

**CITY OF MIRAMAR
PROPOSED CITY COMMISSION AGENDA ITEM**

First Reading Date: September 2, 2020

Second Reading Date: September 16, 2020

Presenter's Name and Title: Roy Virgin, Ph.D., Director of Utilities; Jose G. Cardoso, Regulatory Compliance Officer on behalf of the Utilities Department

Prepared By: Jose G. Cardoso, Regulatory Compliance Officer

Temp. Ord. Number: O1753

Item Description: FIRST READING of Temp. Ord. #O1753 AMENDING CHAPTER 21, ARTICLE III, DIVISION 2 "SEWER USE REGULATIONS", SECTION 21-93 "INDUSTRIAL PRE-TREATMENT PROGRAM" OF THE CODE OF ORDINANCE OF THE CITY OF MIRAMAR TO INCLUDE NEW FEDERAL AND STATE PRETREATMENT REGULATIONS FOR DENTAL OFFICE DISCHARGES AND PHARMACEUTICAL HAZARDOUS WASTE (Roy Virgin, Director of Utilities).

Consent ☐ Resolution ☐ Ordinance ☒ Quasi-Judicial ☐ Public Hearing ☐

Instructions for the Office of the City Clerk:

Public Notice – As required by the Sec. _____ of the City Code and/or Sec. _____, Florida Statutes, public notice for this item was provided as follows: on _____ in a _____ ad in the _____; by the posting the property on _____ and/or by sending mailed notice to property owners within _____ feet of the property on _____ (fill in all that apply)

Special Voting Requirement – As required by Sec. _____, of the City Code and/or Sec. _____, Florida Statutes, approval of this item requires a _____ (unanimous, 4/5ths etc.) vote by the City Commission.

Fiscal Impact: Yes ☐ No ☒

REMARKS: No Fiscal Impact

Content:

- Agenda Item Memo from the City Manager to City Commission
- Ordinance TO1753
 - Exhibit A: Sewer Use Ordinance Revisions Final
- Attachment(s)
 - Attachment 1: Florida Dept of Enviro Protection email
 - Attachment 2: Sewer Use Ordinance Revisions w/track changes
 - Attachment 3: Ordinance 99-03



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

FROM: Vernon E. Hargray, City Manager *VA*

BY: Roy Virgin, Ph.D., Director of Utilities

DATE: August 27, 2020

RE: FIRST READING of Temp. Ord. No. O1753 Amending Municipal Ordinance "Sewer Use Regulations"

RECOMMENDATION: Adoption of Temporary Ordinance No. O1753, Amending Chapter 21, Article III, Division 2 of the City Code "Sewer Use Regulations" Section 21-93 "Industrial Pretreatment Program" to include new Federal and State Pretreatment Regulations.

ISSUE: City Commission approval is required to amend Chapter 21 of the City's Code of Ordinance.

BACKGROUND: On November 18, 1998, City Commission adopted Ordinance No. 99-03, currently Chapter 21, Article III, Division 2, "Sewer Use Regulations" in the Municipal Code of Ordinances of the City of Miramar. These changes allowed the Utilities Department to implement an Industrial Pretreatment Program ("IPP") for the Wastewater Reclamation Facility ("WWRF"), Section 21-93. The IPP protects the Waste Water Reclamation Facility (WWRF) from pollutants that would adversely affect the treatment process and personnel and to prevent the pass-through of pollutants to the reclaimed water system.

On July 14, 2017, the Environmental Protection Agency's ("EPA") adopted the Final Rule *Effluent Limitations Guidelines and Standards for the Dental Category, Title 40 Code of Federal Regulations ("CFR") Part 441*. This rule, also known as the Dental Amalgam Rule, applies in helping to mitigate and reduce the amount of mercury, dental facilities discharge into publicly owned treatment works ("POTW"). The ruling will assist public utilities with an IPP to have authority in regulating dental discharges; *Pretreatment Standards for Existing Sources Title 40 CFR Part 441.30*. In addition, on February 22, 2019, the EPA finalized the Rule *Prohibition of Sewering Hazardous Waste*

Pharmaceuticals Title 40 CFR Part 266.506 prohibiting the introduction of pharmaceutical ingredients and metabolic by-products from Healthcare facilities into POTW.

In alignment with these changes, the City of Miramar received correspondence from FDEP on November 15, 2019, requesting the City to provide a plan to make modifications to the existing Sewer Use Ordinance and include the language associated with the enacted rules. For the City's IPP to be able to apply enforceable requirements as adopted by FDEP Rule 62-625.110(3) and 62-625.500(2)(a) Florida Administrative Code (F.A.C.), amendment to the City's Code of Ordinance Chapter 21, Article III, Division 2 Section 21-93 will be necessary to allow the inclusion of Title 40 CFR Part 441.30 and Title 40 CFR Part 266.505.

DISCUSSION: The above rules were put into place to ensure the safety of domestic wastewater treatment facilities. Scientific studies have revealed chemical contaminants such as mercury, organic and inorganic chemicals into wastewater systems can impose a significant hazard on public health. The implementation of these rules will ensure that our IPP has more control in regulating what goes into our wastewater system.

ANALYSIS: By amending the Code of Ordinance it will ensure that the City follows all State and Federal regulations and avoids any fines subject to non-compliance. This amendment does not have a fiscal impact.

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**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING CHAPTER 21, ARTICLE III, DIVISION 2, "SEWER USE REGULATIONS", SECTION 21-93 "INDUSTRIAL PRETREATMENT PROGRAM" OF THE CODE OF ORDINANCE OF THE CITY OF MIRAMAR TO INCLUDE NEW FEDERAL AND STATE PRETREATMENT REGULATIONS FOR DENTAL OFFICE DISCHARGES AND PHARMACEUTICAL HAZARDOUS WASTE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING THAT OFFICIALS ARE AUTHORIZED TO TAKE ACTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 18, 1998, City Commission adopted Ordinance No. 99-03, currently Chapter 21, Article III, Division 2, Sewer Use Regulations in the Municipal Code of Ordinances of the City of Miramar; and

WHEREAS, these changes allowed the Utilities Department to implement an Industrial Pretreatment Program ("IPP") for the Wastewater Reclamation Facility ("WWRF"), Section 21-93; and

WHEREAS, the IPP protects the Waste Water Reclamation Facility (WWRF) from pollutants that would adversely affect the treatment process and personnel, and to prevent pass-through of pollutants to the reclaimed water system; and

WHEREAS, on July 14, 2017, the Environmental Protection Agency's ("EPA") adopted the Final Rule *Effluent Limitations Guidelines and Standards for the Dental Category*, Title 40 Code of Federal Regulations ("CFR") Part 441; and

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WHEREAS, on February 22, 2019, the EPA finalized the Rule *Prohibition of Sewering Hazardous Waste Pharmaceuticals* Title 40 CFR Part 266.506 prohibiting the introduction of pharmaceutical ingredients and metabolic by-products from Healthcare facilities into POTW; and

WHEREAS, in alignment with these changes, the City of Miramar received correspondence from FDEP on November 15, 2019, requesting the City to provide a plan to make modifications to the existing Sewer Use Ordinance and include the language associated with enacted rules; and

WHEREAS, words with single underline shall constitute additions to the original text and ~~strike through~~ text shall constitute deletions to the original text.

WHEREAS, for the City's IPP to be able to apply enforceable requirements as adopted by FDEP Rule 62-625.110(3) and 62-625500(2)(a) Florida Administrative Code (F.A.C.), amendment to the City's Code of Ordinance Chapter 21, Article III, Division 2 Section 21-93 will be necessary to allow the incursion of Title 40 CFR Part 441.30 and Title 40 CFR Part 266.505.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2: That Chapter 21, Article III, Sewer Use Regulations, Division 21-93 of

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the City of Miramar Code of Ordinances entitled "Industrial Pretreatment Program" is amended as follows:

Amalgam separator- is a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.

Amalgam waste- means and includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

ANSI/ADA Standard No. 108- is the American National Standards Institute and American Dentistry association standard for amalgam separators.

Existing Source (Dental Amalgam Rule)- is any any facility subject to this Section whose first discharge to the sewer collection system occurred on or before July 14, 2017.

Hazardous waste pharmaceutical- is a pharmaceutical that is a solid waste, as defined in Title 40 of the Code of Federal Regulations (40 CFR) section 261.2, and exhibits one or more characteristics identified in 40 CFR part 261 subpart C or is listed in 40 CFR part 261 subpart D.

Healthcare facility- means any person that is lawfully authorized to:

- a) Provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or

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b) Distribute, sell, or dispense pharmaceuticals. This definition includes, but is not limited to, wholesale distributors, third-party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals.

Healthcare facility does not include pharmaceutical manufacturers.

ISO 11143- is the International Organization for Standardization's standard for amalgam separators.

Pharmaceutical- means any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials). This definition includes, but is not limited to, dietary supplements, as defined by the Federal Food, Drug and Cosmetic Act; prescription drugs, as defined by Title 21 of the Code of Federal Regulations part 203.3(y); over-the-counter drugs; homeopathic drugs; compounded drugs; investigational new drugs; pharmaceuticals remaining in non-empty containers; personal protective equipment contaminated with pharmaceuticals; and clean-up material from spills of pharmaceuticals. Pharmaceutical does not include dental amalgam or sharps.

Reverse distributor- means any person that receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit. Any person, including forward distributors, third-party logistics providers, and pharmaceutical manufacturers, that processes prescription pharmaceuticals for the facilitation or verification of manufacturer credit is considered a reverse distributor.

(f) Requirements for dental facilities that remove or place amalgam fillings.

