

CITY OF MEXICO BEACH, FLORIDA

ORDINANCE NO. 679

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA, REGARDING SEWER USE REGULATIONS, PROVIDING FOR UPDATES AND A RESTATEMENT OF ORDINANCE 615 AND CHAPTER 54 OF THE CODE OF ORDINANCES; REVISING DEFINITIONS AND TECHNICAL TERMS; UPDATING STATE AND FEDERAL RULE REFERENCES; PROVIDING FOR INSPECTIONS; REVISING PENALTIES AND ADMINISTRATIVE ENFORCEMENT PROCEDURES; INCORPORATING CHANGES IN DISCHARGE STANDARDS, LOCAL LIMITS AND PROHIBITIONS; PROVIDING FOR DISCHARGE PERMITS; UPDATING PRETREATMENT STANDARDS; INCORPORATING REPORTING REQUIREMENTS; REORGANIZING, RENUMBERING CERTAIN SECTIONS OF THE CODE OF ORDINANCES; REPEALING PROVISIONS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR RECORDING; AND RECITING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Mexico Beach, Florida (the "City") adopted Ordinance No. 529 and Ordinance No. 615 of the City of Mexico Beach setting forth uniform requirements for direct and indirect contributions into the wastewater collection and treatment system for the City and enabling the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977, as amended, and the General Pretreatment Regulations (Chapter 62-626, Florida Administrative Code); and

WHEREAS, Ordinance 615 was intended to update and restate the rules originally provided by Ordinance 529, but the City's published Code of Ordinances only reflects Ordinance 529; and

WHEREAS, the Florida Department of Environmental Protection made recent rule revisions requiring certain amendments and changes to sewer use ordinances; and

WHEREAS, it is in the best interests of the citizens of the City to enact an ordinance which will comply with the directives of the Florida Department of Environmental Protection.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Mexico Beach, Florida:

SECTION 1. Ordinances 529 and 615 are repealed except for the fee provisions provided by Ordinance 529.

SECTION 2. The following rules are adopted and Chapter 54 of the City of Mexico Beach Code of Ordinances is hereby replaced and amended as follows:

Division 1. – Generally

Sec. 54-1. – Purpose and Policy.

(a) This Chapter sets forth uniform requirements for direct and indirect contributions into the wastewater collection and treatment system for the City and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977, as amended, and the General Pretreatment Regulations (40 CFR Part 403 and Chapter 62-625, Florida Administrative Code).

(b) The objectives of this Chapter are:

- (1) To prevent the introduction of pollutants into the wastewater facility (WWF) that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the WWF that will pass through the system, inadequately treated, into receiving waters, or otherwise be incompatible with the system;
- (3) To ensure that the quality of the wastewater treatment plant biosolids is maintained at a level that allows it to be disposed of in accordance with the management plan adopted by the facility;
- (4) To protect both WWF personnel who come in contact with wastewater and biosolids in the course of their employment and the general public;
- (5) To provide for fees for equitable distribution of the cost of operation, maintenance, and improvement of the WWF;

(6) To improve the opportunity to recycle and reclaim wastewater and biosolids from the system; and

(7) To enable the City of Mexico Beach and Bay County to comply with the National Pollutant Discharge Elimination System permit conditions, any biosolids use and disposal requirements, and any other federal, state and local laws to which the WWF is subject.

(c) This Chapter shall apply to the customers and users in the City and to persons outside the City who are, by contract or agreement with the City, users of the publicly owned treatment works (POTW). Except as otherwise provided herein, the City shall administer, implement, and enforce the provisions of this Chapter.

(d) This Chapter provides for user reporting and for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement activities.

Sec. 54-2. - Definitions.

(a) Unless the context specifically indicates otherwise, the following words, terms or phrases, used in this chapter, shall have the meanings hereinafter designated.

Act or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. § 1251 et seq.

Approval authority shall mean the Florida Department of Environmental Protection.

Authorized representative of the industrial user shall mean:

a. If the IU is a corporation:

1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive

measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. If the IU is a partnership or sole proprietorship: a general partner or proprietor, respectively.

c. If the IU is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or their designee.

d. The individuals described in **subparagraph a. through c.** 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 control authority.

Best management practices or BMPs shall mean schedules of activities prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in **Subsection 62-625.400(1)(a) and Subsection 625.400(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) shall mean the quantity of oxygen, expressed as a concentration in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory conditions of incubation for five (5) calendar days at a temperature of 20° centigrade.

Bypass shall mean the intentional diversion of wastestreams from any portion of an IU's treatment facility.

Carbonaceous biochemical oxygen demand (CBOD) shall mean the quantity of oxygen, expressed as a concentration in milligrams per liter (mg/l), utilized in the carbonaceous biochemical oxidation of organic matter under standard laboratory conditions of incubation for five (5) calendar days at a temperature of 20° centigrade.

Categorical Industrial User shall mean an IU subject to categorical pretreatment standards under **Rule 62-625.410, F.A.C.**, including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, as defined, adopted, and incorporated in **Chapter 62-625, F.A.C.**

Categorical pretreatment standard shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of IUs and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Chemical Oxygen Demand or COD shall mean a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

Control Authority shall mean the *Approval Authority*, defined hereinabove, or the City's designated agent if the City has an approved Pretreatment Program under the provisions of 40 C.F.R. §403.11.

City shall mean the City of Mexico Beach or the City Council or designated official or employee of the City of Council.

City Council shall mean the duly elected officials of the City of Mexico Beach, Florida.

Director shall mean the City's Public Works Director or his/her designee.

Daily Maximum shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily Maximum Limit 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.

Domestic wastewater shall mean wastewater derived principally from dwellings, business buildings, institutions, and the like; sanitary wastewater; sewage.

Environmental Protection Agency or EPA shall mean the U.S. 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 EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

FDEP or Florida Department of Environmental Protection shall mean the agency responsible for pollution control in the State of Florida or the duly authorized official of said agency.

Grab sample shall mean a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

Grease trap or interceptor shall mean a device for separating waterborne greases and grease complexes from wastewater and retaining such greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. Grease traps also serve to collect solids that settle, generated by and from activities that subject IUs to this section, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. Grease traps and interceptors are sometimes referred to herein as "grease interceptors".

Indirect discharge or discharge shall mean the introduction of pollutants into the WWF from any nondomestic source regulated under Chapter 403, F.S.

Industrial user (IU) shall mean a source of discharge.

Industrial wastewater shall mean process and non-process wastewater from manufacturing, commercial, mining, and silvicultural facilities or activities, including the

runoff and leachate from areas that receive pollutants associated with industrial or commercial storage, handling or processing, and all other wastewater not otherwise defined as domestic wastewater. Industrial wastewater does not include demineralization concentrate as stated in Rule 62-610.865, F.A.C.

Industry shall mean any establishment that uses water in a product or generates wastewater during any period of production.

Influent shall mean wastewater, raw or partially treated, flowing into any wastewater treatment device or facilities.

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, inhibits or disrupts the WWF, its treatment processes or operations, or its biosolids process, which clearly causes, in whole or in part, a violation of any requirements of the WWF's NPDES permit or a permit issued by the State of Florida, or prevents the use or disposal of biosolids by the WWF in accordance with any federal or state laws, regulations or permits, or any biosolids management plans.

Local limit shall mean specific discharge limits developed and enforced by the control authority to implement the general and specific discharge prohibitions listed in **Section 54-19 of this Chapter, Rule 62-604.130, F.A.C., paragraph 62-625.400(1)(a), F.A.C., and Subsection 62-625.400(2), F.A.C.**

Medical waste shall mean 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 sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

Monthly Average Limit shall mean the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

Municipal User shall mean any municipality, contributing jurisdiction, or utility authority that contributes all or a portion of its wastewater to any WWF owned or operated by the county, regardless of contract or agreement with the county.

New source shall mean:

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

1. No other source is located at that site,
2. The source totally replaces the process or production equipment that causes the discharge of pollutants at an existing source, or
3. The production or wastewater generating processes of the source are substantially independent of an existing source at that site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing source, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

b. Construction 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 clauses a.2. and a.3. of this definition but otherwise alters, replaces or adds to existing process or production equipment.

c. Construction or operation of a new source as defined under this definition has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous on site construction program:
 - (A) Any placement, assembly, or installation of facilities or equipment, or
 - (B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities

which is necessary for the placement, assembly or installation of new source facilities or equipment; or

2. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time, but not including options to purchase or contracts that can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies.

Noncontact cooling water shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product.

Pass through shall mean a discharge that exits the WWF into waters of the United States containing 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 WWF's NPDES permit, a NPDES permit for a facility operated by Bay County, or a permit issued by the State of Florida including an increase in the magnitude or duration of a violation.

