this ordinance.
- B. The determination of the character, strength, or quantity of the wastes, as made by the Director or his authorized assistants, shall be binding as a basis for computation of charges, or for actions by the City.
- C. When requested by the person discharging, the samples may be split to permit analysis by the discharger, or a qualified independent laboratory, for the discharger's information.
- D. The person having discharging wastes may request additional sampling and analysis, which will be performed as soon as practicable, with all costs, as determined by the Director, being the responsibility of the discharger.

3.4 Accidental Discharge/Slug Control Plans

At least once every two (2) years, the Director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the Director of any accidental or slug discharge, as required by Section 6.6 of this ordinance; and
4. 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.

3.5 Flow and Concentration Control

It shall be unlawful for any person to discharge any given pollutant, including oxygen-demanding pollutants (BOD), (etc.), in a slug as defined in this chapter. Any slug discharge shall be reported to the Department immediately by telephone. Procedures for immediately notifying the Director of any accidental or slug discharge are set forth by Section 6.6 of this ordinance.

3.6 Hauled Wastewater

- A. Domestic waste may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director. Such waste shall not violate Section 2 of this ordinance, or any other requirements established by the City. The Director may require domestic waste haulers to obtain wastewater discharge permits.
- B. The Director shall require haulers of industrial waste to obtain wastewater discharge permits. The Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
- C. Industrial waste haulers may discharge loads only at locations designated by the Director. No load may be discharged without prior consent of the Director. The Director may collect samples of each hauled load to ensure compliance with applicable standards. The Director

may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

- D. The Director may require industrial waste haulers to provide a waste-tracking form for any load. This form shall include at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION

4.1 Wastewater Analysis

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

4.2 Wastewater Discharge Permit Requirement

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director, except that a significant industrial user that has filed a timely application pursuant to Section 4.3 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.
- 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 10 through 11 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements, or with any other requirements of federal, state, and local law.

4.3 Wastewater Discharge Permitting: Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance, and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Director for a wastewater discharge permit in accordance with Section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Director.

4.4 Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit, who proposes to begin or recommence discharging into the POTW, must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 4.5 of this ordinance, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence.

4.5 Wastewater Discharge Permit Application Contents

- A. All users required to obtain a wastewater discharge permit must submit a permit application. The Director may require all users to submit as part of an application the following information:
1. All information required by Section 6.1 (B) of this ordinance;
 2. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally be, discharged to the POTW;
 3. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 4. Each product produced by type, amount, process or processes, and rate of production;
 5. Type and amount of raw materials processed (average and maximum per day);
 6. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, the location for monitoring all wastes, and all points of discharge;
 7. Time and duration of discharges; and
 8. Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application.
- B. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

4.6 Signatory Requirements and Certification Statements

All applications, permits, reports or information required to be submitted to the Director and/or the City under this ordinance shall be signed and certified as set forth below:

- A. Certification of Permit Applications, and/or User or Industrial User Reports.

1. The certification statement described below in paragraph A.2 is required to be signed and submitted by the person making the request, who is submitting the following documents:
 - a. Permit applications in accordance with Sections 3.6 and 4.5;
 - b. Users or industrial users submitting baseline monitoring reports in accordance with Section 6.1;
 - c. Users or industrial users submitting reports on compliance with the categorical pretreatment standard deadlines in accordance with Section 6.3; and
 - d. Users or industrial users submitting periodic compliance reports in accordance with Section 6 below.
2. The following certification statement must be signed on the above described documents by an authorized representative defined in Section 1.4 above:

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

- B. Annual Certification for Non-Significant Categorical Industrial Users. An industrial user determined to be a non-significant categorical industrial user by the Director in accordance with the definition of a non-significant categorical industrial user set forth above in Section 1.4, shall annually submit the following certification statement:

"Based on my inquiry of the person or persons responsible for managing compliance with the categorical pretreatment standards under 40 CFR (specify applicable national pretreatment standard parts (s)), I certify that, to the best of my knowledge and belief that during the period from (month, day, year) to (month, day, and year):

1. The facility described as (industrial user name) met the definition of a non-significant categorical industrial user as defined in Section 1.4 above;
2. The facility complied with all applicable pretreatment standards and requirements during this reporting period; and
3. The facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during the reporting period. This compliance

certification is based on the following information: (documentation of basis to continue exemption).”