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- (a) All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following reporting and waste management practices:
- (1) For existing sources, the One-Time Compliance Report is due no later than October 12, 2020 or no later than 90 days after transfer of ownership.
 - (2) For new sources, the One-Time Compliance Report is due within 90 days of the start of discharge to the sewer collection system.
 - (3) No person shall rinse chairside traps, vacuum screens, or amalgam separators equipment in a sink or other connection to the sanitary sewer.
 - (4) Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and fixer-containing solutions and shall maintain training records that shall be available for inspection by the superintendent or designee during normal business hours.
 - (5) Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.
 - (6) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.
 - (7) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.
- (b) All owners and operators of dental vacuum suction systems, except as set forth in subsections (d) and (e) of this section, shall comply with the following:
- (1) An ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator or equivalent device shall be installed for each dental vacuum suction system on or before July 14, 2020; provided, however, that all dental facilities that are newly constructed on and after the effective date of this ordinance shall include an installed ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator device. The installed device must be ISO 11143 or ANSI/ADA Standard No. 108 certified as capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam.

separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified.

- (2) Proof of certification and installation records shall be submitted to the superintendent within 30 days of installation.
- (3) Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request therefor by the superintendent or designee during normal business hours. Records shall be maintained for a minimum of three years.

(c) Facilities with vacuum suction systems that meet all the following conditions may apply to the superintendent for an exemption to the requirements of subsection (c) of this section:

- (1) The system is a dry vacuum pump system with an air-water separator.
- (2) The sedimentation tank is non-bottom draining, with the drain above the anticipated maximum level of accumulated sludge.
- (3) Evidence of regular pump outs by a licensed hauler (a minimum of once a year, or more often if either directed by the manufacturer or necessary to keep solids from exiting through the drain) is maintained and open to inspection by the superintendent during normal business hours.
- (4) The system has no direct discharge pipe to the sewer on the bottom of the sedimentation tank.

An owner or operator whose facility meets conditions (1) through (4) may apply for this exemption by written letter to the superintendent. The superintendent or designee will review the system and, if the exemption is approved, shall provide a written letter of exemption.

An exemption obtained pursuant to this subsection (d) shall expire upon installation of a new vacuum system. Upon expiration of the exemption, the facility shall comply with subsection (c) of this section before commencing further operation.

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(d) Dental dischargers that exclusively practice one or more of the following specialties are not subject to the requirements of this section: (1) Orthodontics; (2) Periodontics; (3) Oral and maxillofacial surgery; (4) Radiology; (5) Oral pathology or oral medicine; (6) Endodontistry and prosthodontistry.

(e) Dental practices that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, are exempt from the requirements of this part, provided the dental practice:

(1) Submits the following statement to the (City/County/Utility/Authority), signed by a responsible corporate officer, general partner, proprietor, or a duly authorized representative by the applicable compliance deadline identified in Section 23.93

(f)(b):

“This facility is a dental discharger subject to this rule and does not place or remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances. I am a responsible corporate officer, a general partner or proprietor (if the facility is a partnership or sole proprietorship), or a duly authorized representative in accordance with the requirements of § 403.12(l) of the above named dental facility, and 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.”;

(2) Removes dental amalgam for limited emergency or unplanned, unanticipated circumstances, less than 9 times per year and as no more that 5% of dental procedures; and

(3) The dental practice notifies the (City/County/Utility/Authority) of any changes affecting the applicability of this certification.

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(f) Disposal of hauled waste from dental facilities to the sanitary sewer is prohibited in accordance with [Section.21-92.](#)

(g) Dental dischargers that fail to comply with this section will be considered significant industrial users, and will be subject to the requirements herein, including the reporting requirements, compliance monitoring, and administrative enforcement remedies identified in Sections [21-95](#), [21-96](#), and [21-99](#), respectively.

Section 3: REPEALER: That all sections or parts of sections of the City Code, all ordinances or parts of ordinances and all resolutions or parts of resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4: SEVERABILITY: That should any section or provision of this Ordinance, or any paragraph, section or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof, as a whole or part hereof, other than the part declared to be invalid.

Section 5: INCLUSION IN THE CODE: That it is the intention of the City Commission of the City of Miramar that the provisions of this Ordinance shall become and be made part of the Code of the City of Miramar, and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter", "Section", "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Section 6: EFFECTIVE DATE: That this Ordinance shall take effect immediately upon adoption on second reading.

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PASSED FIRST READING: _____

PASSED AND ADOPTED ON SECOND READING: _____

Mayor, Wayne M. Messam

Vice Mayor, Maxwell B. Chambers

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this ORDINANCE as to form:

City Attorney,
Austin Pamies Norris Weeks Powell, PLLC

<u>Requested by Administration</u>	<u>Voted</u>
Commissioner Winston F. Barnes	_____
Vice Mayor Maxwell B. Chambers	_____
Commissioner Yvette Colbourne	_____
Commissioner Alexandra P. Davis	_____
Mayor Wayne M. Messam	_____

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ARTICLE III. - SANITARY SEWER SYSTEM^[4]

Footnotes:

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Cross reference— Local improvements special assessments procedure, § 2-266 et seq.

DIVISION 1. - GENERALLY

Sec. 21-71. - Use of septic tanks, etc., restricted; connection to city sanitary sewer system prohibited; discontinued septic tanks.

- (a) It shall be unlawful for any person to drain or cause to be drained, any sewerage into septic tanks or other like system within such area as is served by the city's sanitary sewer system or where such system is available therefor.
- (b) No connection shall be made from any septic tank or other like systems with city's sanitary sewer system.
- (c) All discontinued septic tanks or other like systems shall be cleaned and filled with earth within ninety (90) days from date of such discontinuance.

(Code 1964, § 25-4.1)

Sec. 21-72. - Cast-iron cleanouts required in sewers.

There shall be installed in all sewer line hookups to the sewer system of the city cast-iron cleanout with plastic spigot end or an adaptor fitting especially made to fit the city's lateral connection in running the house sewer line into the city sewer system.

(Code 1964, § 25-5)

Secs. 21-73—21-90. - Reserved.

DIVISION 2. - SEWER USE REGULATIONS^[5]

Footnotes:

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Editor's note— Ord. No. 99-3, adopted Nov. 18, 1998, amended Div. 2, in its entirety, to read as herein set out in §§ 21-91—21-106. Prior to inclusion of said ordinance, Div. 2 pertained to similar subject matter. See the Code Comparative Table.

Sec. 21-91. - General provisions.

- (a) *Purpose and policy.* This division sets forth uniform requirements for users of the domestic wastewater facility (WWF) of the City of Miramar. This division enables the city to comply with all applicable federal and state laws, including the Clean Water Act of 1977 (33 U.S.C. 1251 et seq.) as amended, the General Pretreatment Regulations (40 CFR, Part 403), and the Florida Department of Environmental Protection's Pretreatment Requirements (Rule 62-625 F.A.C).

The objectives of this division are:

- (1) To prevent discharges to WWFs which will interfere with the operation of the facility, including interference with its use or disposal of domestic wastewater residuals;
- (2) To prevent discharges to WWFs which will pass through or otherwise be incompatible with WWFs;
- (3) To protect WWF personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- (4) To improve opportunities to recycle and reclaim wastewater and sludge;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the WWF;
- (6) To enable the city to comply with its wastewater discharge/reuse permit conditions, sludge use and disposal requirements and any other federal, state, or local laws to which the WWF is subject.

This division authorizes the issuance of wastewater discharge permits; establishes effluent limits; requires pretreatment; authorizes monitoring, compliance and enforcement activities; requires industrial user reporting; establishes administrative review procedures; and provides for setting of fees for the equitable distribution of costs resulting from the program established herein.

This division shall apply to the City of Miramar sewerage system and to persons outside the system who are, by contract or agreement with the city, users of the city's WWF. Except as otherwise provided herein, the director of the department of public works, City of Miramar shall administer, implement, and enforce the provisions of this division. Any powers granted to or duties imposed upon the director may be delegated by the director to other city personnel.

- (b) *Definitions.* The following terms and phrases when used in this division shall have the meaning ascribed to them in this section, except where a provision explicitly states otherwise.

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.).

Amalgam separator- is a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.

Amalgam waste- means and includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

ANSI/ADA Standard No. 108- is the American National Standards Institute and American Dentistry association standard for amalgam separators.

Approval authority shall mean the Florida Department of Environmental Protection.

Authorized or duly authorized representative of the user shall mean either:

- (1) If the user is a corporation:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or 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 [or general permit] requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs (1) through (3), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

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 section 21-92(g). *BMPs* include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. [Note: *BMPs* also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.]

Biochemical oxygen demand or *BOD* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in terms of concentration (milligrams per liter, mg/l) and as specified in Rule 62-160, F.A.C.

Biosolids shall mean treated wastewater sludge that can be beneficially recycled.

Building sewer shall mean the extension from the building drain to the public sanitary sewer or other place of disposal; also called a house connection, which conveys wastewater from the premises of a user to the WWF.

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

Categorical industrial user shall mean an industrial user subject to Categorical Pretreatment Standards.

Categorical Pretreatment Standards or *Categorical Standards* 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) which applies to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471, as amended.

Chemical oxygen demand or *COD* shall mean the measure of oxygen equivalent to that portion of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant, expressed in milligrams per liter (mg/l), as specified in Rule 62-160, F.A.C.

City shall mean City of Miramar, Broward County, Florida, acting under authority of the board of city commissioners and by and through its duly authorized, appointed and/or elected officers or employees.

Color shall mean the "true color" due to the substances in solution, expressed in wave lengths of light.

Compatible pollutant shall mean biochemical oxygen demand, total suspended solids, pH, oil and grease, fecal coliform bacteria and any additional pollutants identified in the WWF's discharge/reuse permit for which the WWF is designed to treat and does remove to a substantial degree; also called "conventional pollutant."

Composite sample shall mean a sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

Constituents shall mean the particles and dissolved substances which exist in wastewater.

Control authority shall mean the City of Miramar.

Cooling water shall mean the water discharged from uses such as air conditioning, cooling or refrigeration, of which the only pollutant added is heat; also called "non-contact cooling water."

Daily average values shall mean the average of all sample values for any one (1) given day.

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

Dilution shall mean any addition to a wastewater discharge for the purpose of, but not limited to, making weaker, less potent, mixing, dispersing, or thinning, so as to alter the physical, chemical or biological properties, other than what is defined as pretreatment.