Person shall mean any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity; or their legal representatives, agent or assigns. This definition includes all federal, state and local governmental entities.

pH shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units.

Pollutant(s) shall mean dredged spoil, solid waste, incinerator residue, filter backwash, wastewater, garbage, domestic wastewater sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes; and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, CBOD, COD, toxicity or odor) that causes or may reasonably expected to cause, alone or in conjunction with other sources, a violation of the general and specific discharge prohibitions listed in **Section 54-19 of this Chapter, Rule 62-604.130, F.A.C., paragraph 62-625.400(1)(a), F.A.C., and Subsection 62-625.400(2), F.A.C.**

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, introducing such pollutants into the WWF. The reduction or alteration may be obtained by physical, chemical or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard or requirement.

Pretreatment requirements shall mean any substantive or procedural requirements related to pretreatment imposed on an IU, other than a pretreatment standard.

Pretreatment standard or 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 that appear in **Section 54-19**.

Public sewer shall mean a common sewer owned, operated or controlled by a governmental or other public agency that is a contributor to the treatment plant.

Septic tank waste shall mean any domestic wastewater from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

Significant industrial user (SIU):

- a. Industrial users subject to categorical pretreatment standards, or
- b. Any other IU that:
 1. Discharges an average of 25,000 gpd or more of industrial wastewater into the WWF, or
 2. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant, or
 3. Is designated as significant by the director on the basis that the IU has a reasonable potential for violating any pretreatment standard or requirement or otherwise adversely affecting the operation of the WWF (in accordance with **paragraph 62-625.500(2)(e)**, F.A.C., as hereby incorporated.
- c. Upon a finding that an IU has no reasonable potential for violating any pretreatment standard or requirement or otherwise adversely affecting the

operation of the WWF, the director may determine that such an IU is not a SIU in accordance with **paragraph 62-625.500(2)(e), F.A.C.**, as hereby incorporated.

Slug load or slug discharge shall mean any discharge at a flow rate or concentration which could cause a violation of the general or specific discharge prohibitions in **Section 54-19**, or any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge which has a reasonable potential to cause interference or pass through, or in any other way violate the WWF's regulations, local limits or permit conditions.

Source shall mean any and all points of origin, building, structure, facility, or installation, whether privately or publicly owned or operated, from which there is or may be the discharge of pollutants.

Stormwater shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Total Suspended solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with applicable categorical pretreatment standards because of factors beyond the reasonable control of the IU. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

Wastewater shall mean industrial wastewater and domestic wastewater from any source, whether treated or untreated, which are contributed to the WWF.

Wastewater facility (WWF) shall mean any device and system used in the collection, conveyance, storage, treatment, recycling and reclamation of sewage, industrial wastewater or other waste, WWF shall include any sewers, intercepting sewers, clarifiers, outfall sewers, wastewater collection systems, individual systems, pumping, power and other equipment and their appurtenances and any extensions, improvements, remodeling, additions or alterations thereof; any elements essential to provide a reliable

recycled supply, such as standby treatment units and clear well facilities; any works, including land used as an integral part of the treatment process or for the ultimate disposal of residue resulting from such treatment; and any other method or system used for preventing, abating, reducing, storing, treating, separating or disposing of domestic wastewater, industrial wastewater or other waste, including wastewater in combined sewer water and sanitary sewer systems. For the purposes of this Chapter, WWF shall also include any sewers that convey wastewaters to the WWF from outside of the City that are owned or operated by persons who are, by contract or agreement with the City, users of the WWF.

Wastewater discharge permit shall mean the document or documents issued to an IU by the City in accordance with the terms of this Chapter.

Wastewater hauler shall mean any person, partnership, unit of government or corporation engaged in transporting wastewater as a commercial venture or as a public service.

Wastewater treatment plant or treatment plant shall mean that portion of the WWF that is designed to provide treatment of municipal domestic wastewater and industrial wastewater.

Sec. 54-3. - Abbreviations.

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

- (1) BMP - Best Management Practice
- (2) BOD - Biochemical oxygen demand
- (3) CBOD - Carbonaceous biochemical oxygen demand
- (4) CFR - Code of Federal Regulations
- (5) COD - Chemical oxygen demand
- (6) EPA - U.S. Environmental Protection Agency
- (7) F.A.C. - Florida Administrative Code
- (8) FDEP - Florida Department of Environmental Protection
- (9) F.S. - Florida Statutes
- (10) gpd - gallons per day
- (11) IU - Industrial User
- (12) l - liter

- (13) mg - milligrams
- (14) NPDES - National Pollutant Discharge Elimination System
- (15) WWF - Wastewater facility
- (16) RCRA - Resource Conservation and Recovery Act
- (17) SIU - Significant Industrial User
- (18) SNC - Significant Noncompliance
- (19) SWDA - Solid Waste Disposal Act
- (20) TSS - Total suspended solids
- (21) U.S.C. - United States Code
- (22) ug - micrograms
- (23) WWF - Wastewater Facility

Sec. 54-4. - Injunctive relief.

Whenever a person has violated or continues to violate any provision of this Chapter, any order or permit issued under this Chapter or any other pretreatment standard or requirement, the City, through the City's attorney, may petition the Circuit Court of Bay County for the issuance of a temporary or permanent injunction, as may be appropriate, to restrain the person from violating such provision, order, permit standard or requirement or to compel the specific performance of the provision, permit, order, standard or requirement. Such other action as may be appropriate for legal and/or equitable relief may also be sought by the City. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a person.

Sec. 54-5. - Civil penalties.

(a) Any person that has violated or continues to violate any provision of this Chapter, any order or permit issued under this Chapter or any other pretreatment standard or requirement shall be liable for a maximum civil penalty of \$500.00 per violation per day. In the case of a monthly or other long-term average pretreatment standard, penalties shall accrue for each business day during the period of the violation.

(b) The City may recover reasonable attorney's fees, court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses and the cost of any actual damages incurred by the City.

(c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the persons' violation, corrective actions by the person, the compliance history of the person and any other factor as justice requires.

(d) Where appropriate, the City may accept mitigation projects in lieu of the payment of civil penalties where the project provides a valuable service to county and the persons' expense in undertaking the project is at least 150 percent of the civil penalty.

(e) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a person.

Sec. 54-6. - Criminal prosecution.

(a) Any person that knowingly or willfully violates any provision of this Chapter, any order or permit issued under this Chapter or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than \$500.00 per violation per day or imprisonment for not more than one year, or both.

(b) A person who willfully or negligently introduces any substance into the WWF which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than \$500.00, or be subject to imprisonment for not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(c) Any person that knowingly or willfully makes any false statements, representations or certifications in any application, record, report, plan or other documentation filed or required to be maintained under any provision of this Chapter or wastewater discharge permit or order issued under this Chapter, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be punished by a fine of not more than \$500.00 per violation per day or imprisonment for not more than one year, or both.

Sec. 54-7. - Right of entry and confidential information.

(a) *Right of entry.*

(1) The director and other authorized representatives of the City bearing proper credentials and identification shall be permitted to immediately enter all IUs; premises at reasonable hours to determine whether the IU is complying with all standard requirements of this Chapter and any wastewater discharge permit or order issued hereunder. Industrial users shall allow the director and other authorized representatives of the City ready access to all parts of the premises for the purposes of inspection, observation, copying, measurement or conducting surveys, sampling in accordance with this Chapter, examining reports and records required by this Chapter or by the director in accordance with this Chapter and any other duties necessary to monitor and enforce compliance with this Chapter. The director shall have the right to set up on the IU's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the IU's operations.

(2) Entry shall normally be made during daylight or operating hours. However, the right is reserved for the director to enter the IU's premises at any hour of any day the director or other authorized representative of the City deems necessary as a result of abnormal or emergency circumstances. While performing necessary work on the IU's premises, the director or other authorized representative of the City shall observe all reasonable safety rules applicable to the premises established by the IU, and the IU shall be held harmless for injury or death to the City employees, and the City shall indemnify the IU against loss or damage to its property and against liability claims and demands for personal injury or property damage asserted against the IU, except as such may be caused by willful acts, negligence or failure of the IU to maintain safe conditions.

(3) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the IU at the written or verbal request of the director and shall not be replaced. The costs of clearing such access shall be borne by the IU.

(4) Unreasonable delays in allowing the director and authorized representatives of the City access to the IU's premises shall be a violation of this Chapter.

(b) *Search warrants.* If the director or other authorized representative of the City has been refused access to a building, structure or property, or any part thereof, and the director or City is able to demonstrate probable cause to believe that there may be a

violation of this Chapter, 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 Chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the director may seek issuance of a search warrant from the Circuit Court of Bay County.

(c) *Confidential information.* Information and data on an IU obtained from reports, questionnaires, permit applications, permits and monitoring programs and inspection and sampling activities by the City and the director shall be available to the public without restriction unless the IU 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 federal or state law. In addition, the director and the City shall be subject to any confidentiality requirements established under the laws of the State of Florida.