The above certification statement must be signed by an authorized representative as defined in Section 1.4 herein. This certification must accompany any alternative report required by the City as the control authority:

- C. Changes of Authorized Representative Designation. If the designation of the authorized representative changes and/or is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, the new Authorized Representative is required to submit to the Director within thirty (30) days of this change the following documents:
 - 1. A new written authorization satisfying the requirements of the above Section 1.4’s definition of “Authorized Representative or Duly Authorized Representative of the User or Industrial User;” and
 - 2. New signatures and certification statements are required for all of the above described documents and as otherwise required by this ordinance.
 - 3. New signatures and certification statements are required to be submitted to the Director and/or City on all documents required to be signed and/or certified under this ordinance.

4.7 Wastewater Discharge Permit Decisions

- A. The Director will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the Director will determine whether or not to issue a wastewater permit. The Director may deny any application for a wastewater discharge permit.
- B. In any case where final determination has been made denying a permit to discharge industrial waste, either after an appeal or because a timely appeal has not been taken, it shall be unlawful for any person so denied a permit to discharge industrial waste into a sanitary sewer.

SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

5.1 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. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

5.2 Wastewater Discharge Permit Contents

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

- B. 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 the City in accordance with Section 5.4 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - 3. Effluent limits, including Best Management Practices, 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 frequency, and sample type based on federal, state, and local law; and
 - 5. Requirements to control slug discharge, if determined by the Director to be necessary.
 - 6. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

- C. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
 - 1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - 2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - 3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
5. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
6. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
7. Other conditions as deemed appropriate by the Director to ensure compliance with this ordinance, state and federal laws, and/or rules and regulations.

5.3 Wastewater Discharge Permit Appeals

The Director shall provide the user with a draft of the proposed wastewater discharge permit. The user may petition the Director to reconsider the terms of the proposed wastewater discharge permit within thirty (30) days of the issuance of the draft permit.

1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
2. In its appeal, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
4. If the Director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

5.4 Wastewater Discharge Permit Modification

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

1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

2. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
5. Violation of any terms or conditions of the wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
7. Revision of, or a grant of, variance from categorical pretreatment standards pursuant to 40 CFR 403.13; Rule 62-625.700 F.A.C.
8. To correct typographical or other errors in the wastewater discharge permit; or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator.

5.5 Wastewater Discharge Permit Transfer

- A. Wastewater discharge permits may be transferred to a new owner or operator 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:
 1. States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;
 2. Identifies the specific date on which the transfer is to occur; and
 3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.
- B. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

5.6 Wastewater Discharge Permit Revocation

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

1. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
 2. Failure to provide prior notification to the Director of changed conditions pursuant to Section 6.5 of this ordinance;
 3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application and/or any reports required under this ordinance;
 4. Falsifying self-monitoring reports;
 5. Tampering with monitoring equipment;
 6. Refusing to allow the Director timely access to the facility premises and records;
 7. Failure to meet effluent limitations;
 8. Failure to pay fines;
 9. Failure to pay sewer charges;
 10. Failure to meet compliance schedules;
 11. Failure to complete a wastewater survey or the wastewater discharge permit application;
 12. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
 13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance; or
 14. Material or substantial alterations or additions to the discharger's operation that adversely impact the wastewater discharge, and which were not in existence as of the date of the issued permit.
- B. Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

5.7 Wastewater Discharge Permit Reissuance

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit re-issuance by submitting a complete permit application, in accordance with Section 4.5 of this

ordinance, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit.

SECTION 6 - REPORTING REQUIREMENTS

6.1 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); Rule 62-625.410(2), F.A.C., whichever is later, existing categorical users currently discharging to, or scheduled to discharge to the POTW, shall 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, and 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 new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
1. The name and address of the industrial user, including the name of the operator and owners.
 2. A list of any environmental control permits held by, or for, the industrial user.
 3. A brief description of the nature, average rate of production, and the North American Industrial Classification System Classification (NAICS) of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes and the location for monitoring wastes.
 4. Information showing the measured average daily and maximum daily flow, in gallons per day, of the discharge from such industrial user to the treatment works from each of the following:
 - a. Regulated process streams; and
 - b. Other streams as necessary to allow use of the combined wastestream formula.
 5. Measurement of pollutants.
 - a. The categorical pretreatment standards applicable to each regulated process, and any new categorically regulated processes for existing sources.