Direct discharge shall mean the discharge of treated or untreated wastewater directly to waters of the State of Florida.

Director shall mean the Director of Public Works/Utilities Department, City of Miramar, or his duly authorized deputy, agent or representative.

Discharge shall mean the introduction of pollutants into a WWF from any nondomestic source.

Domestic wastewater shall mean water-carried wastes of human origin, as opposed to wastes from commercial or industrial activities.

Effluent shall mean the wastewater or other liquid that flows out of a basin, treatment process, or treatment plant.

Environmental Protection Agency shall mean the United States Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

Existing source shall be any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to the source if the standard is therefore promulgated in accordance with Section 307 of the Act.

Existing Source (Dental Amalgam Rule)- is any any facility subject to this Section whose first discharge to the sewer collection system occurred on or before July 14, 2017

Florida Department of Environmental Protection (FDEP) shall mean a component of the executive branch of the State of Florida authorized by Section 20.261, Florida Statutes.

Flow proportional composite sample shall mean a sample consisting of several individual portions in which each portion of the sample is proportional to the flow and combined to form a representative sample.

Four-day average values shall mean the average of daily values for four (4) consecutive monitoring days.

Garbage shall mean the solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

General pretreatment regulations shall mean "The General Pretreatment Regulations for Existing and New Sources of Pollution," published in the Federal Register, 40 CFR 403, on June 26, 1978, and any revisions to same.

Grab sample shall mean a sample which is collected from a wastestream over a period of time not exceeding fifteen (15) minutes, with no regard to the flow in the waste stream.

Hazardous substance shall mean a substance having radiological, chemical, physical or biological properties that are or could be dangerous to plant, animal or human life.

Hazardous waste pharmaceutical- is a pharmaceutical that is a solid waste, as defined in Title 40 of the Code of Federal Regulations (40 CFR) section 261.2, and exhibits one or more characteristics identified in 40 CFR part 261 subpart C or is listed in 40 CFR part 261 subpart D

Healthcare facility- means any person that is lawfully authorized to:

- a) Provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or**
- b) Distribute, sell, or dispense pharmaceuticals. This definition includes, but is not limited to, wholesale distributors, third-party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals.**

Healthcare facility does not include pharmaceutical manufacturers.

Holding tank waste shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks; also called "septic tank wastes".

Incompatible pollutant shall mean all pollutants other than compatible pollutants as defined in this section.

Indirect discharge shall mean the discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the WWF (including holding tank waste discharged into the system).

Industrial user shall mean a source of indirect discharge.

Industrial wastes shall mean the liquid wastes from industrial manufacturing processes, trade or business, as distinct from domestic wastewater.

Industrial waste surcharge shall mean the additional charge made in excess of the sewer service charge assessed against industrial users of the city, or industrial users outside the city's service area who are, by contract or agreement with the city, users of the city's WWF, whose wastewater characteristics exceed established limits for designated compatible pollutants.

Influent shall mean water, wastewater, or other liquid flowing into a reservoir, basin, treatment process, or treatment plant.

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.

Instantaneous maximum allowable discharge limit shall mean the maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the public owned treatment works ("POTW"), its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the city's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act ("RCRA"); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

ISO 11143- is the International Organization for Standardization's standard for amalgam separators.

Local limit shall mean specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Medical waste shall mean isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

Minor user shall mean a non-categorical user which has the potential to discharge a non-domestic process wastestream but whose discharge may not significantly impact the WWF, degrade receiving water quality and/or contaminate sludge.

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.

National pollutant discharge elimination system or *NPDES permit* shall mean a permit for discharge of pollutants from point or non-point sources into the navigable waters, the contiguous zone and the oceans pursuant to Section 402 of the Act (33 U.S.C. 1342).

New source shall mean:

- (1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed pretreatment standards prescribed under Section 307(c) (33 U.S.C. 1317) of the Act which will be applicable to such source, if the standards are thereafter promulgated in accordance with that section, provided that: (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility

is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, will be considered.

- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraph (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has: (a) Begun, or caused to begin as part of a continuous onsite construction program, (i) any placement, assembly, or installation of facilities or equipment, or (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

New Source (Dental Amalgam Rule)- is any facility subject to this Section whose first discharge to the sewer system occurs after July 14, 2017 and must comply immediately upon commencement of discharge.

Non-contact 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.

Oil and grease shall mean a group of substances including fats, waxes, free fatty acids, soaps, and certain other non-fatty materials which are from animal or vegetable source and biodegradable. This excludes petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin.

Oil water separator shall mean any tank, box, sump or other container in which any petroleum or grease product thereof, floating on or entrained or contained in water entering the tank, box, sump or other container, is physically separated and removed from the water prior to outfall, drainage, or recovery of the water; also called "grease trap."

Pass through shall mean a discharge which exits the WWF into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the city's discharge/reuse permit (including an increase in the magnitude or duration of a violation).

Person shall mean any individual, firm, company, association, society, corporation, partnership, co-partnership, joint stock company, trust, estate, group, industrial concern, municipality, governmental entity, political subdivision, public officer or any other legal entity, or their legal representatives, agents or assigns, or any combination thereof. This definition includes all federal, state or local government entities. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions. The concentration is the weight of hydrogen ions in grams per liter of solution, expressed in standard units.

Pharmaceutical- means any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials). This definition includes, but is not limited to, dietary supplements, as defined by the Federal Food, Drug and Cosmetic Act; prescription drugs, as defined by Title 21 of the Code of Federal Regulations part 203.3(y); over-the-counter drugs; homeopathic drugs; compounded drugs; investigational new drugs; pharmaceuticals remaining in non-empty containers; personal protective equipment contaminated with pharmaceuticals; and clean-up material from spills of pharmaceuticals. Pharmaceutical does not include dental amalgam or sharps.

Pollutant shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, medical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water, and the characteristics of the wastewater [i.e., pH, temperature, TSS, turbidity, color, biochemical oxygen demand, chemical oxygen demand, toxicity, odor].

Pollution shall mean the manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

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 prior to or in lieu of discharging or otherwise introducing the pollutants into the WWF. The reduction or alteration can be obtained by physical, chemical or biological processes, or by process changes or by other means, except by diluting the concentration of the pollutants as prohibited by Rule 62-625.410(5), F.A.C. unless allowed by an applicable pretreatment standard.

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

Pretreatment standards or *standards* shall mean prohibited discharge standards, categorical pretreatment standards, and local limits. In case of conflicting standards, the more stringent thereof shall apply.

Priority pollutant shall mean any toxic pollutant regulated under categorical pretreatment standards.

Prohibited discharge standards or *prohibited discharges* shall mean the absolute prohibition against the discharge of certain substances; these prohibitions appear in section 21-92(g) of this division.

Public utility shall mean any state, county or municipality owning, managing, controlling or operating a domestic WWF, or proposing to construct a domestic WWF that provides or proposes to provide wastewater service.

Public sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by the authority of a public utility.

Publicly owned treatment works or *POTW* shall mean a treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

Receiving waters shall mean that body of water, or watercourse receiving the discharge waters from the sewage treatment plant or formed by the waters discharged from the sewage treatment plant.

Sanitary sewer shall mean a sewer that carries wastewater and to which storm, surface and ground waters are not intentionally admitted.

Self-monitoring shall mean sampling, analysis and monitoring by an industrial user of his regulated discharge at the expense of the user.

Septic tank shall mean a subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with:

- (1) A sewer line constructed with solid pipe, with joints sealed, connecting the impervious tank with a plumbing stub out; and
- (2) A subsurface system of piping to drain the clarified discharge from the tank and distribute it underground to be absorbed or filtered.

Sewage shall mean human excrement and gray water (and by example, and not limitation, household showers, dishwashing operations, etc.).

Sewer shall mean a pipe or conduit intended to carry wastewater.

Sewerage system shall mean sewage treatment works, pipelines or conduits, pumping stations and force mains and all other constructions, devices, and appliances appurtenant thereto, used for conducting sewage or industrial wastes to the point of ultimate disposal; also called "sewage system."

Shall is mandatory.

Significant industrial user or *SIU*. Except as provided in subsections (3) and (4) of this section, a *significant industrial user* is:

- (1) An industrial user subject to categorical pretreatment standards; or
- (2) An industrial user that:
 - a. Discharges an average of twenty-five thousand (25,000) gallons per day ("gpd") or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - b. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) The city may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gpd of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
 - a. The industrial user, prior to city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - b. The industrial user annually submits the certification statement required in Section 6.14 B [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
 - c. The industrial user never discharges any untreated concentrated wastewater.
- (4) Upon a finding that a user meeting the criteria in subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Significant noncompliance or *SNC* shall be applicable to all significant industrial users (or any other industrial user that violates subsections (3), (4) or (8) of this section) and shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in this section;
- (2) Technical Review Criteria ("TRC") violations, defined here as those in which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined in this section, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement as defined in this section (daily maximum, long-term average, instantaneous limit, or narrative standard) that [the superintendent] determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

- (4) Any discharge of a pollutant 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;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit (or a general permit) or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within forty-five (45) days after the due date, any required reports, 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), which may include a violation of Best Management Practices, which the city determines will adversely affect the operation or implementation of the local pretreatment program.

Sludge shall mean the accumulated settleable solids separated from liquids, such as water or wastewater, during processing.

Slug load shall mean any discharge of water, sewage, or industrial waste at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section 21-92 of this division or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

Standard Industrial Classification (SIC) Code shall mean a classification pursuant to the latest edition of Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

State shall mean the State of Florida.

Stormwater shall mean any flows occurring during or following any form of natural precipitation and resulting therefrom.

Total suspended solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering through a standard glass fiber filter.

Total toxic organics shall mean the sum of the concentrations of specific toxic organic compounds listed in 40 CFR Part 122, Appendix D, Table II, III, IV, and V, found in the user's effluent at a concentration greater than 0.01 mg/l.

