

## **ORDINANCE NO. 1019**

**AN ORDINANCE OF THE CITY OF MILTON, FLORIDA,  
RELATING TO WATER AND SEWER UTILITIES; PROVIDING  
PURPOSES; PROVIDING FOR ADMINISTRATION; PROVIDING  
DEFINITIONS; PROVIDING FOR GENERAL SEWER USE  
REQUIREMENTS; PROVIDING FOR PRETREATMENT  
OF WASTEWATER; PROVIDING FOR REPORTING REQUIREMENTS;  
PROVIDING FOR COMPLIANCE MONITORING; PROVIDING  
FOR ENFORCEMENT; PROVIDING FOR FEES; PROVIDING  
FOR SEVERABILITY; PROVIDING FOR INCLUSION IN  
CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

### **SECTION 1 GENERAL PROVISIONS**

#### **1.1 Purpose and Policy**

This Chapter sets forth uniform requirements for discharge into the wastewater collection and treatment system of the City of Milton and enables the City of Milton 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 62-625, (FAC.) Part 403).

The objectives of this chapter are:

- (a) To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To improve the opportunity to recycle and reclaim wastewater and sludge from system; and
- (d) To provide for equitable distribution of the cost of the wastewater system.
- (e) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public.
- (f) To enable the City of Milton to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other Federal and State laws to which the POTW is subject.

This chapter provides for regulations of the use of the wastewater system through enforcement of general requirements for all users, and through the issuance of permits to certain non-domestic users, authorizes monitoring and enforcement activities, requires user reporting, assures that existing consumer capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein

This chapter shall apply to all persons who, whether by contract, permit, agreement, or otherwise, discharge effluent or waste into the wastewater collection and treatment facilities of the City of Milton, or who are in any way users of the City of Milton's wastewater collection and treatment facilities. Except as otherwise provided herein, the city manager, or his duly authorized representative, shall administer, implement and enforce provisions of this chapter.

## Section 1.2 Definitions

- (1) **Act or "the Act."** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- (2) **Administrator.** Authorized representative of the City of Milton.
- (3) **Analysis.** Any analysis required in this chapter shall be performed by a state certified laboratory using procedures established by the Environmental Protection Agency pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, and amendments thereto or with any of the test procedures approved by the Environmental Protection Agency. Sampling shall also be performed in accordance with techniques approved by the Environmental Protection Agency.
- (4) **Approval Authority.** The Florida Department of Environmental Protection.
- (5) **Authority.** City of Milton
- (6) **Authorized Representative of Industrial User.** An authorized representative of an industrial user may be:
  - (a) A principle executive officer of at least the level of vice president, if the industrial user is a corporation;
  - (b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
  - (c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.
- (7) **Biochemical oxygen demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter-mg/l)
- (8) **Building Sewer.** A sewer conveying wastewater from the premises of a user to the WWF.
- (9) **Categorical standards.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. section 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

- (10) **Control authority.** The term "control authority shall refer to the "approval authority", defined hereinabove; or the director, if the authority has an approved pretreatment program under the provisions of 40 CFR403.11
- (11) **Non-Contact Cooling Water.** Water used for cooling which does not come into direct contact with any raw materials intermediate product, waste product, or finished product.
- (12) **Director.** Superintendent of Wastewater Treatment Plant for the City of Milton. Subject to the direction of the City Manager.
- (13) **Florida Department of Environmental Protection (FDEP).** The Department of Environmental Protection of the State of Florida or where appropriate, the duly authorized official of said agency.
- (14) **Environmental Protection Agency (EPA).** The U.S. Environmental Protection agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- (15) **Existing Source.** Any source of discharge, the construction or operation of which commenced prior to the publication of 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.
- (16) **Grab Sample.** A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
- (17) **Indirect Discharge or Discharge.** The introduction of **pollutants into** the WWF from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.
- (18) **Interference.** A discharge, which inhibits or disrupts the WWF, its treatment processes or operations or its sludge processes, use or disposal, and therefore, is a cause of a violation of the City's permit for disposal in compliance with any of the following regulatory provisions or permits issued hereunder, or any more stringent State or local regulations; Section 40 of the Act; the Solid Waste Disposal Act, including RCRA; any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; Toxic Substances Control Act; and the Marine protection, Research, and Sanctuaries Act and Chapter 62 of the Florida Administrative Code, as amended.
- (19) **Medical Waste.** Waste generated by medical treatment, including but not limited to, 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.
- (20) **National pollution discharge elimination system or NPDES permit.** A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342) by the State of Florida pursuant to delegation from the federal government for a point source discharge of treated wastewater.
- (21) **New Source.** Any source, from which there is a discharge of pollutants, the construction of which is commenced after the adoption of this ordinance.