- b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by a standard or by the Director, of regulated pollutants in the discharge from each regulated process.
 - c. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this ordinance. Where the standard requires compliance with a BMP or pollution prevention alternative, the industrial user shall submit documentation, as required by the Director, or the applicable standards to determine compliance with the standard.
 - e. All sampling and analysis must be performed in accordance with procedures set out in Sections 6.10 and 6.11 of this ordinance and Rule 65-625.600(1)(e), F.A.C.
6. A statement reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether pretreatment standards are being met consistently and, if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards.
 7. If additional pretreatment or operations and maintenance will be required to meet the pretreatment standards, then the report shall contain the shortest schedule by which the industrial user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.
 8. All baseline monitoring reports must be signed and certified in accordance with Section 4.6 of this ordinance.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1 (B) (7) of this ordinance.

1. 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 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);
2. No increment referred to above shall exceed nine (9) months;

3. The user shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the user to return to the established schedule; and
4. In no event shall more than nine (9) months elapse between such progress reports to the Director.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Director a report containing the information described in Section 6.1 (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); 62-625.410(4) F.A.C., this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.6 of this ordinance.

6.4 Periodic Compliance Reports

- A. All significant industrial users 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 pretreatment standards, and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 4.6 of this ordinance.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. 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 6.10 of this ordinance, the results of this monitoring shall be included in the report.
- D. At its discretion, the City may sample and analyze user discharges in lieu of requiring the users to conduct sampling and analysis.

6.5 Reports of Changed Conditions

Each user must notify the Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

1. The Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this ordinance.
2. The Director may issue a wastewater discharge permit under Section 4.7 of this ordinance, or modify an existing wastewater discharge permit under Section 5.3 of this ordinance, in response to changed conditions or anticipated changed conditions.
3. For purposes of this requirement significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

6.6 Reports of Potential Problems

- A. In the case of any 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 POTW, the user shall immediately telephone and notify the Director of the incident. 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. Within five (5) days following such discharge, the user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- C. A notice shall be permanently posted on the user's bulletin board, or other prominent place, advising employees or its agents who to call in the event of a discharge described in paragraph A, above. Users shall insure that all employees and/or agents who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

6.7 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director as the Director may require.

6.8 Notice of Violation/Repeat Sampling

If sampling performed by a user indicates a violation, the user must notify the Director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis, and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. The user is not required to resample if the City monitors at the user's facility at least once a month, or if the City samples between the user's initial sampling and when the user receives the results of this sampling.

6.9 Notification of the Discharge of Hazardous Waste

A. Any industrial user who discharges hazardous waste shall notify the Director, the POTW Wastewater Treatment Plant Manager, the EPA Regional Waste Management Division Director, and FDEP's hazardous waste and pretreatment authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 and/or Chapter 62-730, F.A.C. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, and/or Chapter 62-730, F.A.C., the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user:

1. An identification of the hazardous constituents contained in the wastes;
2. An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and
3. An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.

All industrial users shall provide the notification no later than one hundred and eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph (A of Section 6.9) of this ordinance needs to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions of each of the hazardous waste discharges must be submitted under 40 CFR 403.12(j) and Section 6.5 of this ordinance. The notification requirement in this paragraph (A of Section 6.9) of this ordinance does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of 40 CFR 403.12 (b), (d) and (e), and Sections 6.1, 6.3, and 6.4 of this ordinance.

B. Dischargers are exempt from the requirements of 40 CFR 403.12(p) (1) and paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d), 261.33(e), and/or Chapter 62-730, F.A.C. Discharge of more than fifteen (15)

kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d), 261.33(e), and/or Chapter 62-730 F.A.C., requires a one (1) time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

- C. In the case of any new FDEP and/or EPA regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the Director, the POTW Wastewater Treatment Plant Manager, the EPA Regional Waste Management Division Director, and FDEP's hazardous waste and pretreatment authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this Section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable federal or state law.

6.10 Analytical Requirements

All activities related to sampling and analysis shall comply with Chapter 62-160, F.A.C., and shall be conducted under the requirements of Rule 62-160.300(5), F.A.C., which is Category 2A.