Total volatile organics or *volatile organic compounds* shall mean purgeable halocarbon and aromatic organics such as carbon tetrachloride, chloroform, methylene chloride, tetrachloroethene, trichloroethane, vinyl chloride, benzene, chlorobenzene, or toluene detectable in a user's effluent using U.S. EPA Methods 601 & 602.

Toxic pollutant shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provision of the Clean Water Act 307(a), and any amendments to same, or other federal or state acts.

Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards due to factors beyond the reasonable control of the industrial user.

User shall mean any person who contributes, causes or permits the contribution of wastewater into the city's WWF.

Waste shall include sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operations of whatever nature, including the waste placed within containers of whatever nature prior to, and for the purpose of disposal.

Wastewater shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any storm, surface or ground waters which may be present, whether treated or untreated, which is contributed into or permitted to enter the WWF.

Wastewater discharge permit shall be a permit for a user to discharge wastewater to the WWF as set forth in section 21-94 of this division.

Wastewater facility or *WWF* shall mean the structures, equipment and processes owned and maintained by the city that are required to collect, carry away, and treat domestic wastewater or industrial wastewater and dispose of the effluent. For the purposes of this division, "WWF" shall also include any sewers that convey wastewater to the city's WWF from persons outside the city wastewater service area who are, by contract or agreement with the city, users of the city's WWF.

Water reclamation facility shall mean that portion of a WWF which is designed to provide treatment (including recycling and reclamation) of domestic and industrial wastewater.

Waters of the state shall mean 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.

The use of the singular shall be construed to include the plural and plural shall include the singular as indicated by the context of its use. Where terms have not been defined in this section, they shall have their accepted meanings or such as context may imply.

(c) *Abbreviations.*

- (1) *BOD* - Biochemical Oxygen Demand.
- (2) *CFR* - Code of Federal Regulations.
- (3) *COD* - Chemical Oxygen Demand.
- (4) *EPA* - U.S. Environmental Protection Agency.
- (5) *FAC* - Florida Administrative Code.
- (6) *FDEP* - Florida Department of Environmental Protection.
- (7) *fr* - Federal Register.
- (8) *FS* - Florida Statutes.
- (9) *gpd* - Gallons per day.
- (10) *l* - Liter.
- (11) *mg* - Milligrams.
- (12) *mg/l* - Milligrams per liter.
- (13) *NPDES* - National Pollutant Discharge Elimination System.
- (14) *O&G* - Oil and Grease.
- (15) *O&M* - Operations and Maintenance.
- (16) *ppb* - Parts per billion.
- (17) *RCRA* - Resource Conservation and Recovery Act.
- (18) *SIC* - Standard Industrial Classification.
- (19) *SWDA* - Solid Waste Disposal Act, 42 U. S. C. 6901, et seq.
- (20) *TSS* - Total Suspended Solids.

- (21) *TTO* - Total Toxic Organics.
- (22) *U.S.C.* - United States Code.
- (23) *VOC* - Volatile Organic Compounds or Total Volatile Organics.

(Ord. No. 99-3, 11-18-98; Ord. No. 12-15, § 2, 5-2-12)

Sec. 21-92. - Use of public sewers.

- (a) [*Generally.*] All persons shall connect to the public sewer system where the sewer system is reasonably accessible, in accordance with all applicable regulations. No person shall discharge wastewater into the stormwater system.
- (b) *Control of discharge.* If any wastes or wastewaters are discharged or are proposed to be discharged into the city's WWF which do not meet applicable pretreatment standards and requirements, or which may have a deleterious effect upon the WWF, its processes, equipment, personnel, or receiving waters, or which otherwise create a hazard to public health, safety and welfare, or which constitutes a public nuisance, the director may:
 - (1) Reject the wastewaters or impose specific condition(s) upon the introduction of new sources of wastewater into the WWF;
 - (2) Require the user to demonstrate that in-plant improvements will modify the discharge to such a degree as to be acceptable;
 - (3) Require pretreatment of the user's discharge to ensure compliance with this division;
 - (4) Require payment of an industrial waste surcharge to cover the added cost of handling and treating excess loads imposed on the WWF by the discharge. Industrial waste surcharges may be imposed upon compatible pollutants only. Said surcharges shall be in accordance with the schedule of rates and fees set forth in section 21-102 of this division and Article VI, "Rates, Charges, Billing and Collection Procedures." Imposition of industrial waste surcharges for the recovery of treatment costs does not replace or supersede the requirements for pretreatment facilities, should they be found necessary by the director;
 - (5) Issue a notice of violation(s) in accordance with this division.
- (c) *Protection from damage.*
 - (1) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the WWF. Any person found in violation of this requirement shall be subject to the sanctions set out in sections 21-98 through 21-100 below.
 - (2) No person shall discharge directly into a manhole or other opening of the city WWF without the prior written approval of the director. No unauthorized person shall leave open an unprotected wastewater system manhole.
- (d) *Private sewage disposal where public sewers are not reasonably accessible.* The following regulations shall apply where public sewers are not reasonably accessible:
 - (1) No person shall permit the discharge of septic tank effluent or cesspool overflow to any open drain, ditch, stream, or well penetrating a water-bearing formation.
 - (2) The minimum lot area for which a private sewage disposal facility may be approved shall be in accordance with regulations of the applicable agency in Broward County with jurisdiction.
 - (3) Any person building a private sewage disposal facility must first obtain approval from the applicable agency in Broward County with jurisdiction.
- (e) *Structures required of certain dischargers into sanitary sewers.*

- (1) *Storage tanks:* In order to equalize flows over a twenty-four-hour period, each person discharging a waste into the city sanitary sewers having a volume in excess of fifty thousand (50,000) gallons in any one (1) day, may be required to construct and maintain at his or her own expense a suitable storage tank approved by the city. The tank shall have a capacity of at least eighty (80) percent of the normal volume of one (1) twenty-four-hour production period of waste. The outlet to the sewer shall be controlled by a waterworks-type rate controller, or other approved devices, the setting of which shall be directed by the city.
 - (2) *Control manhole:* Any person discharging industrial wastes into the city sanitary sewers shall construct and maintain a suitable control manhole, downstream from any treatment, storage, or other approved works, to facilitate observation, measurements and sampling of all wastes, including domestic sewage, discharged from the industry. The control manhole shall be constructed at a suitable and satisfactory location and built in a manner approved by the city. Where a storage tank is not required, the control manhole shall be equipped with a permanent-type volume measuring device as may be required by the city. The manhole shall be maintained by him or her so as to be in the judgment of the city safe, accessible and in proper operating condition at all times.
 - (3) *Plans:* Plans for the construction of the storage tank, control manhole, and controlling devices shall be approved by the city prior to the beginning of construction.
- (f) *Measurement of flow through sewers.*
- (1) The volume of flow used in computing charges for wastewater treatment shall be based upon metered water consumption as shown in the meter reading records maintained by the city water department.
 - (2) Any person discharging industrial wastes into the sanitary sewers of the city, all or part of which waste is discharged into the sanitary sewers, may install and maintain, at his or her expense, water meters of a type approved by the city for the purpose of determining the proper volume of flow being charged. The city has a right to read, test, or require independent testing of such private meters.
- (g) *Prohibited discharge standards.* No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass-through or 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 any other federal, state, or local pretreatment standards or requirements. A user may not contribute the following substances to the WWF:
- (1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or to the operation of the WWF. This includes but is not limited to all wastestreams with a closed-cup flashpoint of less than one hundred forty (140) degrees F (sixty (60) degrees C) using the test methods specified in 40 CFR 261.21.
 - (2) Solids or viscous substances which may cause obstruction to the flow in the WWF resulting in interference, such as, but not limited to: grease, garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, 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, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, or any solids greater than one-half ($\frac{1}{2}$) inch or 1.27 centimeters in any dimension.
 - (3) Any wastewater having a pH less than 5.0 or greater than 9.5, or otherwise causing corrosive damage or hazard to structures, equipment, or endangering personnel of the WWF.
 - (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with the WWF, constitute a hazard to humans or animals, create a toxic effect in the receiving waters or effluent reuse of the WWF, exceed the limitation

set forth in a Categorical Pretreatment Standard or local limit, or cause the WWF's effluent to fail a toxicity test.

- (5) Any 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, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
- (6) Any substance which may cause the WWF's effluent or any other product of the WWF such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

In no case shall a substance discharged to the WWF cause the WWF to be in non-compliance with effluent criteria, effluent reuse criteria or sludge use and disposal criteria; or guidelines or regulations developed under Section 405 of the Act; or any criteria, guidelines, or regulations affecting effluent reuse or sludge use and disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state or local criteria applicable to the effluent reuse or sludge management method being used.

- (7) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (8) Any wastewater having a temperature greater than one hundred fifty (150) degrees F (sixty-five and five-tenths (65.5) degrees C) or which inhibits biological activity in the WWF resulting in interference, but in no case wastewater which causes the temperature at introduction into the treatment plant to exceed one hundred four (104) degrees F (40 C).
- (9) Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the WWF; or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals. In no case shall a slug load have a flow rate or contain a concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- (10) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the director in compliance with applicable local, state, or federal regulations.
- (11) Any wastewater which results in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause acute worker health and safety problems or creates a public nuisance.
- (12) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (13) Any trucked or hauled pollutants, except at the discharge point designated by the control authority in accordance with section 21-93(e).
- (14) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions
- (15) Any stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, ground water remediation discharge, and unpolluted industrial wastewater, unless specifically authorized by the director.
- (16) Any medical wastes, except as specifically authorized by the director in a wastewater discharge permit.
- (17) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the WWF.
- (18) Any concentration of chlorides which may cause damage to the WWF, pass-through or interfere with the treatment process.

(19) Any hazardous waste pharmaceuticals from healthcare facilities and reverse distributors.

When the director determines that a user is contributing to the WWF any of the above enumerated substances in such amounts as to pass-through or interfere with the operation of the WWF, the director shall: (1) advise the user(s) of the impact of the contribution on the WWF; and (2) develop effluent limitation(s) for the user(s) to correct the interference with the WWF. Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the WWF. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the WWF.