- (22) **Pass Through.** A discharge which exits the WWF in quantities or concentrations which is a cause of a violation of any appropriate permit of the City of Milton.
- (23) **Person.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or any other legal entity; or their legal representatives, agents, or assigns. The definition includes all Federal, State, and local governmental entities
- (24) **PH.** The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (25) **Pollutant.** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
- (26) **Pollution.** The person-made or person-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (27) **Pretreatment or Treatment.** The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior or in lieu of discharging or otherwise introducing such pollutants into WWF. The reduction or alteration can be obtained by a physical, chemical or biological processes, process changes or other means except as prohibited by Chapter 62-625, Florida Administrative Code (F.A.C.)
- (28) **Pretreatment Standards or Standards.** Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards, and local limits.
- (29) **Prohibited Discharge Standards or Prohibited Discharge.**  
Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 3 of this Ordinance.
- (30) **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment, other than a categorical pretreatment standard imposed on a significant industrial user.
- (31) **Septic Tank Water.** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (32) **Sewage.** Human excrement and gray water.
- (33) **Significant Industrial Users: Standards;**
  - (a) A user subject to categorical pretreatment
  - (b) A user that:
    - (1) discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the WWF;
    - (2) contributes a process waste stream which makes up (5) percent or more of the average dry weather hydraulic or organic capacity of the WWF treatment plant;

- (3) is designated as such by the administrator on the basis that it has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement.
- (34) **Slug Load or Slug.** Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards of this ordinance.
- (35) **Standard Industrial Classification (SIC) Code.**  
Classification pursuant to the Standard Industrial Classification Manual issued by the United States Office Management and Budget.
- (36) **Storm Water.** Any flow occurring, during, or following any form of natural precipitation, and resulting there from, including snowmelt.
- (37) **Suspended Solids.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- (38) **User.** Any person who contributes, causes, or permits contribution of wastewater into the City's WWF.
- (39) **Wastewater.** The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any ground water, surface water, and storm water that may be present as a result of infiltration or inflow.
- (40) **Wastewater Treatment Facility.** A treatment works as defined by Section 212 of the Act (33 U.S.C. section 1292) which is owned by the City of Milton. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- (41) **Waters of the state.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

### Section 1.3 Abbreviations

The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
FDEP	Florida Department of Environmental Protection
l	Liter
mg	Milligrams
mg/l	Milligrams per Liter
NPDES	National Pollution Discharge Elimination System

WWF Publicly Owned Treatment Works  
SIC Standard Industrial Classification  
SWDA Solid Waste Disposal Act, 42 U.S.C. 6901, et.seq.  
TSS Total Suspended Solids  
USC United States Code  
WWF Wastewater Treatment Facility

## SECTION II REGULATIONS

### Section 2.1 General Discharge Prohibitions

1. General Prohibitions - No user shall introduce or cause to be introduced, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the WWF. These general prohibitions apply to all users of the WWF whether or not the user is subject to national categorical pretreatment standards or requirements. A user may not contribute the following to any WWF:
  - A. Any substance which create a fire or explosive hazard in the WWF, including but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using test methods specified in 40 CFR 261.21.
  - B. Any substance having a pH less than 5.5 or more than 8.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the WWF.
  - C. Any solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the WWF such as but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble, dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, ground paper products, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
  - D. 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, causes interference with the WWF.
  - E. Substances having a temperature which will inhibit biological activity in the WWF resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C).
  - F. Substances containing petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
  - G. Substances that give off or result in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause worker health safety problems

- H. Trucked or hauled pollutants, except at discharge points designated by the administrator in accordance with this ordinance.
- I. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
- J. Any substances which impart color that cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently impart color to the WWF effluent, which could violate the City's FDEP or NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life.
- K. Any substances containing radioactive wastes or isotopes except in compliance with applicable State or federal regulations.
- L. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, except as specifically authorized by the Administrator.
- M. Sludge, screenings, or other residues from the pretreatment of industrial wastes.
- N. Medical wastes, except as specifically authorized by the Administrator.
- O. Substances, alone or in conjunction with other sources, which cause the WWF effluent to fail a toxicity test.
- P. Detergents surface-active agents, or other substances which by their concentration or amount may cause excessive foaming in the WWF.
- Q. Fats, oils, greases of animal or vegetable origin in concentrations greater than the limits set by this ordinance.
- R. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the WWF. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four hour concentration, quantities, or flow during normal operation.
- S. Any wastewater which causes a hazard to human life or creates a public nuisance.
- T. Any substance which alone or in conjunction with a discharge or discharges from other sources causes a discharge to exit the WWF in quantities or concentrations which cause violation of any appropriate permit for the City of Milton. Including an increase in the magnitude or duration of a violation.