1. All activities related to sampling and analysis shall be performed in accordance with Chapter 62-160, F.A.C. and 40 CFR 136 as appropriate. Sample collection methods shall be consistent with the standard operating procedures defined in the most recent revisions of DEP-SOP-001/01. Analyses must be performed by a laboratory certified by the state of Florida Department of Health Bureau of Laboratories, to be in compliance with the NELAC (National Environmental Laboratory Accreditation Conference) Standards and F.A.C. Rule 64E-1 regulations for the examination of environmental samples in the appropriate category.
2. To the extent possible, analytical tests shall be performed in accordance with the techniques prescribed in Chapter 62-160, F.A.C. If a test for a specific component is not available in Chapter 62-160, F.A.C., the testing laboratory shall select an alternative method from those listed in DER-QA-001/92 and propose its use to the Quality assurance Section of the Department. The Department shall determine if the proposed method is appropriate and applicable for use by the laboratory in accordance with Rule 62-160.530, F.A.C.
3. Where sampling or analytical techniques for the pollutant in question are not available or approved, or where the Department determines that the sampling and analytical

techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the control authority or other parties, for which method validation information has been submitted and approved by the Department in accordance with Rules 62-160.430, 62-160.520 and 62-160.530, F.A.C.

6.11 Sample Collection

- A. Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that his 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, and volatile organic compounds must be obtained using grab collection techniques.

6.12 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.13 Record Keeping Requirements

- A. Users or Industrial 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 or industrial user independent of such requirements, and including documentation associated with Best Management Practices established under Section 2.3 E of this ordinance.

Records shall include for all samples:

1. The date, exact place, method, time of sampling, and the name of the person(s) taking the samples;
 2. The dates analyses were performed;
 3. Who performed the analyses;
 4. The analytical techniques or methods used;
 5. The results of such analyses; and
 6. Proper chain of custody documentation.
- B. These records shall remain available for a period of at least three (3) years. This period

shall be automatically extended for the duration of any unresolved litigation concerning the user or industrial user and/or the City, or where the user or industrial user has been specifically notified of a longer retention period by the Director.

SECTION 7 - AUTHORITY FOR INSPECTION

7.1 Right of Entry: Inspection and Sampling

The Director shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance, and any wastewater discharge permit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

1. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities.
2. The Director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
3. The Director may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated regularly to ensure their accuracy.
4. Any temporary or permanent obstruction, to safe and easy access to the facility to be inspected and/or sampled, shall be promptly removed by the user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be born by the user.
5. Unreasonable delays in allowing the Director access to the user's premises shall be a violation of this ordinance.
6. While performing the necessary work on private properties referred to in this Section, the Director and duly authorized employees of the Department shall observe all applicable safety rules. The user shall provide safe inspection conditions for the Director, and shall provide all necessary safety information regarding the facility's safety policy pertaining to required personal safety gear.

7. User shall pay for the reasonable costs incurred by the Director related to the inspections and monitoring of wastewater discharge at user's facility.

7.2 Search Warrants

If the Director 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, 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 13th Judicial Circuit Court in and for the state of Florida or such other courts as may have jurisdiction.

SECTION 8 - CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Director's 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 applicable state law. 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 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Director shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.

SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notice 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. Within ten (10) days of 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.

10.2 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 noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document.

10.3 Emergency Suspensions

The City and/or Director may deem it necessary to take emergency action, which includes, but is not limited to, interruption or termination of service without notice, to stop or prevent any discharge which presents or may present, an imminent threat to the health or welfare of humans, which reasonably appears to threaten environment, which threatens to cause interference, pass through, or sludge contamination and/or which presents substantial endangerment to the POTW or the City's treatment works.

10.4 Show Cause Hearing

The Director may order a user which has violated, or continues to violate, any provision of this ordinance, an individual 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 show cause hearing, The notice of the show cause hearing shall be served on the user personally, or be sent by registered or certified mail (return receipt requested) at least ten (10) days prior to the show cause hearing. Such notice may be served on any Authorized Representative of the user as defined in Section 1.4, and as required by Section 4.6A. A show cause hearing shall not be a bar against, or prerequisite for taking any other action against user.

10.5 Compliance Orders

When the Director finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit or order issued hereinunder, or any other pretreatment standard or requirement, the Director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified period of time. If the user does not come into compliance within the time provided, sewer service may 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 noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. 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.

10.6 Cease and Desist Orders

When the Director finds that a user has violated, or continues to violate, any provision of this ordinance, an individual 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 may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.7 Administrative Fines

When the Director finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may fine such user in an amount not to exceed five hundred dollars (\$500.00) a day for each violation. 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.