If any person causes damages as a result of the discharge of improper wastes, as described in this division, the entire cost of the damages and/or judgments resulting therefrom shall be paid by that person.

The city, without limitation by other sections of this article, may authorize any person to discharge industrial wastes of unusual strength or character into the sewers of the city, under approved conditions or pretreatment. The city may prohibit entry of particular industrial wastes into the sanitary sewers whenever such action is necessary to prevent damage to the system or to determine the effects of such wastes on the sewage system.

(h) *Federal Categorical Pretreatment Standards.* The National Categorical Pretreatment Standards found in 40 CFR Chapter I, Subchapter N, Parts 405 through 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 62-625.410(4).

(2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall impose an alternate limit using the combined wastestream formula in 62-625.410(6).

(3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 62-625.700, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(4) A user may obtain a net/gross adjustment to a categorical standard in accordance 62-625.820.

(i) *State requirements.* State requirements and limitations on discharges found in Rule 62-625, F.A.C. are hereby incorporated and shall apply in any case where they are more stringent than federal requirements and limitations or those in this division.

(j) *Local limits.* The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing the material or substances listed below in amounts that exceed the daily average and daily max values indicated below * :

Material or Substance	Daily Average Value mg/L	Daily Max Value mg/L
Biological Oxygen Demand, BOD ₅ *	400	600
Total Suspended Solids, TSS*	400	3,000
Oil and Grease	100	200

pH	5.0—9.5	
Cyanide, CN	0.33	
Arsenic, As	0.044	
Cadmium, Cd	0.50	
Total Chromium, Cr	1.81	
Copper, Cu	3.25	
Lead, Pb	3.28	
Manganese, Mn	0.78	
Mercury, Hg	0.33	
Molybdenum, Mb	0.05	
Nickel, Ni	1.13	
Selenium, Se	0.12	
Silver, Ag	0.81	
Total Phosphorus	15	45
Zinc, Zn	4.93	

* Pollutant parameters that can be surcharged under industrial waste surcharge program.

The above limits apply at the point where the wastewater is discharged to the WWF. The director may impose mass limitations, instantaneous maximum limitations, maximum monthly average values, or maximum four-day average values, in addition to, or in place of, the limitations listed above.

- (k) *Control authority's right of revision.* The control authority reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent limitations or requirements on discharges to the WWF if deemed necessary to comply with the objectives presented in section 21-91(a) of this division.
- (l) *Dilution.* No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with the

limitations unless expressly authorized by an applicable Federal Categorical Pretreatment Standard, or in any other pollutant-specific limitation developed by the state. The director may impose mass limitations on industrial users that are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(Ord. No. 99-3, 11-18-98; Ord. No. 08-03, § 2, 11-28-07; Ord. No. 12-15, § 2, 5-2-12; Ord. No. 15-01, § 2, 11-5-14)

Sec. 21-93. - Pretreatment.

- (a) *Pretreatment facilities.* Users shall provide necessary wastewater treatment as is required to comply with this division and shall achieve compliance with all Federal Categorical Pretreatment Standards, local limits, and prohibitions set forth in section 21-92 above within the time limitations as specified by the EPA, the FDEP, or the director whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the control authority shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the director for review, and shall be approved by the director before construction of the facility. The review of the plans and operating procedures will in no way relieve the user from responsibility of modifying the facility as necessary to produce an effluent acceptable to the director under the provisions of this division. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and acceptable to the director prior to the user's initiation of the changes.
- (b) *Additional pretreatment measures.*
 - (1) Whenever deemed necessary, the director may require industrial 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 domestic wastestreams from industrial wastestreams, and other conditions as may be necessary to protect the WWF and determine the user's compliance with the requirements of this division.
 - (2) 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. A wastewater discharge permit may be issued solely for flow equalization.
 - (3) Greasetraps, interceptors, and/or oil/water separators ("interceptors") shall be required 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. Interceptors shall be required in establishments such as, but not limited to, food service establishments, transportation/equipment cleaning establishments, service stations, repair shops, or other commercial or industrial facilities where wastes containing grease, oil, flammable material, sand or other harmful constituents can be discharged into the WWF. Interceptors shall not be required for residential users.

*An engineer acting on behalf of the user shall determine the type, capacity and location of the interceptor. The engineer shall submit a copy of the calculations for sizing and location to the director for final written approval. The interceptor shall be located so that it is easily accessible for cleaning, sampling, and inspection. The interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at his expense, but in no instance shall the cleaning frequency be less than once per year.
 - (4) Industrial users with the potential to discharge flammable substances may be required to install and maintain at his expense an approved combustible gas detection meter. At no time shall two (2) readings on an explosion hazard meter at the point of discharge to the WWF, or at any point in the WWF, be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter.

- (c) *Affirmative defenses to violations of prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibited discharge standards in section 21-92(g) of this division (excluding items (1), (3), and (13) under section 21-92(g)) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:
- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
 - (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the department was regularly in compliance with its NPDES or wastewater facility permit, and in the cases of interference, was in compliance with applicable sludge use or disposal requirements.
- (d) *Accidental discharge, upset, and bypass.*
- (1) *Accidental discharge/slug plan and procedure:* Each user shall provide and maintain at their expense, protection from accidental discharge of prohibited materials, slug loads or other substances regulated by this division. The director may require any user to develop and implement an accidental discharge/slug control plan. At least once every two (2) years the director shall evaluate whether each significant industrial user needs such a plan. Detailed plans and operating procedures to provide this protection shall be submitted to the city for review and approval. The plan shall include, but is not limited to:
 - a. Description of discharge practices, including nonroutine batch discharges.
 - b. Description of all stored chemicals.
 - c. Procedures to prevent accidental spills, including:
 1. Maintenance of storage areas.
 2. Handling and transfer of materials.
 3. Loading and unloading operations.
 4. Control of plant site stormwater run-off.
 5. Worker training.
 6. Building containment structures for equipment.
 7. Measures for controlling toxic pollutants (including solvents).
 8. Procedures and equipment for emergency response.
 9. Follow-up practices to limit the damage suffered by the environment of the city's equipment.
 - (2) *Upset:*
 - a. The occurrence of an unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user 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 c., below, are met.
 - c. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 1. An upset occurred and the user can identify the cause(s) of the upset;

2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 3. The user has properly notified the city of the upset in accordance with the procedures set forth in paragraph (4) below.
 4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
 5. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
 6. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power for the treatment facility is reduced, lost, or fails.
- (3) *Bypass*: An industrial user may allow bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to assure efficient operation.

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

Bypass that exceeds applicable pretreatment standards is prohibited, and the city shall take enforcement action against an industrial user for a bypass, unless:

- a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
 - b. There were no technically 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 judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.
 - c. The industrial user properly notifies the city of the bypass in accordance with the procedures set forth in paragraph (4) below.
- (4) *Notification of accidental discharge, upset or bypass*:
- a. *Immediate notification via telephone*: In the event of an accidental discharge, slug load, upset or bypass, (including a violation of the prohibited discharge standards in section 21-92(f) of this division) the user shall take the necessary measures to stop, limit, or control the discharge. The discharger shall immediately notify the director within twenty-four (24) hours about the incident by telephone. In the event the director is not available, the discharger shall notify the city communications by telephone. The notification shall include:
 1. Address of the discharge.
 2. Type of discharge.
 3. Concentration of pollutants in the discharge.
 4. Volume of discharge.
 5. Corrective measures taken.
 - b. *Written notification*: Within five (5) days of the accidental discharge, upset or bypass, the discharger shall submit a written report to the director. The report shall include, but not limited to, type of discharge, concentrations, volume, cause of the event, duration of the event,

corrective measures taken and measures to be employed to prevent future incidents. In the event further information is requested, the discharger shall provide the information within forty-eight (48) hours of the request. If the event occurs during a holiday period or weekend, the written notification shall be the first working day following the holiday period or weekend. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this division 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 an accidental discharge. Employers shall insure that all employees who could cause or suffer such an accidental discharges to occur are advised of the emergency notification procedures. Failure to notify the city of potential problem discharges shall be deemed a separate violation of this division.

- (5) *Tenant responsibility:* Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this ordinance.

(e) *Hauled wastewater.*

- (1) Septic tank waste may be accepted into the WWF at a designated receiving facility within the treatment plant area, and at such times as are established by the director, provided the wastes do not violate section 21-92 of this division or any other requirements established or adopted by the city. Wastewater discharge permits for individual vehicles to use the facilities will be issued by the city. All septic tank waste haulers and industrial waste haulers shall be required to obtain a waste hauler permit from the Department of Natural Resources Protection, Broward County.
- (2) The discharge of hauled industrial wastes as "industrial septage" requires prior approval and a wastewater discharge permit from the control authority. The director will require generators of hauled industrial waste to obtain wastewater discharge permits. The director shall have the authority to prohibit the disposal of the wastes, if such disposal would interfere with WWF operation. Waste haulers discharge is subject to all other sections of this division.
- (3) Industrial waste haulers shall discharge loads only at locations designated by the director. No load shall 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.
- (4) 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, wastewater discharge 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 waste.
- (5) Wastes from septic tanks or industrial wastes from locations outside the city wastewater system or the connected systems who are, by contract or agreement with the city, users of the city WWF, shall not be discharged into the city's wastewater system or any connected system without previous written approval of the director. The discharge shall only be made at a site approved by the director.
- (6) Fees for discharging septage will be established as part of the industrial user fee system as authorized in section 21-102.