When the director determines that a user is contributing to the WWF any of the above enumerated substances in such amounts as to interfere with the operation of the WWF, the Director, shall;

- (1) Advise the user of the impact of the contribution on the WWF: and
- (2) Develop effluent limitations for such user to correct the interference with the WWF.

## **Section 2.2 Accidental Discharges**

- A. Each user shall provide protection from accidental discharge 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's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City of Milton for review, and shall be approved by the City of Milton before construction of the facility, which approval shall Not be unduly withheld or delayed.  
All existing Significant Industrial Users shall complete such a plan by 180 days after enactment hereof. No user who commences contribution to the WWF after the effective date of these regulations shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City of Milton. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone the City Manager, or the Superintendent of the Wastewater Treatment Plant, or their representatives at 983-5414 or 983-5461 and notify the WWF of the incident. The notification shall include location of discharge, type of waste, concentration, volume and corrective actions.
- B. Written notice. Within five (5) days following an accidental discharge the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not be relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the WWF, fish kills, or other damage to persons and property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.
- C. Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.
- D. New sewers and connections. All new sewers and connections to the sewer system must be properly designed and constructed according to the standards established by the EPA, FDEP, Department of Environmental Health of the State of Florida and the City of Milton.

### Section 2.3 National Categorical Pretreatment Standards

Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter I, Subchapter N, Parts 405-471 and incorporated herein.

### Section 2.4 Conflict with Other Laws

In the event of a conflict between the provisions of this ordinance and any state or federal law, rule or regulation, the more stringent requirement will apply.

### Section 2.5 Specific Pollutant Limits

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following (instantaneous maximum allowable discharge limits)

Arsenic	Copper	Selenium
.04 mg/l	.050 mg/l	.010 mg/l
Benzene	cyanide	Silver
0.1 mg/l	.02 mg/l	.025 mg/l
Beryllium	Lead	Total Phenols
0.13 mg/l	.020 mg/l	2.0 mg/l
BOD	Mercury	Tot. Suspend.Solids
350 mg/l	.002 mg/l	300 mg/l
Cadmium	Nickel	Zinc
.010 mg/l	.05 mg/l	.25 mg/l
Total Nitroqen	40.0 mg/l	
Total Chromium	.6 mg/l	
Oil and Grease	80.0 mg/l	
Total Phosphrous	12.0 mg/l	

The above 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. The City of Milton may impose mass limitations in addition to, or in place of, the concentration-based limitation above.

### Section 2.6 City's Right of Revision

The City reserves the right to establish, by ordinance or in wastewater discharge permits:

1. More stringent standards or requirements on discharges to the WWF, if deemed necessary to comply with any Federal or State law or regulation, or operating permit requirements.
2. Standards for substances not contained in this ordinance

## **Section 2.7 Dilution**

No user shall ever increase the use of process water, or in way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The City of Milton may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

## **SECTION III PRETREATMENT OF WASTEWATER**

### **Section 3.1 Pretreatment Facilities**

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of this ordinance within the time limitations specified by the EPA, the State of Florida, or the City of Milton, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City of Milton for review, and shall be acceptable to the City of Milton before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City of Milton under the provisions of this ordinance.

### **Section 3.2 Additional Pretreatment Measures**

- A. Whenever deemed necessary, the City of Milton may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the WWF and determine the user's compliance with the requirements of this ordinance.
- B. The City 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. A wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the City and shall be located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the user at their expense.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible detection meter.

### **Section 3.3 Accidental Discharge/Slug Control Plans**

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

- A. Description of discharge practices, routine discharges including non-routine discharges
- B. Description of stored chemicals
- C. Procedures for immediately notifying the City of any accidental or slug discharge, as required by this ordinance.
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, or procedures and equipment for emergency response.

### **Section 3.4 Hauled Wastewater**

The City will ensure that hauled industrial waste is adequately regulated and will take measures to ensure that haulers of septic tank waste are not introducing industrial waste to the WWF.