(1) Effluent information and data provided to the control authority in accordance with **Subsection 62-625.800(2), F.A.C.** shall be available to the public without restriction.

(2) When requested and demonstrated by the IU furnishing a report that such information should be held confidential, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to this Chapter, the NPDES program and in enforcement proceedings involving the person furnishing the report.

Sec. 54-8. - Publication of users in significant noncompliance.

(a) The director shall publish annually, in the largest daily newspaper published in the City a list of the IUs which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

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

(2) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of the wastewater measurements taken for each pollutant parameter during a six-(6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits multiplied by the applicable criteria TRC (TRC = 1.4 for BOD, TSS, fats, oils 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 director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of the county WWF personnel or the general public;

(4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the director's exercise of his/her emergency authority under **Subsection 54-9(g)** to halt or prevent such a discharge;

(5) Failure to meet, within ninety (90) calendar days of the scheduled date, a compliance schedule milestone contained in an agreement with the director, compliance orders, wastewater discharge permit, or other enforcement order for starting construction, completing construction or attaining final compliance;

(6) Failure to provide, within forty-five (45) calendar days after the due date, any reports required by this Code or orders or permits issued under this Chapter, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), including a violation of best management practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

Sec. 54-9. - Administrative enforcement remedies.

(a) *Voluntary program.* Should an IU present to the director, at any time prior to being required to do so, information, data, plans, schedules and the like relating to a proposed procedure for the prevention of discharges in violation of the provisions of this Chapter, the director may receive such material and initiate procedures for the preparation of an agreement under paragraph (c). The presentation of material to the director, the acceptance of such material by the director or commencement of procedures for the issuance of an agreement shall not prevent the director from issuing any notice of violation under paragraph (b), nor does it exempt any IU from the provisions of this Chapter. An IU-initiated voluntary program meets the definition of "good faith effort".

(b) *Notification of violation.* Whenever the director finds that any IU has violated or is violating a provision of this Chapter, any order or permit issued under this Chapter, or any other pretreatment standard or requirement, the director may serve upon the IU a written notice of violation. Within ten (10) calendar days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the director. Submission of this plan in no way relieves the IU 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 emergency action without first issuing a notice of violation.

(c) *Agreements.* The director is hereby empowered to enter into agreements, assurances of voluntary compliance or other similar documents establishing an agreement with the IU responsible for noncompliance. Such agreements include specific action to be taken by the IU to correct the noncompliance within a time period also specified by the agreement. Agreements shall have the same force and effect as administrative orders issued pursuant to paragraphs (e) and (f) and shall be judicially enforceable.

(d) *Show cause hearing.* The City may order any IU that causes or contributes to a violation of any provision of this Chapter, any order or permit issued under this Chapter or any other pretreatment standard or requirement to appear before the director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the IU specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the IU show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten

(10) calendar days prior to the meeting. Such notice may be served on any authorized representative of the IU. Whether or not the IU appears as noticed, immediate enforcement action may be pursued following the meeting date. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the IU.

(e) *Compliance orders.* When the director finds that an IU has violated or is violating any provision of this Chapter, any order or permit issued under this Chapter or any other pretreatment standard or requirement, he may issue an order to the IU responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders may also contain such other requirements as might be reasonable necessary and appropriate to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the WWF. Furthermore, the director may continue to require such additional self-monitoring for at least 90 calendar days after consistent compliance has been achieved, after which time the self-monitoring conditions in the discharge permit shall control. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the IU 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 IU.

(f) *Cease and desist orders.*

(1) When the director finds that an IU has violated or is violating any provision of this Chapter, any order or permit issued under this Chapter or any other pretreatment standard or requirement, the director may issue an order to the IU to cease and desist any and all such violations and direct the IU to:

- (i) Immediately comply with all requirements, and
- (ii) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(2). Such IU shall be notified of the director's remedial or preventive action and be offered an opportunity to show cause under paragraph (d) why the proposed action should not be taken.

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

(g) *Emergency suspensions.*

(1) The director or his/her designee shall have authority to immediately suspend the wastewater discharge permit of an IU for a period not to exceed 30 calendar days whenever such suspension is necessary to stop an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons, interferes with the operation of the treatment plant or which presents or may present an endangerment to the environment.

(2) In accordance with **sub-subparagraph 62-625.500(2)(a)5.b, F.A.C.**, the director or his/her designee shall have authority and procedures to immediately and effectively halt any discharge to the WWF which endangers public health or welfare or which threatens to interfere with the operation of the WWF. Notice shall be provided to the IU prior to such action. If public health or welfare are not endangered, the IU shall be given an opportunity to respond to the notice. Any IU notified of a suspension of its wastewater discharge permit shall immediately terminate or eliminate its contribution. In the event of an IU's failure to immediately comply with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the treatment plant, its receiving stream or endangerment to any individuals. The director shall allow the IU to recommence its discharge when the IU has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless termination or revocation proceedings pursuant to this Chapter are initiated against the IU.

(3) An IU that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement to the director describing the causes of the harmful contribution and the measures taken to prevent any future occurrence prior to the date of any show cause or injunctive relief hearing under paragraph (d) and **Section 54-4**, respectively.

(h) *Termination of service.* In addition to the provisions in **Section 54-9(g)**, any IU who violates the following conditions is subject to discharge termination:

(1) Violation of wastewater discharge permit conditions;

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

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

(4) Refusal of reasonable access to the IU's premises for the purpose of inspection, monitoring or sampling; or

(5) Violation of the pretreatment standards in this Chapter.

Such IU will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under paragraph (d) 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 IU.

(i) *Administrative fines.* The City Council, upon recommendation by the Public Works Director, may impose administrative fines upon non-compliant IUs. An administrative fine is a monetary penalty assessed by the control authority for violations of pretreatment standards and requirements. These fines are punitive in nature and are not related to a specific cost borne by the county. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the IU.

Sec. 54-10. - Affirmative defenses to discharge violations.

(a) *Upset.*

(1) An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of paragraph (2), below, are met.

(2) An IU who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

a. An upset occurred and the IU can identify the cause(s) of the upset;

b. The facility was, at the time, being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

c. The IU has submitted the following information to the director within 24-hours of becoming aware of this upset:

1. A description of the discharge and cause of noncompliance;
2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance; and
4. If this information is provided orally, a written submission must be provided within five (5) calendar days.

(3) In any enforcement proceeding, the IU seeking to establish the occurrence of an upset shall have the burden of proof.

(4) Industrial Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with pretreatment standards.

(5) Industrial Users shall control production of all discharges to the extent necessary to maintain compliance with 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.

(b) *General/specific prohibitions.* An IU shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in **Subsection 54-19(a)** and the specific prohibitions in **Subsections 54-19(b)(3) through (7), (9) through (10) and (12) though (18)** if it can prove that it did not know or have reason to know that its discharge would cause pass through or interference and that either:

(1) A local limit exists for each pollutant discharged that caused the pass through or interference and the IU was in compliance with each limit directly prior to and during the pass through or interference, or

(2) No applicable local limit exists, but the discharge directly prior to and during the pass through or interference, did not change substantially in nature or constituents from the IU's prior discharge activity when the City was regularly in compliance with its NPDES permit and, in the case of interference, with applicable biosolids use or disposal requirements.

This defense does not apply to the specific prohibitions in **Subsections 54-19(b)(1), (2), (8) and (11)**.

(c) *Bypass.*

(1) For the purposes of this section:

a. "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 that 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.

(2) *Permissible bypass.* An IU may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this subsection.

(3) *Notice.*

a. If an IU knows in advance of the need for a bypass, it shall submit prior notice to the director, at least ten (10) calendar days before the date of the bypass, if possible.

b. An IU shall submit oral notice to the director of an unanticipated bypass that exceeds applicable pretreatment standards within 24-hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) calendar days of the time the IU 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 time and, if the bypass has not been corrected, the anticipated time it is expected to continue. The submission shall also contain steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The director may waive the written submission on a case-by-case basis if the oral report has been received within 24-hours.

(4) *Prohibited bypass.*

a. Bypass is prohibited, and the director may take an enforcement action against an IU for a bypass, unless:

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

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods

of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal period of equipment downtime or preventative maintenance; and

3. The IU submitted notices as required under paragraph (3) of this subsection.
 - b. 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 subparagraph a. of this paragraph.

Sec. 54-11. - 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 IU. Enforcement of pretreatment violations will generally be in accordance with the control authority's enforcement response plan. However, the director may take other action against any IU when the circumstances warrant. Further, the director is empowered to take more than one enforcement action against any noncompliant IU.

Sec. 54-12. – Discharge to natural outlet.