(f) **Requirements for dental facilities that remove or place amalgam fillings.**

- (a) All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following reporting and waste management practices:**

- (1) For existing sources, the One-Time Compliance Report is due no later than October 12, 2020 or no later than 90 days after transfer of ownership.**
 - (2) For new sources, the One-Time Compliance Report is due within 90 days of the start of discharge to the sewer collection system.**
 - (3) No person shall rinse chairside traps, vacuum screens, or amalgam separators equipment in a sink or other connection to the sanitary sewer.**
 - (4) Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and fixer-containing solutions and shall maintain training records that shall be available for inspection by the superintendent or designee during normal business hours.**
 - (5) Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.**
 - (6) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.**
 - (7) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.**
- (b) All owners and operators of dental vacuum suction systems, except as set forth in subsections (d) and (e) of this section, shall comply with the following:**
- (1) An ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator or equivalent device shall be installed for each dental vacuum suction system on or before July 14, 2020; provided, however, that all dental facilities that are newly constructed on and after the effective date of this ordinance shall include an installed ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator device. The installed device must be ISO 11143 or ANSI/ADA Standard No. 108 certified as capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified.**
 - (2) Proof of certification and installation records shall be submitted to the superintendent within 30 days of installation.**
 - (3) Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request therefor by the superintendent or designee during normal business hours. Records shall be maintained for a minimum of three years.**

(c) Facilities with vacuum suction systems that meet all the following conditions may apply to the superintendent for an exemption to the requirements of subsection (c) of this section:

- (1) The system is a dry vacuum pump system with an air-water separator.**
- (2) The sedimentation tank is non-bottom draining, with the drain above the anticipated maximum level of accumulated sludge.**
- (3) Evidence of regular pump outs by a licensed hauler (a minimum of once a year, or more often if either directed by the manufacturer or necessary to keep solids from exiting through the drain) is maintained and open to inspection by the superintendent during normal business hours.**
- (4) The system has no direct discharge pipe to the sewer on the bottom of the sedimentation tank.**

An owner or operator whose facility meets conditions (1) through (4) may apply for this exemption by written letter to the superintendent. The superintendent or designee will review the system and, if the exemption is approved, shall provide a written letter of exemption.

An exemption obtained pursuant to this subsection (d) shall expire upon installation of a new vacuum system. Upon expiration of the exemption, the facility shall comply with subsection (c) of this section before commencing further operation.

(d) Dental dischargers that exclusively practice one or more of the following specialties are not subject to the requirements of this section: (1) Orthodontics; (2) Periodontics; (3) Oral and maxillofacial surgery; (4) Radiology; (5) Oral pathology or oral medicine; (6) Endodontistry and prosthodontistry.

(e) Dental practices that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, are exempt from the requirements of this part, provided the dental practice:

- (1) Submits the following statement to the (City/County/Utility/Authority), signed by a responsible corporate officer, general partner, proprietor, or a duly authorized representative by the applicable compliance deadline identified in Section 23.93 (f)(b):**

“This facility is a dental discharger subject to this rule and does not place or remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances. I am a responsible corporate officer, a general partner or proprietor (if the facility is a partnership or sole proprietorship), or a duly authorized representative in accordance with the requirements of § 403.12(l) of the above named dental facility, and 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.”;

(2) Removes dental amalgam for limited emergency or unplanned, unanticipated circumstances, less than 9 times per year and as no more that 5% of dental procedures; and

(3) The dental practice notifies the (City/County/Utility/Authority) of any changes affecting the applicability of this certification.

(f) Disposal of hauled waste from dental facilities to the sanitary sewer is prohibited in accordance with Section.21-92.

(g) Dental dischargers that fail to comply with this section will be considered significant industrial users, and will be subject to the requirements herein, including the reporting requirements, compliance monitoring , and administrative enforcement remedies identified in Sections 21-95 ,21-96, and 21-99, respectively.

(Ord. No. 99-3, 11-18-98; Ord. No. 08-03, § 2, 11-28-07)

Sec. 21-94. - Wastewater discharge permit administration.

(a) Permit application/wastewater survey.

- (1) It is unlawful to discharge industrial waste without a city wastewater discharge permit in any area under the jurisdiction of the city's wastewater system; or to any person outside the system who are, by contract or agreement with the city, users of the city's WWF; and/or to the WWF any wastewater except as authorized by the director in accordance with the provisions of this division. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this division and shall subject the permittee to sanctions set out in sections 21-98 through 21-100. 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. The director may require other industrial users, including liquid waste haulers and nondischarging industrial users to obtain wastewater discharge permits as necessary to carry out the purposes of this division.**
- (2) All prospective industrial users must submit to the director information on the nature and characteristics of their wastewater by completing a wastewater discharge permit application/wastewater survey at least one hundred eighty (180) days prior to the date upon which any discharge will begin. The director is authorized to prepare a form for this purpose and may**

periodically require industrial users to update the survey. Information to be provided with the survey may include the industrial user's identifying information (e.g., name and address of industrial user), information of any applicable environmental permits held by the IU, and location(s) for monitoring wastes covered by the permit, description of the industrial activity, specifications of the constituents inherent to the processes and wastes, identification of the wastewater characteristics, plumbing diagrams, number of employees and hours of operation, and any other information deemed necessary by the director to evaluate the permit application. Failure to complete this survey shall be reasonable grounds for terminating service to the user and shall be considered a violation of this division.

- (3) Within ninety (90) days of receipt of a complete wastewater discharge permit application, the director will determine whether or not to issue a wastewater discharge permit. Permits will be issued to all users determined to be significant industrial users as defined in this section. Permits may also be issued to minor users as deemed necessary by the director to ensure compliance with this division. The director may deny any application for a wastewater discharge permit.
 - (4) Any user which discharges industrial waste into the WWF prior to the effective date of this division are granted temporary authority to continue to discharge in compliance with the existing codes, regulations, and policies of the city. Those users who wishes to continue such discharges, shall apply for a wastewater discharge permit within ninety (90) days after the effective date of this division. The user shall not cause or allow discharges to the WWF to continue after one hundred and eighty (180) days of the effective date of this division, except in accordance with a wastewater discharge permit issued by the director.
 - (5) Any existing industrial user located outside of the city's jurisdiction shall submit a wastewater discharge permit application within ninety (90) days of the effective date of this division. New industrial users located outside the city's jurisdiction shall submit the applications to the director one hundred and eighty (180) days prior to any proposed discharge into the WWF. Alternatively, the director may enter into an agreement with the neighboring jurisdiction in which the industrial user is located to provide for the implementation, and enforcement of the pretreatment program requirements against said user.
- (b) *Application signatories and certification.*
- (1) 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."
 - (2) Annual certification for non-significant categorical industrial users. A facility determined to be a non-significant categorical industrial user by the director pursuant to section 21-91 (definition of SIU subsection (3)) and section 21-94(a)(3) must annually submit the following certification statement signed in accordance with the signatory requirements in 1.4 C **[Note: See 40 CFR 403.120(l)]**. This certification must accompany an alternative report required by the superintendent:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR, I certify that, to the best of my knowledge and belief that during the period from MM/DD/YYYY to MM/DD/YYYY [Month, Day, Year]:

 - a. The facility described as [Facility Name] met the definition of a non-significant categorical industrial user as described in 1.4 GG (3); **[Note: See 40 CFR 403.3(v)(2)]**

- b. The facility complied with all applicable pretreatment standards and requirements during this reporting period; and
- c. The facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information: [Fill in pertinent information].

- (3) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the director prior to or together with any reports to be signed by an authorized representative.
- (4) A facility determined to be a non-significant categorical industrial user by the director pursuant to section 21-91(b)(3) must annually submit the signed certification statement in section 21-95(c)(1).

(c) *Permit issuance process.*

- (1) Wastewater discharge permits shall be expressly subject to all provisions of this division and all other applicable regulations. The cost of said permit shall be incurred by the industrial user in accordance with the fee schedule as set forth in section 21-102 of this division and Article VI "Rates, Charges, Billing and Collection Procedures."
- (2) Permit duration shall not exceed two (2) years and upon expiration of same, a renewal permit may be issued which shall be effective for an additional two (2) years provided that the conditions of the existing permit have not changed and the appropriate renewal fees have been paid. The permit shall be displayed by the industrial user in a location at the permitted facility so as to be seen and read by the general public.
- (3) Wastewater discharge permits shall contain at a minimum, the following conditions:
 - a. A statement that indicates wastewater discharge permit duration;
 - b. A statement of nontransferability;
 - c. Pretreatment standards and effluent limits applicable to the user based on applicable standards in federal, state, and local law;
 - d. Self monitoring, sampling, reporting, notification, and record keeping requirements;
 - e. Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements.
- (4) Wastewater discharge permits may contain the following additional conditions:
 - a. The unit charge or schedule of user charges and fees for management of the wastewater to be discharged to the WWF;
 - b. Limits on the instantaneous, daily, monthly average and/or four-day maximum concentration, mass, or other measure of identified wastewater constituents and characteristics;
 - c. Limits on the average and/or maximum rate and time of discharge and/or requirements for flow regulations and equalization;
 - d. Requirements for installation and maintenance of inspection facilities, and flow metering and sampling equipment;
 - e. 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;
 - f. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;

- g. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the WWF;
 - h. 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;
 - i. Other conditions as deemed appropriate by the director to ensure compliance with this division, and federal and state laws, rules, and regulations.
- (d) *Compliance schedules.* If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the user shall submit to the director for approval and incorporation in the permit the shortest schedule by which the user is to provide additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards:

The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of progress 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 (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - (2) No increment referred to in paragraph (a) shall exceed nine (9) months.
 - (3) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the project to the schedule established. In no event shall more than nine (9) months elapse between the progress reports to the director.
- (e) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit may not be reassigned, transferred or sold to a new owner or new user unless the permittee gives at least ninety (90) days advance written notice to the director and the director approves the wastewater discharge permit transfer. The notice to the director shall include a written certification by the new owner and/or user that:
- (1) States that the new owner and/or user has no immediate intent to change the facility's operations and processes;
 - (2) Identifies the specific date on which the transfer is to occur;
 - (3) Acknowledges full responsibility for complying with the terms and conditions of the existing permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

- (f) *Permit appeal.*

- (1) The director shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the city to reconsider the terms of a wastewater discharge permit within fifteen (15) days of its issuance. 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 wastewater discharge provisions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

- (4) If the city fails to act within fifteen (15) 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.
- (g) *Permit modification.* Permits may be modified by the city for causes including, but not limited to the following:
 - (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
 - (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
 - (3) A change in the 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 city's WWF, city personnel, or the receiving waters;
 - (5) Violations 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.;
 - (8) To correct typographical or other errors in the wastewater discharge permit;
 - (9) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.
 - (10) Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

Industrial user requests for permit modifications shall be made in writing and include facts or reasons which support the request. When modifying a permit, the city shall allow a reasonable time frame for the user to comply with the new or changed conditions if the user cannot meet them at the time of the modification and if permitted by law. If the new or changed conditions are the result of new or changed pretreatment regulations, those regulations will stipulate the compliance period. The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

- (h) *Permit revocation.* Wastewater discharge permits may be revoked for the following reasons:
 - (1) Failure to notify the city of significant changes to the wastewater prior to the changed discharge.
 - (2) Failure to provide prior notification to the city of changed condition pursuant to section 21-95(f).
 - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
 - (4) Falsifying self-monitoring reports.
 - (5) Tampering with monitoring equipment.
 - (6) Refusing to allow the city timely access to the facility premises and records.
 - (7) Failure to meet effluent limitations.
 - (8) Failure to pay penalties.
 - (9) Failure to pay sewer charges.
 - (10) Failure to meet compliance schedules.
 - (11) Failure to provide advance notice of the transfer of a permitted facility.