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

## **SECTION 4 WASTEWATER DISCHARGE PERMIT ELIGIBILITY**

### **Section 4.1 Wastewater Survey**

When requested by the Director, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Director is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this Ordinance.

### **Section 4.2 Wastewater Discharge Permit Requirement:**

- A. It shall be unlawful for any significant industrial user to discharge wastewater into the City's WWF without first obtaining a wastewater discharge permit from the Director. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 8,9 and 10. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.
- B. The Director may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this Ordinance.

### **Section 4.3 Wastewater Discharge Permitting Existing Conditions:**

Any significant industrial user which discharges industrial waste into the WWF prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the City for a wastewater discharge permit in accordance with this Section, and shall not cause or allow discharges to the WWF to continue after thirty (30) days of the effective date of this Ordinance except in accordance with a wastewater discharge permit issued by the Director.

### **Section 4.4 Wastewater Discharge Permitting New Conditions:**

Any significant industrial user proposing to begin or recommence discharging industrial wastes into the WWF must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. Any application for this wastewater discharge permit must be filed at least ninety (90) days prior to the day upon which any discharge will begin.

### **Section 4.5 Wastewater Discharge Permitting Extra jurisdictional Industrial Users:**

- A. Any existing significant industrial user located beyond the city limits shall submit a wastewater discharge permit applications, in accordance with this Section, within thirty (30) days of the effective date of this Ordinance. New significant industrial users located beyond the City limits shall submit such applications to the Director ninety (90) days prior to any purposed discharge into the WWF.

- B. Alternately, the Director may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.

#### **Section 4.6 Wastewater Discharge Permit Application Contents:**

In order to be considered for a wastewater discharge permit, all users required to have a wastewater discharge permit must submit the following information:

- A. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged into the WWF.
- B. Number and type of employees, hours of operation, and proposed or actual hours of operation of the WWF.
- C. Each product produced by type, amount, process or processes, and rate of production.
- D. Type and amount of raw materials processed (average and maximum per day).
- E. The 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.
- F. Time and duration of the discharge.
- G. Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

#### **4.7 Application Signatories and Certification:**

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

"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."

#### **4.8 Wastewater Discharge Permit Decisions:**

The Director will evaluate the data furnished by the industrial user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the Director will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The Director may deny any application for a wastewater discharge permit.

**SECTION 5**  
**WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS**

**5.1 Wastewater Discharge Permit Duration:**

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

**5.2 Wastewater Discharge Permits Contents:**

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

A. Wastewater discharge permits must contain the following conditions:

1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years.
2. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the City, and provisions for furnishing the new owner or operator with a copy of the existing discharge permit.
3. Effluent limits applicable to the user based on applicable standards in Federal, State and local law.
4. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or 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 industrial user 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 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.
9. Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance, and State and Federal law, rules and regulations.
10. Self-monitoring, sampling, reporting, notification and record keeping requirements, including identification of a pollutants to be monitored, sampling locations, sampling pretreatment standards in this chapter, categorical pretreatment standards, local limits, and State and local law.

11. Statement of applicable civil and criminal penalties for violations of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules shall not extend the compliance date beyond applicable State and Federal deadlines.

### **5.3 Wastewater Discharge Permit Appeals:**

Any person, including the user, may petition the City to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons, for this objection, and the alternative conditions, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the City fails to act within sixty (60) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Santa Rosa County Court within appropriate State Statute of Limitations.

### **5.4 Wastewater Discharge Permit Modifications:**

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

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.
- B. To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge issuance.
- C. A change in the WWF that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- D. Information indicating that the permitted discharge poses a threat to the City's WWF, City personnel, or the receiving waters.
- E. Violation of any terms or conditions of the wastewater discharge permit.
- F. Misrepresentation of failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.

- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to Chapter 62-625 F.A.C.
- H. To correct typographical or other errors in the wastewater discharge permit.
- I. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit conditions.

### **5.5 Wastewater Discharge Permit Transfer:**

Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least sixty (60) 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 and/or operator which:

- A. States that the new owner and/or operator has not immediate intent to change the facility's operations and processes.
- B. Identifies the specific date on which the transfer will occur.
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit. Failure to provide advanced notice of a transfer render the wastewater discharge permit voidable on the date of facility transfer.