It shall be unlawful for any person to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

Sec. 54-13. – Use of flush toilets.

- (a) It shall be unlawful for any person to dispose of human excrement except in a flush toilet.
- (b) All premises designed for human use and/or occupancy shall be provided, by the owner thereof, with at least one flush toilet which shall be maintained in sanitary working condition at all times with sufficient running water under pressure to flush the toilet clean after each use.
- (c) Every flush toilet shall be connected to a public sewer where available or to an approved private wastewater disposal system. Flush toilets shall be provided at

all times with sufficient running water under pressure to flush the toilet clean after each use.

Sec. 54-14. – Use of pit privy, septic tank, etc.

Except as hereinafter provided, it shall be unlawful to construct or maintain any pit privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of any wastewater.

Sec. 54-15. – Connection to public sewer required; exceptions.

The owner of all establishments, as defined herein, whether such be for purposes of human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required, at his expense, to install suitable flush toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within the time period specified by written notice from the City to do so. All connections to the public sewer shall be made in accordance with the rules and regulations that shall be adopted from time to time by the City. All sinks, dishwashing machines, lavatories, basins, shower baths, bathtubs, laundry tubs, washing machines, and similar plumbing fixtures or appliances shall be connected to the public sewer; provided, that where no sewer is available, septic tanks or other private subsurface disposal facilities, approved by the health officer and mayor and Council may be used. The following shall constitute exceptions to the mandatory connection requirement: Bailey used to say we had no septic

- (1) No connection or connections shall be required where the public sewer is more than 100 feet from the property line of an owner utilizing a septic tank. Before commencement of construction of a septic tank, the owner shall obtain prior written approval from the City that the use of a septic tank falls within this exception and meet all applicable permit requirements.
- (2) No connection or connections shall be required of any person who owns or operates a private sewer system utility that provides wastewater or sewer treatment services to any establishment, and that is existing and operating on the effective date of this Chapter, if said person can show that the operation of the private sewer system utility does not endanger the public health, safety, and

welfare. A valid state Department of Environmental Protection permit and evidence that the operation of the private sewer system utility is in compliance with all state Department of Environmental Protection standards, shall be prima facie evidence that said private sewer system utility is operating in a manner that does not endanger the public health, safety, and welfare. Any person who owns or operates a private sewer system utility shall allow the City to inspect said utility at reasonable times and in a reasonable manner and shall furnish such information as may be requested by the City sufficient to show said utility is operating in a manner so as to not endanger the public health, safety and welfare.

Sec. 54-16. - Unpaid charges to constitute lien.

Any unpaid charges for sewer service imposed hereunder and any unpaid fines or other assessments imposed hereunder shall constitute a lien on the property served by the sewer. Such lien shall be perfected by filing of a notice of claim by the City in the office of the clerk of the circuit setting forth the description of the property, the name of the owner according to the last completed tax roll and the amount of the claim. Such lien shall continue in force for a period of five years from the date of filing.

Sec. 54-17. – Public access considered available.

Public sewer access shall be considered available:

- (1) To an existing single-family dwelling, when the dwelling can be connected by gravity flow to a line in a public right-of-way or easement which passes the property at any point.
- (2) To any new single-family dwelling, when the dwelling can be connected by the installation of not more than 100 linear feet of gravity flow line from the nearest point of the property.
- (3) Customer shall be notified when sewer is available.
- (4) Sewer charges shall be in effect upon notification of the availability of sewer service.

- (5) The City Council will define the availability of sewers and costs associated with sewer permits or construction.

Sec. 54-18. – Malicious damage to system.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and shall be responsible for any loss of revenue or monetary expenditures needed for repairs brought about by their actions. Nothing contained herein shall act to prohibit the prosecution of any person under any other applicable statute or ordinance for such acts.

Division 2. – Prohibited and Limited Discharges

Sec. 54-19. - Prohibited discharge standards.

(a) *General prohibitions.* No person shall contribute or cause to be contributed directly or indirectly, into the WWF any pollutant or wastewater that causes pass through or interference. These general prohibitions and the specific prohibitions in subsection (b) below apply to all sources of discharge to the WWF whether or not they are subject to categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements.

(b) *Specific prohibitions.* No person shall discharge or permit the discharge or infiltration into the WWF of any of the following:

- (1) Pollutants that create a fire or explosion hazard into the WWF.
- (2) Wastewater having a property capable of causing hazard, damage or any other condition deleterious to structures, equipment, personnel, treatment processes or operation of the WWF, and in no case, wastewater that causes the pH at the introduction into the WWF to fall below 5.0 unless the WWF is specifically designed to accommodate such discharges.
- (3) Solid or viscous substances, or substances that will become solid or viscous within the WWF, in amounts that will cause obstruction of the flow in the WWF and resulting in interference.

- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which either singly or by interaction with other pollutants will cause interference with the WWF.
- (5) Heat in amounts that will inhibit biological activity in the WWF resulting in interference, but in no case heat in such quantities that result in the discharge of the WWF to exceed 104° Fahrenheit (40° Celsius) unless the approval authority, upon request of the WWF, approves alternate temperature limits in accordance with **Rule 62-302.520 F.A.C.**
- (6) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through.
- (7) Pollutants that result in the presence of toxic gases, vapors or fumes within the WWF in a quantity that may cause acute worker health and safety problems.
- (8) Trucked or hauled pollutants, except at discharge points designated by the director in accordance with **Section 54-30.**
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
- (10) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable federal or state regulations.
- (11) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted wastewater, unless specifically authorized by the director.
- (12) Sludges, screenings or other residues from the pretreatment of industrial wastes or from the treatment or pretreatment of municipal wastes.
- (13) Medical wastes, except as specifically authorized by the director in a wastewater discharge permit.
- (14) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (15) Aqueous Film-Forming Foam (AFFF), fire-fighting foam, fluorosurfactants, detergents, surface-active agents, or other substances that might cause, alone or in conjunction with other sources, interference or excessive foaming in the WWF.
- (16) Use of nitrate-based chemicals to control odors within the collection system.
- (17) Industrial wastewater containing organic solvents. Industrial users having organic solvents on site shall provide and use a separate collection and disposal system outside the sewer system and shall provide safeguards against their accidental discharge to the sewer.

(c) 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 WWF.

Sec. 54-20. - National categorical pretreatment standards.

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

(1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the director may impose equivalent concentration or mass limits in accordance with the conditions in **Subsection 62-625.410(4), F.A.C.**, as hereby incorporated.

(2) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual IUs in accordance with conditions in **Subsection 62-625.410(4), F.A.C.**

(3) When wastewater subject to a categorical pretreatment standard is mixed with wastewaters other than those regulated by the same standard, alternative discharge limits shall be derived by the control authority or by the IU with the written concurrence of the control authority in accordance with **Subsection 62-625.410(6), F.A.C.** as hereby incorporated.

(4) The director may convert the mass limits of the categorical pretreatment standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual IUs. The conversion is at the discretion of the director and shall follow the provisions of **paragraph 62-625.410(4)(i), F.A.C. and 40 CFR 403.6(d), (c)(7), (c)(8) and (c)(9).**

(5) An IU may obtain a variance from a categorical pretreatment standard if the IU can prove, pursuant to the procedural and substantive provisions in **Rule 62-625.700, F.A.C.**, as hereby incorporated, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(6) Equivalent limitations calculated in accordance with **Subsection 62-625.410(4)** are deemed pretreatment standards for the purposes of **Section 307(d)** of the Clean Water Act and this Chapter. The control authority shall document how the equivalent limits were derived and make this information available in the IU's file for public review. Once incorporated into its permit, the IU must comply with the equivalent limitations in lieu

of the categorical pretreatment standards from which the equivalent limitations were derived.

(7) Any IU operating under a permit incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the control authority within two (2) business days after the IU has a reasonable basis to know that the production level will change more than twenty percent (20%) within the next calendar month. Any industrial user not notifying the control authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long-term average production rate.

(8) An IU may obtain a net gross adjustment to a categorical standard in accordance with **Rule 62-625.820, F.A.C.**, as hereby incorporated.

Sec. 54-21. - State pretreatment standards.

(a) Industrial users are required to comply with Florida pretreatment standards and requirements set forth in **Chapter 62-625, F.A.C.**

Sec. 54-22. - Local limits.

(a) No person shall discharge wastewater containing pollutants in excess of the local limits for those pollutants that have been established for any WWF the City uses in Bay County using standard procedures, calculations and methods acceptable to FDEP to protect against pass through and interference, protection of WWF employees, and adverse effects on wastewater residuals disposal. No IU shall discharge process waste streams, unregulated waste streams or dilute wastestreams in excess of the concentrations set forth by the director. Local limits shall be included as permit conditions and attached to each wastewater discharge permit issued.