- A. Unpaid charges, fines, and penalties shall after thirty (30) calendar days be assessed an additional penalty of six percent (6%) of the unpaid balance in accordance with City of Tampa Code Sections 26-35 and 1-28, and interest shall accrue thereafter at a rate of eighteen percent (18%) per annum for each day of delinquency in accordance with City of Tampa Code Section 1-28. A lien against the user's property shall be sought for unpaid charges, fines, and penalties in accordance with City of Tampa Code Section 1-24.
- B. Users desiring to dispute such fine must file a written request for the Director to reconsider the fine, along with full payment of the fine amount, within thirty (30) days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Director may add the costs of preparing administrative enforcement actions, such as notices, and orders, to the fine.
- C. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.8 Termination of Discharge

In addition to the provision in Section 5.6 of this ordinance, any user who violates the following conditions is subject to discharge termination:

- A. Violation of individual 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 2 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, under Section 10.4 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 11 - JUDICIAL ENFORCEMENT REMEDIES

11.1 Petition for County, State, or Federal Enforcement

In addition to other remedies for enforcement provided herein, the Director, through the City Attorney, may petition Hillsborough County, the state of Florida, the United States Department of Justice, or any other tribunal as appropriate, to exercise such methods or remedies as shall be available to such government entities to seek criminal or civil penalties, injunctive relief, or such other remedies as may be provided by applicable county, state or federal laws to ensure compliance by industrial users of applicable pretreatment standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the POTW, or to prevent such other water pollution as may be regulated by county, state or federal law.

11.2 Injunctive and Other Relief

- A. The Director, through the City Attorney, may file a petition in the name of the City of Tampa in the 13th Judicial Circuit Court in and for the state of Florida or such other courts as may have jurisdiction seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions of this ordinance or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by the City as a result of any action or inaction of any industrial user or other person who cause or suffers damage to occur to the POTW or for any other expense, loss or damage of any kind or nature suffered by the City.

- B. The City shall be able to have authority to seek or assess civil or criminal penalties in at least the amount of one thousand dollars (\$1000.00) a day for each violation by industrial users of pretreatment standards and requirements in accordance with Section 403.061(31) Florida Statutes, 40 CFR 403.8(f) (6)(vi)(A), and Rule 62-625.500(2)(a) 5a., F.A.C.

11.3 Criminal Mischief

No person shall maliciously, willfully, or deliberately break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the City of Tampa sanitary sewer system. Any person violating this provision shall be subject to immediate arrest under charge of destruction of public property in accordance with Section 806.13, Florida Statutes or Section 1-21 of the City of Tampa Code entitled "Damage to City Property."

11.4 Penalties

- A. Any industrial user who is found to have violated any provision of the pretreatment standards or requirements under this ordinance, or the Department's pretreatment orders, rules or regulations, and/or any pretreatment standard, requirement, or condition set forth in a wastewater discharge permit issued hereunder, shall be, upon conviction, subject to a monetary penalty in at least the amount of One Thousand Dollars (\$1000.00) a day in accordance with Section 403.061(31) Florida Statutes, 40 CFR 403.8(f)(6)(vi)(A), Rule 62-625.500(2)(a) 5a, F.A.C., and/or by imprisonment for not more than sixty (60) days and/or a term of probation not to exceed six (6) months as set forth in City of Tampa Code Sections 1.6, "General penalty" and 1-6.1, "Other penalties—Probation for municipal ordinance violations," or by both such fine and imprisonment for each offense. Each separate violation shall constitute a separate offense, and upon conviction of a specified ordinance violation, each day of violation shall constitute a separate violation. In addition to the penalties provided herein, the City may recover reasonable attorney fees, court costs, court reporter fees and other expenses of litigation by appropriate suit at law against the industrial user found to have violated the pretreatment standards or requirements under this ordinance or the Department's pretreatment orders, rules, regulations, and/or any pretreatment standard, requirement, or condition set forth in a wastewater discharge permit issued hereunder.
- B. Any industrial user who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to the pretreatment standards or requirements under this ordinance, or the Department's pretreatment orders, rules or regulations, and/or any pretreatment standard, requirement, or condition set forth in a wastewater discharge permit issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under the pretreatment standards and requirements set forth in this ordinance, or the Department's pretreatment orders, rules or regulations, and/or any pretreatment standard, requirement, or condition set forth in a wastewater discharge permit issued hereunder, shall be, upon conviction, be subject to a monetary penalty in at least the amount of One Thousand Dollars (\$1000.00) a day in accordance with Section 403.061(31)

Florida Statutes, 40 CFR 403.8(f)(6)(vi)(A), and Rule 62-625.500(2)(a) 5a, F.A.C. and/or by imprisonment for not more than sixty (60) days and/or a term of probation not to exceed six (6) months, as set forth in City of Tampa Code Sections 1.6, “General penalty” and 1-6.1, “Other penalties—Probation for municipal ordinance violations,” or by both such fine and imprisonment for each offense. Each day on which a violation occurs shall be deemed a separate and distinct offense.