### **5.6 Wastewater Discharge Permit Revocation:**

Wastewater discharge permits may be revoked for the following reasons:

- A. Failure to notify the City of significant changes to the wastewater prior to the changed discharge.
- B. Failure to provide prior notification to the City of changed condition pursuant to Section 6.5.
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
- D. Falsifying self-monitoring reports.
- E. Tampering with monitoring equipment.
- F. Refusing to allow the city timely access to the facility premises and records.
- G. Failure to meet effluent limitations.
- H. Failure to pay fines.
- I. Failure to pay sewer charges.

- J. Failure to meet compliance schedules.
- K. Failure to complete a wastewater survey or the wastewater discharge permit application.
- L. Failure to provide advanced notice of the transfer of a permitted facility.
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance.

Wastewater discharge permits shall be voidable upon nonuse, cessation or operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

### **5.7 Wastewater Discharge Permit Reissuance:**

A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with Section 4.6, a minimum of sixty (60) days prior to the expiration of the industrial user's existing wastewater discharge permit.

### **5.8 Municipal Wastewater Discharge Permits:**

In the event that another municipality contributes all or portion of its wastewater to the WWF, the WWF may require such municipality to apply for and obtain a municipal wastewater discharge permit.

- A. A municipal wastewater discharge permit shall include:
  - 1. A description of the quality and volume of the wastewater at the point(s) where it enters the WWF.
  - 2. An inventory of all industrial users discharging to the municipality.
  - 3. Such other information as may be required by the Director.
- B. A municipal wastewater discharge permit shall contain the following conditions:
  - 1. A requirement for the municipal user to adopt a sewer use ordinance which is a least as stringent as this Ordinance and local limits which are a least as stringent as those set out in Section 2.5.
  - 2. A requirement for the municipal user to submit a revised industrial user inventory on at least an annual basis.
  - 3. A requirement for the municipal user to i) conduct pretreatment implementation activities including industrial user permit issuance, inspection and sampling, and enforcement; and (ii) authorize the WWF to take or conduct such activities on its behalf.

4. A requirement for the municipal user to provide the City with access to all information that the municipal user obtains as part of its pretreatment activities.
  5. Limits on the nature, quality, and volume of the municipal user's wastewater at the point where it discharges to the WWF.
  6. Requirements for monitoring the municipal user's discharge.
- C. Violation of the terms and conditions of the municipal user 5 wastewater discharge permit subjects the municipal user to the sanctions set out in Section 9 through 13.

## **SECTION 6 REPORTING REQUIREMENTS**

### **6.1 BASELINE MONITORING REPORTS:**

- A. Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the WWF, shall be required to submit to the City a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City a report which contains the information listed in paragraph 2, below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharge.
- B. The industrial user shall submit the information required by this section including:
1. Identifying Information- The name and address of the facility including the name of the operator and owners.
  2. Wastewater Discharge Permits- A list of any environmental control wastewater discharge 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 operations(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the WWF from the regulated processes.
  4. 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 40 CFR <sup>403.6(e)</sup>

5. Measurements of Pollutants-
  - a. Identify the categorical pretreatment standards applicable to each regulated process.
  - b. Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the City) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10.
  - c. Sampling must be performed in accordance with procedures set out in Section 6.11.
6. Certification- A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operations and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
7. Compliance Schedule- If additional pretreatment and/or O & M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user 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 out in Section 4.6 of this Ordinance.

All baseline monitoring reports must be signed and certified in accordance with Section 4.7.

## **6.2 Compliance Schedule Progress Report:**

The following conditions shall apply to the schedule required by A(1) (g) of the Section. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation) . No increments referred to above shall exceed nine (9) months. The industrial user shall submit a process report to the Utilities Director no later than 24 days following each date in the schedule and final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Utilities Director.

### **6.3 Report on Compliance with Categorical Pretreatment Standard Deadline.**

Within thirty (30) 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 industrial user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in Section 6.1 (B) . For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR <sup>40</sup>3.6(c), this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutants discharger per unit of production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.7.

### **6.4 Periodic Compliance Reports**

A. Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the Industrial Pretreatment Manager but in no case less than twice a year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 4.7.

B. All wastewater samples must be representative of the industrial user's discharge during the period covered by the report in accordance with §62-625.600 (6) (c)FAC. 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 industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

C. If an industrial user subject to the reporting requirement in and of this Section monitors any pollutants more frequently than required by the WWF, using the procedures prescribed in Section 6.11 of this Ordinance, the results of this monitoring shall be included in the report.

### **6.5 Report off Changed Conditions:**

Each industrial user is required to notify this Industrial Pretreatment Manager of any planned significant changes to the industrial user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (3) days before the change.