(b) The established local limits are subject to change and shall be modified as needed based on regulatory requirements and standards, WWF operation, performance and processes, the IU base, potable water quality and domestic wastewater characteristics. Modifications to the established local limits must be reviewed and approved by FDEP prior to implementation. Implementation shall be effective 30 calendar days from notice of acceptance of the modified limits by FDEP. Permitted IUs shall also be issued an addendum to their wastewater discharge permit containing the new local limits.

(c) The established local limits apply at the point where the wastewater is discharged to the WWF. All concentrations for metallic substances are for total metal unless indicated otherwise. At his or her discretion, the director may impose mass limitations in addition

to or in place of the concentration-based limitations. The director may also develop best management practices (BMPs) in individual wastewater discharge permits to implement local limits and the requirements of **Section 54-19**.

(d) A copy of the approved local limits is available upon request from the City's Public Works Director or from the Bay County Utility Services Administrative office located at 3410 Transmitter Road, Panama City, FL 32404.

Sec. 54-23. - Dilution.

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no IU shall increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation. The director may impose mass limitations on IUs who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

Sec. 54-24. - More stringent requirements.

The City reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements on discharges to the WWF consistent with the purpose of this Chapter.

Sec. 54-25. - Removal credits.

Notwithstanding any other provision of this Chapter, the City shall have the authority to grant removal credits pursuant to **Rule 62-625.420, F.A.C.**, as hereby incorporated.

Division 3. – Pretreatment of Wastewater.

Sec. 54-26 - Pretreatment facilities.

Industrial users shall provide wastewater treatment as necessary to comply with this Chapter and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in **Section 54-19** within the time limitations specified by EPA, the state or the director, whichever is the more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the IU'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 IU from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the county under the provisions of this Chapter.

Sec. 54-27. - Additional pretreatment measures.

(a) Whenever deemed necessary, the director may require IUs to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate domestic wastewater wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the WWF and determine the IU's compliance with the requirements of this Chapter.

(b) The director may require any person discharging into the WWF to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

Sec. 54-28. - Designation of separate sources of constituents.

(a) *Firm with multiple buildings.* Where a business or industrial firm is operating as an integrated manufacturing complex, involving more than one building and having separate sewer connections within the same contributory area, such firm may be considered as one unit with multiple sewers.

(b) *A block and lot with multiple buildings.* Where a parcel of real property consisting of one block and lot is occupied by multiple buildings having tenants with unrelated manufacturing processes, each building shall be considered a separate source of constituents.

(c) *Multi-tenanted industrial buildings.* Where a parcel of real property consisting of one block and lot, or lots, is occupied by a multi-tenanted industrial building connected to the WWF by one or more sewers and the tenants in said building discharge wastewater into the drainage system, each tenant shall be considered a separate source of constituents and the constituent concentration shall be determined at sampling locations selected by the director for each source.

(d) *Industrial park or industrial building complex.* Where a parcel of real property consists of more than one block and lot, and one or more buildings on said parcel occupy a single block, each such building or buildings may be considered a block and lot with multiple buildings and the constituent concentration discharged from said building or buildings to the WWF shall be determined as prescribed under subsection (b) of this section.

(e) *Tenant activities.* Any tenant of such real property as described in subsections (a), (b), (c) and (d) of this section shall comply with all of the rules and regulations of this Chapter.

(f) Except as provided in **Section 54-28**, domestic wastewater mixed with industrial wastewater prior to discharge to the WWF shall be industrial wastewater for the purposes of this Chapter.

Sec. 54-29. - Special agreements.

(a) Nothing contained in this Chapter shall be construed as preventing any special agreement between the City, the county and any user of the WWF whereby a wastewater of unusual strength or character may be accepted into the WWF subject to agreement between the two parties. No such agreement, however, shall be made that would allow the influent to the WWF to adversely affect operation of the treatment plant. The terms and conditions of such agreement are subject to change by the director during the life of the agreement as required for changes to NPDES permit limitations or limitations contained in permits issued by the State of Florida. Notification of such changes will be made similar to permit modifications as outlined in **Section 54-37**.

(b) In no case (except for the formal grant of removal credits) will a special agreement waive compliance with any pretreatment standard. However, the IU may request a net gross adjustment to a categorical pretreatment standard in accordance with **Rule 62-625.820, F.A.C.**, as hereby incorporated. Industrial users may also request a variance from the categorical pretreatment standards from the EPA. Such a request will be approved only if the IU can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that categorical pretreatment standard. An IU requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in **Rule 62-625.700, F.A.C.**, as incorporated in **Subsection 54-20(a)(5)**.

(c) Grease, oil and sand interceptors shall be provided by the IU 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. 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 regularly and cleaned, as needed by the IU at their expense. Wastewater from any source requiring installation of a trap, interceptor, and/or separator, per Chapter 10 of the Florida Plumbing Code (as may be amended from time to time) may be considered industrial wastewater for the purpose of this Chapter.

(d) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Sec. 54-30. - Hauled wastewater.

(a) Septic tank waste may be introduced into the WWF only at locations designated by the director and at such times as are established by the director. Such waste shall not violate **Section 54-19** or any other requirements established by the City. The director may require septic tank waste haulers to obtain wastewater discharge permits.

(b) The director may require generators of hauled septage or industrial waste to obtain individual 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 Chapter.

(c) Septage and 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) Septage and industrial waste haulers must provide a waste-tracking form for every 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.

Division 4. - Discharge Permits

Sec. 54-31. - Wastewater discharge permit requirement.

(a) No SIU shall discharge wastewater into the WWF without first obtaining a wastewater discharge permit from the director, except that any SIU who was discharging wastewater into the WWF prior to the effective date of this Chapter that has filed a timely application pursuant to **Section 54-35** may continue to discharge until the permit has been issued by the director.

(b) The director may require other IUs to obtain wastewater discharge permits necessary to carry out the purpose of this Chapter.

(c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Chapter and subject the wastewater discharge permittee to the enforcement provisions set forth in **Sections 54-4** through **54-6** and **54-8** through **54-9**. Obtaining a wastewater discharge permit does not relieve a permittee of its obligations to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law and regulation.

(d) The director shall have authority to deny new or increased contributions of pollutants, or changes in the nature of pollutants, to the WWF by IUs where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the WWF to violate its NPDES permit.

Sec. 54-32. - Wastewater analysis.

When requested by the director, an IU must submit information on the nature and characteristics of its wastewater within 45 calendar days of the request. The director is authorized to prepare a form for this purpose and may periodically require IUs to update this information.

Sec. 54-33. - Existing connections.

Any IU required to obtain a wastewater discharge permit who was discharging wastewater into the WWF prior to the effective date of this Chapter and who wishes to

continue such discharges in the future, shall, within 60 calendar days after said date, apply to the director for a wastewater discharge permit in accordance with **Section 54-35**, and shall not cause or allow discharges to the WWF to continue after 180 calendar days of the effective date of this Chapter except as provided in **Section 54-31**.

Sec. 54-34. - New connections.

Any IU required to obtain a wastewater discharge permit who proposes to begin or commence discharging into the WWF must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with **Section 54-35**, must be filed at least 90 calendar days prior to the date upon which any discharge will begin or recommence.

Sec. 54-35. - Wastewater discharge permit application contents.

(a) All IUs seeking a wastewater discharge permit must submit a permit application accompanied by any applicable fees. The applicant shall be required to submit, where applicable, in units and terms appropriate for evaluation, information including, but not limited to, the following:

(1) *Identifying information.* The name and address of the:

a. Facility, including the name of the operator and owner.

b. Contact information, description of activities, facilities, and plant production processes on the premises;

(2) *Environmental permits.* A list of any environmental control permits held by or for the facility.

(3) *Description of operations.*

a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such IU. This description should include a schematic process diagram, which indicates points of discharge to the WWF from the regulated processes.

b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the WWF;

- c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- d. Type and amount of raw materials processed (average and maximum per day);
- e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(4) Time and duration of discharges;

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

(6) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the WWF from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in **subsection 62-625.410(6), F.A.C.**

(7) *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 the standard or by the control authority, 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 54-57**. Where the standard requires compliance with a BMP or pollution prevention alternative, the IU shall submit documentation as required by the director or the applicable standards to determine compliance with the standard.

e. All sampling and analysis required by this Chapter shall be performed in accordance with procedures set out in **Section 54-57**.

(8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge in accordance with **paragraph 62-625.600(4)(b).**, F.A.C.

(9) Any other information as may be deemed necessary by the director to evaluate the permit application.

(b) Within 30 calendar days of the submittal of an application, the director will evaluate the data furnished by the IU and may require additional information. Incomplete or inaccurate applications will not be processed and will be returned to the IU for revision. Within 30 calendar days of the receipt of a complete wastewater discharge permit application, the director will determine whether or not to issue a wastewater discharge permit. If the director determines to issue a wastewater discharge permit, he shall issue a draft wastewater discharge permit within 30 calendar days of such determination. A 30-day comment period shall be allowed for all IUs and 30 calendar days thereafter the director shall issue a wastewater discharge permit, if all of the terms and conditions herein are complied with.