- (12) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this division.
- (13) Indication that the discharge presents a threat to the environment or threatens to interfere with the operation of the WWF.

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

- (i) *Permit renewal.* All permittees must apply for a permit renewal a minimum of ninety (90) days prior to the expiration of the existing permit. The reapplication for a permit shall consist of a written request for reissuance of the permit. The request shall state if all terms and conditions of the existing permit and ordinance are complied with and must be signed by an authorized representative of the user.
- (j) *Special agreements.* The city reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the WWF. In no case will a special agreement waive compliance with a categorical pretreatment standard or requirement.
- (k) *Regulation of discharge from other jurisdictions.* In the event another jurisdiction or municipality contributes all or a portion of its wastewater to the city's WWF, the WWF may require the jurisdiction or municipality to enter into a multi-jurisdictional agreement with the city.
 - (1) Prior to entering into an agreement, the director shall request the following information from the contributing jurisdiction:
 - a. A description of the quality and volume of the wastewater at point(s) where it enters the WWF from the contributing jurisdiction.
 - b. An inventory of all industrial users discharging to the WWF within the contributing jurisdiction.
 - c. Other information as may be required by the director.
 - (2) A multi-jurisdictional agreement as required above, shall contain the following conditions:
 - a. A requirement for the contributing jurisdiction to adopt a sewer use ordinance which is at least as stringent as this division and local limits which are at least as stringent as those set out in section 21-92. The requirement shall specify that the ordinance and limits must be revised as necessary to reflect changes made to this division.
 - b. A requirement for the contributing jurisdiction to submit a revised industrial user inventory on at least an annual basis.
 - c. A requirement for the contributing jurisdiction to (i) conduct pretreatment implementation activities including industrial user permit issuance, inspection and sampling, and enforcement; or (ii) authorize the WWF to take or conduct the activities on its behalf.
 - d. A requirement for the contributing jurisdiction to provide the city with access to all information that the municipal user obtains as part of its pretreatment activities.
 - e. Limits on the nature, quality, and volume of the contributing jurisdiction wastewater at the point where it discharges to the WWF.
 - f. Requirements for monitoring the municipal discharge.
 - g. A provision ensuring the director access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the director.
 - h. A provision specifying remedies available for breach of the terms of the multi-jurisdictional agreement.
 - (3) Violation of the terms and conditions of the multi-jurisdictional agreement subjects the contributing jurisdiction to the sanctions set out in sections 21-98 through 21-100.

(Ord. No. 99-3, 11-18-98; Ord. No. 12-15, § 2, 5-2-12)

Sec. 21-95. - Reporting requirements.

(a) *Baseline monitoring reports.*

- (1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the superintendent a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the superintendent a report which contains the information listed in paragraph (2) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (2) Users described above shall submit the information set forth below.
 - a. All information required in section 21-94(a)(2)
 - b. Measurement of pollutants.
 - c. The user shall provide the information required in section 4.5A(7)(a) through (d).
 - d. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this section.
 - e. Samples should 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 user should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the control authority;
 - f. Sampling and analysis shall be performed in accordance with section 21-95 (d)(3);
 - g. The superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 - h. 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 POTW.
- (3) Compliance certification. A statement, reviewed by the user's authorized representative as defined in section 21-91(b) (duly authorized representative of the user) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance ("O&M") and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (4) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. 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 subsection 21-95(a)(2)c.

- (b) *Signature and report certification.* All baseline monitoring reports must be certified in accordance with section 21-94(b)(1) of this article and signed by an authorized representative as defined in section 21-91(b) (duly authorized representative of the user).
- (c) *Periodic compliance reports.*
 - (1) Any user required to self monitor by their wastewater discharge permit shall submit to the director at a frequency determined by the director but in no case less than twice per year (in June and December), a report indicating the nature and concentration of the pollutants in the effluent which are limited in the wastewater discharge permit. In addition, this report shall include a report of measured or estimated average and maximum daily flows for the reporting period for the discharge. At the discretion of the director and in consideration of such factors as 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 or pollution prevention alternative, the user must submit documentation required by the director or the pretreatment standard necessary to determine the compliance status of the user. Falsification of self-monitoring reports shall be considered a significant violation of this division and could lead to termination of the user's wastewater discharge permit.
 - (2) If an industrial user subject to the reporting requirement of this section monitors any pollutant more frequently than required by the WWF, using the procedures prescribed in section 21-96(d) of this division, the results of this monitoring shall be included in the report.
- (d) *Self monitoring and analysis of user discharges.*
 - (1) The monitoring reports required in paragraphs (a), (b), and (c) of this section shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration, or production and mass where required, of pollutants contained therein which are limited by the wastewater discharge permit. The frequency of monitoring to demonstrate compliance shall be as prescribed in the wastewater discharge permit.
 - (2) All pollutant analyses, including sampling techniques, shall be performed in accordance with procedures established by the state pursuant to Rule 62-160, F.A.C. Analytical techniques for additional pollutants not contained in Rule 62-160, F.A.C., must be performed using validated analytical methods approved by the state or by EPA.
 - (3) Except as indicated in section 21-95(d)(4) below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the director may authorize the use of time proportional sampling or 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.
 - (4) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, toxicity, and volatile organic chemicals must be obtained using grab sample collection techniques.
- (e) *Compliance with categorical pretreatment standard deadline report.* Within ninety (90) days following the date for final compliance with the applicable standards, or in case of a new source following commencement of the introduction of wastewater into the WWF, any user subject to pretreatment requirements shall submit to the director a report indicating the concentration of pollutants in the discharge along with the average and maximum daily flow for those processes. These reports shall comply with the requirements of subsection 62-625.600(3), F.A.C.
- (f) *Report of changed conditions.*
 - (1) Each user is required to notify the director of planned significant changes to the industrial user's operations or system that might alter the nature, quality or volume of its wastewater at least sixty (60) days before the change.

- (2) The director may require the user to submit information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 21-94(a);
 - (3) The director may issue a wastewater discharge permit under section 21-94(c) or modify an existing wastewater discharge permit under section 21-94(g);
 - (4) No user shall implement the planned change of condition(s) until and unless the director has responded to the user's notice;
 - (5) For purposes of this requirement flow increases of ten (10) percent or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.
- (g) *Reports from unpermitted users.* All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the city as the director may require.
- (h) *Notice of violation/repeat sampling and reporting.* If sampling and analysis performed by an industrial user indicates a violation, the 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 sample analysis to the control authority within thirty (30) days after becoming aware of the violation. The user is not required to re-sample if:
- (1) The city performs monitoring at the industrial user's at least once a month, or
 - (2) The city performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.
- (i) *Notification of the discharge of hazardous waste.*
- (1) Any industrial user shall notify the director, the EPA Region IV Waste Management Division Director, and the FDEP hazardous waste authorities in writing of any discharge into the WWF of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 and/or Rule 62-730, F.A.C. 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).
 - (2) If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the WWF, the notification shall also contain the following information as to the extent information is known and readily available to the industrial user:
 - a. An identification of the hazardous constituents contained in the wastes.
 - b. An estimation of the mass and concentration of the constituents in the wastewater discharged during that calendar month.
 - c. An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.
 - (3) All notifications must take place no later than thirty (30) days after the discharge commences. Any notification under this paragraph need to be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under section 21-95(f) above. The notification requirement in this section does not apply to pollutants already reported under the self monitoring requirements of sections 21-95(c) and (d) above.
 - (4) Dischargers are exempt from the requirements of paragraph (1) of this subsection during a calendar month in which a user discharges no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(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 261.33(e) requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

- (5) 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 user must notify the WWF, the EPA Region IV Waste Management Waste Division Director, and the FDEP hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of the regulations.
- (6) In the case of any notification made under this section, the 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.
- (7) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this division, a permit issued thereunder, or any applicable federal or state law.
- (j) *Signatories and certification.* All reports identified in this section must be signed and certified in accordance with section 21-94(b).
- (k) *Records.*
 - (1) Any user subject to the reporting requirements established in this section shall retain and make available for inspection and copying by EPA, FDEP, and the city, all records of all information resulting from monitoring activities required by this division. Records for sampling activities shall include the following:
 - a. The date, exact place, method, time of sampling and names of the person or persons taking the sample, and any appropriate field sample preservation methods;
 - b. The date analyses were performed;
 - c. Who performed the analyses;
 - d. The analytical methods/techniques used and detection limits; and
 - e. The results of the analyses.
 - (2) All records of monitoring activities and results shall be retained by the user for a minimum of three (3) years. This period of retention shall be extended during the course of any unresolved litigation regarding the user, or when requested by the director, FDEP, or EPA.

(Ord. No. 99-3, 11-18-98; Ord. No. 12-15, § 2, 5-2-12; Ord. No. 13-01, § 2, 10-3-12)

Sec. 21-96. - Compliance monitoring.