A. The Industrial Pretreatment Manger may require the industrial user to submit such information as may be deemed necessary to evaluate the changed conditions, including the submission of a wastewater discharge permit application under Section 4.6.

B. The Industrial Pretreatment Manager may issue a wastewater discharge permit under Section 4.8 or modify any existing wastewater discharge permit under Section 5.4.

C. No Industrial user shall implement the planned changed conditions(s) until and unless the Industrial Pretreatment Manger has responded to the industrial user's notice.

D. For purposes of this requirement flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

## **6.6 Reports of Potential Problems:**

A. In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the WWF (including a violation of the prohibited discharge standards in Section 2.5 of this Ordinance), it is the responsibility of the industrial user to immediately telephone and notify the City of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.

B. Within five(S) days following such discharge, the industrial user shall, unless waived by the Industrial Pretreatment Manger, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may 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 industrial user of any fines, civil penalties, or other liability which may be imposes by this Ordinance.

C. Failure to notify the City of potential problem discharges shall be deemed a separate violation of this Ordinance.

D. A notice shall be permanently posted on this industrial user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (1), above. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

## **6.7 Reports from Nonsignificant Industrial Users**

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide reports to the City as the Industrial Pretreatment Manager may require.

## **6.8 Notice off Violation/Repeat Sampling and Reporting**

If sampling performed by an industrial user indicates a violation, the industrial user must notify the Control Authority within twenty-four(24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation. The industrial user is not required to resample if the WWF performs monitoring at the industrial user's initial sampling and when the industrial user receives the results of this sampling.

## **6.9 Notification of the Discharge of Hazardous Waste**

A. Any industrial user who commenced the discharge of hazardous waste shall notify the WWF, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the WWF of a substance which, if otherwise disposes 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 industrial user discharges more than ten (10) kilograms of such waste per calendar month to the WWF, the notification shall also contain the following information to the extent such information in known and readily available to the industrial user: an identification of the hazardous

constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notification must-take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 6.5, above. The notification requirements in this Section does not apply to pollutants already reported under the self-monitoring requirements of Sections 6.4, 6.5 & 6.6, above.

B. Dischargers are exempt from the requirements of paragraph (1) of this Section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazard wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and <sup>26</sup>1.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and <sup>26</sup>1.33(e), requires a one-time notification.

Subsequent months during which the industrial use 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 or listing any additional substance as a hazardous waste, the industrial user must notify the WWF, the EPA Regional Waste Management Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

D. In the case of any notification made under this Section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

## **6.10 Analytical Requirements**

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

## **6.11 Sample Collection**

A. Except as indicated in paragraph (2), below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Industrial Pretreatment Manger may authorize the use of time proportional sampling or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

B. Samples for oil and grease, temperature, pH, cyanide, pheols, toxicity, sulfides and volatile organic chemicals must be obtained using grab collection techniques.

## **6.12 Determination of Noncompliance**

The Industrial Pretreatment Manager will use samples in accordance with the provisions of §62-625.600 (1) (e) to determine noncompliance with pretreatment standards.

## **6.13 Timing**

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

## **6.14 Record Keeping**

Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this Ordinance. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with the Ordinance, or where the industrial user has been specifically notified of a longer retention period by the Utilities director.

# **SECTION 7 COMPLIANCE MONITORING**

## **7.1 Inspection and Sampling:**

The City shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this Ordinance, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the Director or his representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the City, State and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.
- B. The City, State, and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The City may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated (periodically) to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.

- E. Unreasonable delays in allowing City personnel access to the industrial user's premises shall be a violation of this Ordinance.

**7.2 Search Warrants:**

If the Industrial Pretreatment Manager or staff has been refused access to a building, structure, or property or any part hereof, and if the Industrial Pretreatment Manager has demonstrated probable cause to believe that there may be a violation of this Ordinance or that there is a need to inspect as part of a routine inspection program of the City designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the Municipal Court Judge of Santa Rosa County shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Director in the company before a uniformed public safety officer of the City. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

**SECTION 8  
ENFORCEMENT RESPONSE PLAN**

**8.1 The City's Enforcement Response Plan consists of Sections through out this document.**

- A. Description of Terms: Terms and abbreviations used are defined below:

AO	-	Administrative Order
Civil	-	Civil litigation against the industrial user litigation seeking equitable relief, monetary penalties and actual damages.
Criminal Prosecution-		Pursuing punitive measures against an individual and/or organization through a court of law.
Fine	-	Monetary penalty assessed by Control Authority officials. Fines should be assessed by the Industrial Pretreatment Manager or the Director.
I	-	Inspector
IU	-	Industrial User
Meeting-		Informal compliance meeting with the IU to resolve recurring noncompliances.
NOV	-	Notice of Violation
PM	-	Pretreatment Manager
UD	-	Utilities Director
SV	-	Significant Violation
Show Cause-		Formal meeting requiring the IU to appear and demonstrate why the Control Authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

## SECTION 9 ENFORCEMENT RESPONSE PLAN

### 9.1 Publication of Industrial Users in Significant Noncompliance:

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

- A. Chronic violation of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a 6 month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- B. Technical Review Criteria (TRC) violations, defined here as those which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a 6 month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 BOD, TSS, Fat, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other discharge violations that the City believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of city personnel or the general public);
- D. Any discharge or pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, ninety (90) days compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance;
- H. Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.

## SECTION 10 ADMINISTRATIVE ENFORCEMENT REMEDIES

### 10.1 Notifications of Violations:

Whenever the Industrial Pretreatment Manager finds that any user has violated or is violating this Ordinance, a wastewater discharge permit, or any other pretreatment requirement, the Industrial

Pretreatment Manager may serve upon said user a written Notice of Violation. Within 30 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Industrial Pretreatment Manager. Submission of this plan in no way relieves the user of liability of any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the City to take action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

#### **10.2 Consent Orders:**

The Utilities Director is hereby empowered to enter into Consent Orders, assurances of voluntary compliance or other similar documents establishing an agreement with any user responsible for noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as the administrative orders issued pursuant to Section (C and D), below and shall be judicially enforceable.

#### **10.3 Show Cause Hearing:**

The Utilities Director may order any user which causes or contributes to violation(s) of this Ordinance, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the Utilities Director to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken.

#### **10.4 Compliance Orders:**

When the Industrial Pretreatment Manager finds that a user has violated or continues to violate the ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance within thirty (30) days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance order may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be prerequisite to taking any other action against the user.

#### **10.5 Cease and Desist Order:**

When the Industrial Pretreatment Manager finds that a user is violating this Ordinance, the user's wastewater discharge permit, any other issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Industrial Pretreatment Manager may issue an order to the user directing it to cease and desist all such violations and directing user to:

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

## 10.6 Administrative Fines:

- A. Notwithstanding any other section of the Ordinance, any user that is found to have violated any provision of this Ordinance, its wastewater discharge permit, or orders issued hereunder, or any pretreatment standard or requirement shall be fined in an amount not to exceed ~1, 000 (one Thousand Dollars) . Such finds shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Assessment may be added to the user's next scheduled sewer charge and the Utilities Director shall have such other collection remedies as may be available for other services, charges, and fees.
- C. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance and interest shall accrue thereafter at a rate of ten percent (10%) per month. A lien against the individual user's property will be sought for unpaid charges, finds, and penalties.
- D. Users desiring to dispute such finds must file a written request for the Utilities Director to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine.
- E. Issuance of an administrative fine shall not be a prerequisite for taking any other action against the user.

## 10.7 Emergency Suspension:

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

- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Utilities Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WWF, its receiving stream, or endangerment to any individuals. The Utilities Director shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings set forth in Section (H), below, are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment, shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Utilities Director, prior to the date of any show cause or termination hearing under Section (C and H) . Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

## **10.8 Termination off Discharge:**

In addition to those provisions in Section 6(F) of this Ordinance, any user that violates the following conditions of this Ordinance, wastewater discharge permits or orders issued hereunder, is subject to discharge termination.

- A. Violation of wastewater discharge permit conditions.
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge.
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics of discharge.
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring and sampling.
- E. Violation of the pretreatment standards in Section 3 or this Ordinance. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 2(c) of this Ordinance why the proposed action should not be taken.

## **10.9 Timeframes for Responses:**

- A. All violations will be identified and documented within five days of receiving compliance information.
- B. Initial enforcement responses (involving contact with the industrial user and requesting information on corrective or preventative action(s)) will occur within 15 days of violation detection.
- C. Follow up actions for continuing or reoccurring violations will be taken within 60 days of the initial enforcement response. For all continuing violations, the response will include compliance schedule.
- D. Violations which threaten health, property, or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
- E. All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within 30 days of the identification or significant noncompliance.