Sec. 54-36. - Terms and conditions specified.

(a) A wastewater discharge permit must contain:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;

(2) A statement that the wastewater discharge permit is not transferable without prior authorization by the City according to the provisions found in **Section 54-38**. A copy of the existing permit will be provided to the new operator or owner.

(3) Discharge limits based on applicable pretreatment standards including best management practices and any other limits the director deems necessary to prevent pass through and interference;

(4) Self-monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on federal, state and local law;

(5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with **subsection 54-48 (f)**.

(6) Any grant of the monitoring waiver by the director will be included as a condition in the IU's permit.

(7) 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 and local law;

(8) Requirements to control slug discharge, if determined by the director to be necessary; and

(9) A signature and certification in accordance with **Section 54-58**.

(b) A wastewater discharge permit may contain, but need not be limited to, the following:

(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 WWF;

(3) Requirement for the development and implementation of a toxic organic management plan (TOMP), including control measures to prevent entry of toxic organics and other solvents into the sanitary sewer system;

(4) 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;

(5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the WWF;

(6) The unit charge or schedule of IU charges and fees for the management of the wastewater discharged to the WWF;

(7) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

(8) 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

(9) Other conditions as deemed appropriate by the director to ensure compliance with this Chapter and federal, state and local laws and regulations.

(c) *Permit duration.* Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specified date.

Sec. 54-37. - Modification of terms and conditions.

(a) The director may modify a wastewater discharge permit for 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, including any such standard established in a federal or state permit;

(2) To address significant alterations or additions to the IU's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance;

(3) A change in the WWF 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 WWF, City or county 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 **Rule 62-625.700, F.A.C.**, as incorporated in **Subsection 54-20(a)(5)**;

(8) To correct typographical or other errors in the wastewater discharge permit;

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator; or

(10) Revision of or a grant of a removal credit pursuant to **Rule 62-625.420, F.A.C.**, as incorporated in **Section 54-25**.

(b) Whenever possible, permittees shall be informed of any proposed changes in permits at least 90 calendar days prior to the effective date of the change. Permittees shall be allowed a comment period relating to any of the proposed changes in the permit. This comment period shall be the first 45 calendar days of the 90-day period prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Sec. 54-38. - Transfer.

(a) Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 calendar 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 has 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 until reinstated by the director.

Sec. 54-39. - Revocation.

(a) The director or the City may only revoke a wastewater discharge permit for good cause. Good cause includes, but is not limited to any of, the following reasons:

(1) Failure to provide prior notification to the director of changed conditions, including significant changes to the quantity and quality of wastewater discharge, pursuant to Section 54-54;

(2) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(3) Falsifying self-monitoring reports and certification statements;

(4) Tampering with monitoring equipment;

(5) Refusing to allow the director timely access to the facility premises and records;

(6) Failure to meet compliance schedules;

(7) Failure to complete a wastewater survey or the wastewater discharge permit application;

(8) Failure to provide advance notice of the transfer of business ownership of a permitted facility;

(9) Failure to meet IU effluent limitations;

(10) Failure to pay fines;

(11) Failure to pay sewer charges; or

(12) Violating any provision of this Chapter, any order, agreement, or wastewater discharge permit issued under this Chapter or any other pretreatment standard or requirement.

(b) Wastewater discharge permits shall be voidable upon cessation of operation. All wastewater discharge permits issued to a particular IU are void upon the issuance of a new wastewater discharge permit to that IU.

(c) The director shall not revoke a discharge permit without first delivering to the permittee written notice of such revocation. The notice shall state the reason or reasons for the revocation.

Sec. 54-40. - Reclassified industrial users.

Any IU that is reclassified as a SIU and discharges industrial wastewater into the WWF after the effective date of this Chapter and who wishes to continue such discharges in the future, shall, within 90 calendar days after said date, apply to the City for a wastewater discharge permit. Such SIUs shall not cause or allow discharges to the system to continue after 180 calendar days of the effective date of becoming reclassified as an SIU, except in accordance with a permit issued by the director.

Sec. 54-41. - Reissuance.

An IU with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete application letter, in accordance with **Section 54-35**, a minimum of 60 calendar days prior to the expiration of the IU's existing wastewater discharge permit. If the IU's existing permit expires after a completed application for reissuance has been submitted to the director in accordance with this section, the director shall allow the IU to continue to discharge under the existing permit until a final decision is made on the IU's application for reissuance.

Sec. 54-42. - Wastewater hauler discharge permit.

(a) Wastewater haulers shall discharge all septage and other permitted wastewaters at the designated wastewater hauler dumping stations established by the director.

(b) Wastewater haulers shall have a valid wastewater hauler discharge permit before discharging wastewaters into the WWF. Each permitted wastewater hauling vehicle shall prominently display a number issued by the department of health on both doors of the vehicle cab (or trailer in the case of tractor-trailers). Such numbers shall be removable only by destruction. Decals for this purpose will be provided by the department of health to each wastewater hauler.

(c) Each wastewater hauling vehicle shall be equipped to use the quick disconnect couplers at the wastewater hauler dumping station.

- (d) Representative samples of wastewater from each load received at the WWF for treatment shall comply with pretreatment standards and requirements.
- (e) Each load delivered to the wastewater dumping station must have a wastewater hauler manifest properly filled out and presented to the operator on duty. Each manifest will be signed by the authorized representative of the wastewater hauling company.
- (f) All procedures for discharging, for cleanliness and for general sanitary operation on county property as prescribed by the director shall be strictly adhered to by all wastewater haulers delivering wastewaters to the WWF dumping stations.
- (g) The source or sources of all wastewaters being hauled to the WWF shall be properly documented using the county utility services department manifest system.
- (h) Domestic Wastewater shall not be mixed with from an industrial wastewater. Vehicles hauling wastewater from an IU shall not be used to haul domestic wastewater for disposal at the WWF.
- (i) In addition to the enforcement provisions in **Sections 54-4 through 54-6 and 54-8 through 54-9**, failure of a wastewater hauler to comply with the provisions of this section shall be grounds for revocation of the hauler's discharge permit by the director.

Sec. 54-43. - Appeals to the director.

The director shall provide public notice of the issuance of a permit. Any person subject to any provision of this Chapter may petition the director to reconsider a decision concerning the issuance, modification, transfer or revocation of a permit, within 30 calendar days of notice of its issuance, or to reconsider any other action by the director taken pursuant to this Chapter, within 30 calendar days of notice of that action.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (2) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for the objection and the alternative condition, if any, it seeks to place in the permit.

(3) The effectiveness of permit or permit provision shall be stayed pending the appeal.

(4) If the director fails to act within 30 calendar days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a permit or other action, not to issue a permit or not to modify a permit shall be considered final administrative actions for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of a final administrative decision must do so by filing a complaint with the Circuit Court of Bay County within 60 calendar days after issuance of that decision.

Division 5. – Reporting Requirements.

Sec. 54-44. - Monitoring programs and reports by industrial users.

(a) The director may require IUs to provide such technical or monitoring programs, including the submission of periodic reports, as he deems necessary; provided, however, that the burden, including costs, of such programs and reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained therefrom.

(b) The monitoring program may require the IU to conduct a sampling and analysis program of a frequency and type specified by the director to demonstrate compliance with prescribed wastewater discharge limits. The IU may either:

(1) Conduct his/her own sampling and analysis program, provided he/she demonstrates to the director that he/she has the necessary certifications, qualifications and facilities to perform the work; or

(2) Engage a private, certified laboratory, approved by the director.

(c) If sampling performed by an IU indicates a violation, the IU shall notify the director within 24-hours of becoming aware of the violation. The IU shall also repeat the sampling and analysis within 15 calendar days of becoming aware of the violation and submit the results of the repeat analysis to the WWF within 30 calendar days after becoming aware of the violation, except an IU is not required to resample if:

- (1) The WWF performs sampling at the IU at a frequency of at least once per month;
or
- (2) The WWF performs sampling at the IU between the time when the IU performs its initial sampling and the time when the IU receives the results of this sampling.

Sec. 54-45. - Baseline monitoring reports.

(a) Within either 180 calendar days after the effective date of a categorical pretreatment standard or the final administrative decision made upon a category determination submission under **Rule 62-625.410(2)(d), F.A.C.**, as hereby incorporated, whichever is later, existing IUs subject to categorical pretreatment standards currently discharging to or scheduled to discharge to the WWF shall submit to the director a report which contains the information listed in **subsection (b) below**. When reports containing this information have already been submitted to the director, the IU will not be required to submit this information again. At least 90 calendar days prior to commencement of their discharge, new sources and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical pretreatment standard, shall submit to the director a report that contains the information listed in paragraphs (1) through (5) of subsection (b) below, giving estimates of the information requested in paragraphs (4) and (5). A new source shall also report the method of pretreatment it intends to use to meet applicable categorical pretreatment standards.