- C. Any person or user who is found to have violated any provision under this ordinance, or the Department’s orders, rules or regulations, and/or any condition of a wastewater discharge permit issued hereunder, shall be, upon conviction, subject to a monetary penalty not to exceed the amount of Five Hundred Dollars (\$500.00) a day and/or by imprisonment for not more than sixty (60) days and/or a term of probation not to exceed six (6) months, as set forth in City of Tampa Code Sections 1.6, “General penalty” and 1-6.1, “Other penalties—Probation for municipal ordinance violations,” or by both such fine and imprisonment for each offense. Each separate violation shall constitute a separate offense, and upon conviction of a specified ordinance violation, each day of violation shall constitute a separate violation. In addition to the penalties provided herein, the City may recover reasonable attorney fees, court costs, court reporter fees and other expenses of litigation by appropriate suit at law against the person or user found to have violated any provision of this ordinance, the Department’s orders, rules, regulations, and/or any standard, requirement or condition set forth in a wastewater discharge permit issued hereunder.
- D. Any person or user who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to the standards or requirements under this ordinance, or the Department’s orders, rules or regulations, and/or any condition set forth in a wastewater discharge permit issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under the standards and requirements set forth in this ordinance, or the Department’s orders, rules or regulations, and/or any condition set forth in a wastewater discharge permit issued hereunder, shall, upon conviction, be subject to a monetary penalty not to exceed Five Hundred Dollars (\$500.00) a day, and/or by imprisonment for not more than sixty (60) days, and/or a term of probation not to exceed six (6) months, as set forth in City of Tampa Code Sections 1.6, “General penalty” and 1-6.1, “Other penalties—Probation for municipal ordinance violations,” or by both such fine and imprisonment for each offense. Each day on which a violation occurs shall be deemed a separate and distinct offense.

11.5 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 noncompliant 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 is empowered to take more than one enforcement action against any non-compliant user.

SECTION 12 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

12.1 Upset

- A. For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards, because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed 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 noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.
- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. An upset occurred and the user can identify the cause(s) of the upset;
 - 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - 3. The user has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days.
 - a. A description of the indirect discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is

provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

12.2 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 2.1(A) of this ordinance or the specific prohibitions in Sections 2.1(B)(4) through 2.5 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:

1. 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
2. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

12.3 Bypass

A. For the purposes of this Section,

1. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions 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, if possible.
 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 it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. 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 this 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 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 13 - REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS

13.1 Regulation of Waste Received from Other Jurisdictions

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

- C. An interlocal agreement, as required by paragraph A, above, shall contain the following conditions:
1. A requirement for the contributing municipality or jurisdiction to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits, including required Baseline Monitoring Reports (BMRs), which are at least as stringent as those set out in Section 2.3 of this ordinance. The requirement shall specify that such ordinances and limits must be revised as necessary to reflect changes made to the City's ordinance or local limits;
 2. A requirement for the contributing municipality or jurisdiction to submit a revised industrial user inventory on at least an annual basis;
 3. A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality or jurisdiction; which of these activities will be conducted by the City; and which of these activities will be conducted jointly by the contributing municipality or jurisdiction and the City;
 4. A requirement for the contributing municipality or jurisdiction to provide the City with access to all information that the contributing municipality or jurisdiction obtains as part of its' pretreatment activities;
 5. Limits on the nature, quality, and volume of the contributing municipality's or jurisdiction's wastewater at the point where it discharges to the POTW;
 6. Requirements for monitoring the contributing municipality's or jurisdiction's discharge;
 7. A provision ensuring the City's access to the facilities of industrial users located within the contributing municipality's or jurisdiction's boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the City;
 8. A provision specifying remedies available for breach of the terms of the interlocal agreement.
 9. A provision specifying that where the contributing municipality or jurisdiction has primary responsibility for permitting, compliance monitoring, or enforcement, the City has the right to take action to enforce the terms of the contributing municipality's or jurisdiction's ordinance, or to impose and enforce pretreatment standards and requirements directly against dischargers in the event the contributing municipality or jurisdiction is unable or unwilling to take such action.

SECTION 14 - MISCELLANEOUS PROVISIONS

14.1 Severability

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