**SECTION 11**  
**JUDICIAL ENFORCEMENT REMEDIES**

**11.1 Injunctive Relief:**

Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this Ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the Utilities Director may petition the Circuit Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit order, or other requirement imposed by this Ordinance on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the City. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

**11.2 Civil Penalties:**

- A. Any user which has violated or continues to violate this Ordinance, any order or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$1,000 (one Thousand Dollars) but not less than \$100 (One Hundred Dollars) per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.
- B. The City may recover reasonable attorney's fees, court costs, and other expenses associated with 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 user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

**11.3 Criminal Prosecution:**

- A. Any user that willfully or negligently violates any provision of this Ordinance, any order or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine or not more than \$1,000 (One Thousand Dollars) per violation per day or imprisonment for not more than six (6) months or both.
- B. Any user that willfully or negligently introduces any substance into the WWF which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$10,000 (Ten Thousand Dollars) and/or be subject to imprisonment for one (1) year. This penalty shall be in addition to any other cause for action for personal injury or property damage available under State law.

- C. Any user that knowingly makes false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance, wastewater discharge permit or other, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine or not more than \$1,000 (One Thousand Dollars) per violation per day or imprisonment for not more than six (6) months or both.
- D. In the event of a second conviction, a user shall be punishable by a fine of not more than \$10,000 (Ten Thousand Dollars) per violation per day or imprisonment for not more than one (1) year or both.

#### **11.4 Remedies Nonexclusive:**

The provisions in the previous Sections are not exclusive remedies. The City reserves the right to take any, all, or any combination of these actions against a noncomplaint user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

### **SECTION 12 SUPPLEMENTAL ENFORCEMENT ACTION**

#### **12.1 Performance Bonds:**

The Industrial Pretreatment Manager may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this Ordinance, any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the City Attorney to be necessary to achieve consistent compliance.

#### **12.2 Liability Insurance:**

The Industrial Pretreatment Manager may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this Ordinance, any orders, or a previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damages to the WWF caused by its discharge.

#### **12.3 Waster Supply Severance:**

Whenever a user has violated or continues to violate the provisions of this Ordinance, orders, or wastewater discharge permits issued hereunder, waster service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

## **12.4 Public Nuisances:**

Any violation of this Ordinance, wastewater discharge permits, or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Utilities Director of his designee. Any person(s) creating a public nuisance shall be subject to the provisions of the City code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

## **SECTION 13 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

### **13.1 Upset:**

- A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3) are met.
- C. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - 1. An upset occurred and the industrial user can identify the cause(s) of the upset;
  - 2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
  - 3. The industrial user has submitted the following information to the WWF and treatment plant operator within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days:
    - i) A description of the indirect discharge and cause of noncompliance;
    - ii) The period of noncompliance, including exact dates and times or, if no corrected, the anticipated time the noncompliance is expected to continue;
    - iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

- D. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Industrial users will have the opportunity for a judicial determination on any claim of upset only if an enforcement action brought for noncompliance with categorical pretreatment standards.
- F. The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, 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.

### **13.2 General/Specific Prohibitions:**

An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 3(A) of this Ordinance if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either (1) a local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference, or (2) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its DPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

### **13.3 Bypass:**

- A.
  - a. "Bypass" means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.
  - b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can be reasonably be expected to occur in the absence of bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.
- C.
  - a. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the WWF, at least ten (10) days before the date of the bypass is possible.
  - b. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the WWF within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to

reduce, eliminate, and prevent reoccurrence of the bypass, The WWF may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

- D. a. Bypass is prohibited, and the WWF may take enforcement action against an industrial user for a bypass, unless:
- i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - ii) There were no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - iii) The industrial user submitted notices as required under paragraph (3) of this section.
- b. The WWF may approve an anticipated bypass, after considering its adverse effects, if the WWF determines that it will meet the three conditions listed in paragraph (4) (a) of this section.

## SECTION 14 MISCELLANEOUS PROVISIONS

### 14.1 Pretreatment Charges and Fees:

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

- A. Fees for wastewater discharge permit applications including the cost of processing such applications.
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing the industrial user's discharge, and reviewing monitoring reports submitted by industrial users.
- C. Fees for reviewing and responding to accidental discharge procedures and construction.
- D. Fees for filing appeals.
- E. Other fees for as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

**14.2 Severability:**

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

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of the inconsistency or conflict.

**14.4 Effective Date:**

This ordinance shall take effect 90 days after passage.

PASSED by the City Council of the City of Milton, Florida on  
The 14th day of September 1999.

MILTON CITY COUNCIL

Clerk

First Reading August 10, 1999

Second Reading September 14, 1999