(b) Industrial users described above shall submit the information set forth below.

(1) *Identifying information.* The name and address of the facility, including the name of the operators and owners.

(2) *Environmental permits.* A list of any environmental control permits held by or for the facility.

(3) *Description of operations.* A brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by such IU. This description should include a schematic process diagram that indicates points of discharge to the WWF from the regulated processes.

(4) *Flow measurement.* Information showing the measured average daily maximum daily flow, in gallons per day, to the WWF from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in **subsection 62-625.410(6), F.A.C.** The director may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(5) *Measurement of pollutants.*

a. The IU shall provide the information required in **Section 54-35(a)(7)** and comply with the sampling and analysis requirements in **Section 54-57**.

b. The baseline report shall indicate the time, date and place of sampling and methods of analysis and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the WWF.

c. The director may allow the submission of a baseline report that utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures and the historical data is representative of the current discharge.

(6) *Certification.* A statement, reviewed by the IU's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional O&M and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the IU will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set for in **Section 54-46**.

a. Where the IU's categorical pretreatment standard has been modified by a removal allowance (**Rule 62-625.420, F.A.C.**, as incorporated in **Section 54-25**), the combined waste stream formula (**subsection 62-625.410(6), F.A.C.**, as incorporated in **Subsection 54-20(a)(3)**) and/or a fundamentally different factors variance (**Rule 62-625.700, F.A.C.**, as incorporated in **Subsection 54-20(a)(5)**) at the time the IU submits the report required by

subsection (a) of this section, the information required by paragraphs (b)(6) and (7) of this section shall pertain to the modified limits.

b. If the categorical pretreatment standard is modified by a removal allowance (**Rule 62-625.420, F.A.C.**, as incorporated in **Section 54-25**), the combined wastestream formula (**subsection 62-625.410(6), F.A.C.**, as incorporated in **Subsection 54-20(a)(3)**) and/or a fundamentally different factors variance (**Rule 62-625.700, F.A.C.**, as incorporated in **Subsection 54-20(a)(5)**) after the IU submits the report required by subsection (a) of this section, any necessary amendments to the information requested by paragraphs (b)(6) and (7) of this section shall be submitted by the IU to the director within 60 calendar days after the modified limit is approved.

(8) Signature and certification. All baseline monitoring reports must be signed and certified in accordance with **Section 54-58**.

Sec. 54-46. - Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by **Subsection 54-45(b)(7)**:

(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 IU 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 and commencing and completing construction.

(2) No increment referred to in paragraph (1) above shall exceed nine months.

(3) The IU shall submit a progress report to the director no later than 14 calendar days following each date in the schedule and the final date of compliance, including, at a minimum, whether or not the IU complied with the increment of progress to be met on that date, and, if not, the date it expects to comply, the reason for delay and the steps being taken by the IU to return to the established schedule.

(4) In no event shall more than nine months elapse between such progress reports to the director.

Sec. 54-47. - Reports on compliance with categorical pretreatment standard deadline.

(a) Within 90 calendar days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source following commencement of the introduction of wastewater into the WWF, any IU subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in **Subsections 54-45 (b)(4)** through **(6)**.

(b) For all IUs subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall contain the IU's actual production during the appropriate sampling period.

(c) For IUs subject to equivalent mass or concentration limits established in accordance with the procedures in **subsection 62-625.410(4), F.A.C.**, as hereby incorporated, this report shall contain a reasonable measure of the IU's long-term production rate.

(d) All compliance reports must be signed and certified in accordance with **Section 54-58**.

Sec. 54-48. - Periodic compliance reports.

(a) Any IU subject to a categorical pretreatment standard, after the compliance date of that pretreatment standard or, in the case of a new source, after commencement of the discharge into the WWF, shall submit to the director during the months of June and December, unless required more frequently in the pretreatment standard or by the director, a report indicating the nature and concentration of pollutants in the discharge which are limited by such categorical pretreatment standards, and a reasonable measure of the IU's long-term production rate. If an IU is subject to categorical standards with only production-based limits, actual average production rate data for the reporting period must be given. In addition, this report shall include a record of measures or estimated average and maximum daily flows for the reporting period for the discharge reported in **Subsection 54-45(b)(4)** except that the director may require more detailed reporting of flows. At the discretion of the director and in consideration of such factors as the local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted. In cases where the

pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the IU must submit documentation required by the director or the pretreatment standard necessary to determine the compliance status of the IU.

(b) All wastewater samples must be representative of the IU'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 an IU to keep its monitoring facility in good working order shall not be grounds for the IU to claim that sample results are unrepresentative of its discharge.

(c) If an IU subject to the reporting requirement in this section monitors any pollutant more frequently than required by the director using the procedures prescribed in **Section 54-57**, the results of this monitoring shall be included in the report.

(d) Periodic compliance reports shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The director shall require that frequency of monitoring necessary to assess and assure compliance by IUs with applicable pretreatment standards and requirements.

(e) All periodic compliance reports must be signed and certified in accordance with **Section 54-58**.

(f) The City may authorize the IU subject to a categorical pretreatment standard to waive sampling of a pollutant regulated by a categorical pretreatment standard if the IU demonstrates the following through sampling and other technical factors:

(1) The pollutant is neither present nor expected to be present in the discharge, or the pollutant is present only at background levels from intake water and without any increase in the pollutant due to activities of the IU; and

(2) The pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

(3) This authorization of the monitoring waiver is subject to the following conditions and does not supersede certification processes and requirements established in categorical pretreatment standards, except as specified in the categorical pretreatment standard:

a. The monitoring waiver is valid only for the duration of the effective period of the IU permit, and in no case longer than five years. The IU must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.

b. In making a demonstration that a pollutant is not present, the IU must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the FDEP-approved method from **Rule 62-4.246, F.A.C.**, with the lowest method detection limit for that pollutant was used in the analysis.

c. The request for a monitoring waiver must be signed in accordance with **Section 54-58** below including the certification statement.

d. The authorization will be included as a condition in the IU's permit. The reasons supporting the waiver and any information submitted by the IU in its request for the waiver will be maintained by the control authority for three years after expiration of the waiver.

e. Upon approval of the monitoring waiver and revision of the IU's permit by the control authority, the IU must certify each report with the following statement: "Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under **Subsection 54-48(a)**, of City of Mexico Beach Code of Ordinances."

g. In the event that a waived pollutant is found to be present, or is expected to be present, based on changes that occur in the IU's operations, the IU must immediately notify the control authority and comply with the monitoring requirements of

Subsections 54-48(a) through (e) or other more frequent monitoring requirements imposed by the county.

Sec. 54-49. - Reports from industrial users not subject to categorical standards.

(a) The director shall require appropriate reporting from those SIUs with discharges that are not subject to categorical pretreatment standards.

(1) Significant noncategorical industrial users shall submit to the director at least once every six months (on dates specified by the director), a description of the nature, concentration and flow of pollutants required to be reported by the director.

(2) These reports shall be based on sampling and analysis performed in the period covered by the report and performed in accordance with the procedures prescribed in **Section 54-57**.

(3) In cases where a local limit requires compliance with a best management practice or pollution prevention alternative, the IU must submit documentation required by the control authority to determine the compliance status of the IU.

Sec. 54-50. - Reports from nonpermitted industrial users.

The director may require IUs that are not required to obtain wastewater discharge permits to submit a periodic report containing information on the nature, concentration and flow of pollutants entering the WWF.

Sec. 54-51. - Notification of the discharge of hazardous waste.

(a) Any IU who commences the discharge of hazardous waste shall notify in writing the director, the EPA regional waste management division director and the Florida Department of Environmental Protection of any discharge into the WWF of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other). If the IU discharges more than 100 kilograms of such waste per calendar month to the WWF, the notification also shall contain the following information to the extent such information is known and readily available to the IU: an identification of the hazardous

constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharge during that calendar month and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. For new sources, notification must take place at least 90 calendar days before the discharge commences. For existing sources, notification must occur at least 15 calendar days before the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under **Section 54-54**. The notification requirement in this section does not apply to pollutants already reported by IUs subject to categorical pretreatment standards under the self-monitoring requirements of **Section 54-48**.

(b) Industrial users are exempt from the requirements of subsection (a) above during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in **40 CFR Sections 261.30(d) and 261.33(e)**, as hereby incorporated. Discharges of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in **40 CFR Sections 261.30(d) and 261.33(e)**, as hereby incorporated, requires a one-time notification. Subsequent months during which the IU discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste, the IU must notify the director, the EPA regional waste management division director and the Florida Department of Environmental Protection of the discharge of such substance within 90 calendar days of the effective date of such regulations.

(d) In the case of any notification made under this section, the IU shall certify that it has a program to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This section does not create a right to discharge any substance not otherwise permitted to be discharged by this Chapter, a permit issued under this Chapter or any applicable federal or state law or regulation.

Sec. 54-52. - Slug discharge control plan.

The director may require an IU that has the ability to cause interference with the WWF or to violate the regulatory provisions of this Chapter to provide protection from accidental discharge to the WWF of prohibited materials or other substances regulated by this Chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or IU's own cost and expense. All IUs whose wastewater includes or could include compatible or incompatible pollutants in amounts great enough to cause interference with the WWF may be required to have detailed plans on file at the county WWF offices showing facilities and operating procedures to provide this protection. Plans shall be approved by the director. The director may require a new source to have an approved slug discharge control before being allowed to commence discharge. Review and approval of such plans and operating procedures shall not relieve the IU from the responsibility to modify its facility as necessary to meet the requirements of this Chapter. At a minimum, the slug discharge control plan shall contain the following elements:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the WWF of slug discharges including any discharge that would violate a prohibition under **Subsection 54-19(b)**, with procedures for follow-up written notification within five calendar days, in accordance with **Section 54-53**;
- (4) Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and measures and equipment for emergency response.

Sec. 54-53. - Reports of potential problems.

- (a) In the case of any discharge, including, but not limited to, unanticipated or accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that may cause interference with the WWF or violate regulatory requirements of this Chapter, it shall be the responsibility of the IU to immediately notify the City and Bay County WWF offices of the incident as soon as they

become aware of the discharge. The notification shall include the name of the person providing the notification, location and time of discharge, type of wastewater, concentration and volume and corrective actions taken by the IU.

(b) Within five (5) calendar days following such discharge, the IU 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 IU to prevent similar future occurrences. Such notification shall not relieve the IU of any expense, loss, damage, or other liability which might be incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall such notification relieve the IU of any fines, penalties, or other liability which may be imposed pursuant to this Chapter.

(c) A notice shall be permanently posted on the IU's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (a), above. Employers shall ensure that all employees who could cause such a discharge to occur are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.

Sec. 54-54. - Reports of changed conditions.

Each IU shall notify the director of any planned substantial changes to the IU's operations or system which might alter the nature, quality or volume of its wastewater at least 90 calendar days before the change or immediately after the IU has knowledge such change will occur.

(1) The director may require the IU 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 54-35**.

(2) The director may issue a wastewater discharge permit under **Section 54-21** or modify an existing wastewater discharge permit under **Section 54-22** in response to changed conditions or anticipated changed conditions.

(3) For purposes of this requirement, substantial changes include, but are not limited to, flow increases of 20 percent or greater, the discharge of any previously unreported

pollutants or any other change the director finds necessary for the IU to report in order to prevent pass through or interference.

Sec. 54-55. - Recordkeeping.

Industrial users subject to the reporting requirements of this Chapter, including documentation associated with best management practices, shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Chapter. Records shall include the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed and who performed the analyses; the analytical techniques or methods used and the results of such analyses. These records shall remain available for a period of at least three (3) years whether or not such monitoring activities are required by this Chapter or a permit. This period shall be automatically extended for the duration of any unresolved litigation concerning the IU or the county or when requested by the director or the EPA regional administrator.

Sec. 54-56. - Monitoring, sampling and measuring facilities and equipment.

(a) The director may require any IU to construct, at the IU's expense, monitoring facilities to allow inspection, sampling and flow measurement of the waste discharged, together with sampling or metering equipment to be provided, installed and operated at the IU's expense. Such inspection chamber or control manhole shall be situated on the IU's premises and shall be constructed and operated to permit accurate sampling and flow measurements of all wastes discharged. Where conditions do not permit measurement of all discharges from one industrial facility at a single control manhole, multiple control manholes shall be provided. The control manhole shall be located so as to permit access by county representatives, provide sufficient space for storage of samples and equipment and allow for accurate sampling and flow measurement. Such facilities shall be located so that samples may be taken safely and easily and shall not be obstructed by landscaping, parked vehicles or other activity of the IU.

(b) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the director's requirements and all applicable county construction standards and specifications. When, in the judgment of the director, an existing IU requires a monitoring facility, the IU will be so notified in writing.

Construction must be completed within 90 calendar days following written notification, unless a time extension is otherwise granted by the director.

Sec. 54-57. - Sampling and analysis.

(a) Except as indicated in subsection (b) and (c) below, the IU shall collect wastewater samples using 24-hour flow proportional composite sampling techniques. In the event flow proportional sampling is infeasible, the director may authorize the use of time proportional sampling or a minimum of four grab samples where the IU demonstrates that this will provide representative samples of the effluent being discharged and the decision to allow the alternative sampling must be documented in the IU file for that facility. In addition, grab samples may be required to show compliance with instantaneous limits.

(b) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques. At least four samples for volatile organic compounds must be collected at least four hours apart in a 24-hour period. Using protocols (including appropriate preservation) specified in Chapter 62-160, F.A.C., and DEP-SOP-001/01, multiple grabs collected during a 24-hour period shall be composited in the laboratory prior to analysis.

(c) Oil and grease samples shall be collected in accordance with section (b) above unless the sampling location or point cannot be physically accessed to perform a direct collection of a grab sample. In these instances, the sample shall be pumped from the sampling location or point into the sample container using a peristaltic-type pump. All pump tubing used for sample collection must be new or pre-cleaned and must be changed between sample containers and sample points. The pump tubing shall not be pre-rinsed or flushed with sample prior to collecting the sample. The report of analysis shall indicate that a peristaltic pump was used to collect the oil and grease sample.

(d) The IU shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this section.

(e) Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the IU shall measure the flows and concentrations necessary to allow use of

the combined wastestream formula in **Subsection 62-625.410(6), F.A.C.**, to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated, in accordance with **Section 54-20**, this adjusted limit along with supporting data shall be submitted to the director.

(f) All pollutant analyses, including sampling techniques, to be submitted as part of a report, wastewater discharge permit, or permit application shall be performed in accordance with the techniques prescribed in **40 CFR Part 136 and Chapter 62-160, F.A.C.**, unless otherwise specified in an applicable pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA and FDEP. All laboratory analytical reports prepared by the IU or the control authority shall comply with **Rule 62-160.340, F.A.C.**

(g) At the discretion of the director, sampling and analysis may be performed by the control authority in lieu of the IU. Where the control authority itself chooses to collect all the information required for the reports in **Sections 54-45, 54-48, 54-49, and 54-50**, including flow data, the IU shall not be required to submit the report, in accordance with paragraphs 62-625.600(6)(7)(b), F.A.C.

(h) Samples collected to satisfy reporting requirements in **Sections 54-45, 54-48, 54-49, and 54-50** must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. The control authority shall require a frequency of monitoring necessary to assess and assure compliance by IUs with applicable pretreatment standards and requirements.

(i) Sampling required in support of baseline monitoring and 90-day compliance reports required in **Sections 54-45 and 54-47** above shall be conducted as follows:

(1) For IUs where historical sampling data do not exist, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds.

(2) For IUs where historical sampling data are available, the control authority may authorize a lower minimum.

Sec. 54-58. - Signatory and certification requirements.

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

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

Sec. 54-59. - Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports that 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.

SECTION 7. Former **Section 54-18** of the City of Mexico Beach Code of Ordinances regarding fees related to the pretreatment program is hereby renumbered as new **Section 54-60 – Fees**.

SECTION 9. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict. If any phrase, clause, sentence, paragraph, section, or subsection of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining phrases, clauses, sentences, paragraphs, sections or subsections of this Ordinance.


SECTION 10. It is the intention of the Council that the provisions of this Ordinance shall become a part of the City's Code of Ordinances. The provisions of this Ordinance may be renumbered or re-lettered with cross-references corrected and the word "ordinance" may be changed to "section," "article", "division" or other appropriate word to accomplish such intention.

SECTION 11. A certified copy of this Ordinance shall be filed with the Clerk of Circuit Court of Bay County, Florida, and duly recorded in the public record of Bay County, Florida.

SECTION 12. This Ordinance shall take effect immediately upon its passage.

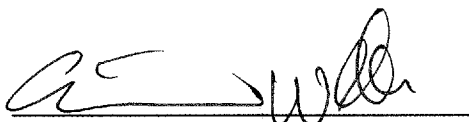
PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Mexico Beach, Florida, this 26th day of September, 2017.

CITY OF MEXICO BEACH, FLORIDA



William A. Cathey, Mayor

ATTEST:



Adrian Welle, City Clerk