(a) *Monitoring facilities.*

- (1) The city may require the user to provide and maintain at his own expense monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or the regulated process discharge. The monitoring facility should normally be situated on the user's property at a location approved by the city prior to installation. When a location would be impractical or cause undue hardship on the user, the city may allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near the sampling manhole or facility to allow flow measurements, accurate sampling and preparation of samples for analysis. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the director.
- (2) The city may require the user to install and maintain at his own expense suitable flow metering and sampling equipment to facilitate the accurate observation, sampling, and flow measurement of process wastewater. The sampling and measuring equipment shall be properly operated, cleaned, and maintained in good working order at all times. The sampling and metering

equipment shall be accessible at all times. The devices used to measure wastewater flow and quality shall be calibrated periodically based on manufacturer's recommendation to ensure their accuracy.

- (3) The failure of an industrial user to keep his monitoring facility in good working order shall be deemed a separate violation of this division and shall not be grounds for claiming that sample results are unrepresentative of its discharge.

(b) *Authority of city inspectors.*

- (1) The city shall have the right to inspect the facilities of any user to ascertain whether the purpose of this division, and any permit or order issued hereunder, is being met and all requirements are being complied with.
- (2) Persons or occupants of premises where wastewater is created or discharged 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 of their duties. The city, FDEP, and EPA shall have the right to set up on the user's property devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Tampering with, or knowingly rendering the devices inaccurate shall be a significant violation and shall be prosecuted to the full extent of this division.
- (3) Where a user has security measures in force which require proper identification and clearance before entry into his premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, FDEP, or EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
- (4) Any temporary or permanent obstruction to the safe and easy access of the industrial facility shall be promptly and permanently removed by the user at the written or verbal request of the director. The costs of clearing access shall be born by the user. Unreasonable delays in allowing control authority personnel access to the user's premises shall be a violation of this division.

(c) *Search warrants.*

- (1) A search and/or seizure warrant will be obtained by the city if:
 - a. The director has been refused access to a building, structure or property or any part thereof;
 - b. The director has demonstrated probable cause to believe that there may be a violation of this division;
 - c. There is a need to inspect as part of a routine inspection designed to verify compliance with this division or any permit or order issued hereunder; or
 - d. There is a need to protect the overall public health, safety and welfare of the community.
- (2) The search and/or seizure warrant shall be issued by the municipal court judge upon application by the city attorney, describing therein the specific location subject to the warrant. The warrant shall specify what may be searched and/or seized on the property described.
- (3) The warrant shall be served at reasonable hours by the director in the company of a uniformed police officer of the local municipality. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

(Ord. No. 99-3, 11-18-98)

Sec. 21-97. - Confidential information.

- (a) User information and data obtained from reports, questionnaires, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from inspections and

sampling activities shall be available to the public or other government agencies without restriction. Information will be considered confidential only if the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state and federal law. Any request must be asserted at the time of submission of the information or data.

- (b) When properly requested and demonstrated by the user in accordance with the procedures in Section 403.111, F.S., the portions of information which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon request to governmental agencies for uses related to this division, the National Pollutant Discharge Elimination System (NPDES) Permit, FDEP disposal/reuse system permit and/or pretreatment programs; however, such portions of information shall be available for use in judicial review or enforcement proceedings involving the user. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.
- (c) Information accepted by the city as confidential shall not be transmitted to any governmental agency by the city until and unless a ten-day notification is given to the user.

(Ord. No. 99-3, 11-18-98)

Sec. 21-98. - Administrative enforcement.

(a) *Notice of violation.*

- (1) Whenever the city finds that any user has violated or is violating this division, or a wastewater discharge permit, or any prohibition, limitation of requirements contained herein, the director or his agent may serve upon said user a written notice of violation. The notice of violation shall set forth the specific violation, the corrective action to be taken by the user, and the period of time by which the user must correct the violation.
- (2) Within ten (10) days of the receipt of this notice, the user shall submit to the director a written explanation of the violation and a plan for the satisfactory correction and prevention thereof. Submission of this plan in no way relieves the user of liability for any violation 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.

(b) *Show cause hearing.*

- (1) The director may order any user which causes or contributes to violation(s) of this division, wastewater discharge permits or orders issued hereunder, 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 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.
- (2) The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Notice may be served on any authorized representative of the user. A show cause hearing shall not be a prerequisite for taking any other action against the user.

(c) *Administrative order.*

- (1) When the director finds that a user has violated or continues to violate this division, wastewater discharge permits or orders issued thereunder, or any other pretreatment standard or requirement, he may issue an administrative order to the user directing that the user come into compliance within a specified period of time.

- (2) Administrative orders may also direct the user to take appropriate remedial or preventive action to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
 - (3) Administrative orders may contain other requirements to address the noncompliance, including the installation of pretreatment technology, additional self monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer.
 - (4) An administrative order may not extend the deadline for compliance established for a federal categorical pretreatment standard or requirement, nor may it release the user of liability for any violation, including any continuing violation.
 - (5) Issuance of an administrative order shall not be a prerequisite to taking any other action against the user as set forth in other sections of this division.
- (d) *Administrative penalties.*
- (1) Notwithstanding any other section of this division, any user who is found to have violated any provision of this division, its wastewater discharge permit and orders issued hereunder, or any other pretreatment standard or requirement may be penalized in an amount not to exceed one thousand dollars (\$1,000.00) per violation per day. Each day on which non-compliance shall occur or continue shall be deemed a separate and distinct violation. Assessments may be added to the user's next scheduled sewer service charge and/or the director shall have other collection remedies as may be available for other service charges and fees.
 - (2) Unpaid charges, fees, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of fifty (50) percent of the unpaid balance and interest shall accrue thereafter at a rate of eighteen (18) percent per month. A lien against the individual user's property will be sought for unpaid charges, fees, and penalties.
 - (3) Users desiring to dispute penalties must file a request in writing for the director to reconsider the penalty along with full payment of the penalty within ten (10) days of being notified of the penalty. Where the director believes a request has merit, he shall convene a hearing on the matter within fifteen (15) days of receiving the request from the user. In the event that the user's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial user. The city may add the costs of preparing administrative enforcement actions such as sampling, inspections, notices, and orders to the penalty.
- (e) *Termination of service.*
- (1) The director may immediately terminate a user's wastewater discharge and/or wastewater discharge permit, after informal notice to the user, whenever such termination 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.
 - (2) The director may also immediately terminate a user's discharge, after notice and opportunity to respond, which presents or may present an endangerment to the environment, or threatens interference with the operation of the WWF.
 - (3) Any user notified of a termination of its wastewater discharge and/or wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the user to immediately comply voluntarily with the suspension order, the director shall take steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WWF system, its receiving stream, or endangerment to any individuals. The director may reinstate the wastewater discharge and/or the wastewater discharge permit when the user has demonstrated to the satisfaction of the director elimination of the non-complying discharge.
 - (4) 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 director, prior to the date of any show cause hearing under section 21-98(b).

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

(Ord. No. 99-3, 11-18-98)

Sec. 21-99. - Judicial enforcement.

If any person who discharges wastewater, industrial wastes, or other wastes into the WWF contrary to the provisions of this division or any order or permit issued hereunder, or violates any provision of this division, the director, through the city attorney, may commence an action for appropriate legal and/or equitable relief in the Circuit Court for Broward County. Such an action by the city may be commenced without the use of the procedures set forth in section 21-98.

(1) *Injunctive relief.*

- a. Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this division, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the director, through legal counsel may petition the Circuit Court for Broward County for issuance of a temporary or permanent injunction or both (as may be appropriate) which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this division on activities of the user.
- b. The city may also seek other action as appropriate for legal and/or equitable relief. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user. The director shall have remedies to collect these fees as he has to collect other sewer service charges.

(2) *Civil penalties.*

- a. Any user who has violated or continues to violate this division, any order or wastewater discharge permit issued hereunder, or any other pretreatment standard or requirement shall be liable to the control authority for a maximum civil penalty of five thousand dollars (\$5,000.00) but not less than one thousand dollars (\$1,000.00), plus actual damages incurred by the WWF per violation per day for as long as the violation continues.
- b. In addition to the above described penalty and damages, the director 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. The director shall petition the court to impose, assess, and recover such sums.
- c. In determining amount of liability, the court may 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. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

(3) *Criminal prosecution.*

- a. Any user who willfully or negligently violates any provision of this division, any orders or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of at least one thousand dollars (\$1,000.00) and up to five thousand dollars (\$5,000.00) per violation per day or imprisonment for not more than one (1) year 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 shall be subject to a penalty of at least five thousand dollars (\$5,000.00) per violation per day or imprisonment for one (1) year or both up to a fine of ten thousand dollars (\$10,000.00) per violation per day or imprisonment for not more than three (3) years or both. This penalty shall be in addition to any other action for personal injury or property damage available under state law.
 - c. Any user who 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 division, wastewater discharge permit, or order or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division shall, upon conviction, be punished by a fine of at least one thousand dollars (\$1,000.00) but not more than five thousand dollars (\$5,000.00) per violation per day or imprisonment for not more than one (1) year or both.
 - d. In the event of a second conviction, the user shall be punishable by a fine of at least ten thousand dollars (\$10,000.00) but not to exceed twenty-five thousand dollars (\$25,000.00) per violation per day or imprisonment of one (1) year but not for more than three (3) years or both.
- (4) *Remedies nonexclusive.* The provisions in sections 21-98 and 21-99 are not exclusive remedies. The city reserves the right to take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the 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 (1) enforcement action against any non-compliant user. These actions may be taken concurrently.

(Ord. No. 99-3, 11-18-98)

Sec. 21-100. - Supplemental enforcement.

- (a) *Performance bonds.* The director may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this division, any orders, or a previous wastewater discharge permit issued hereunder, unless the user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the director to be necessary to achieve consistent compliance. The city attorney must approve the form of any bond.
- (b) *Water supply severance.* Whenever a user has violated or continues to violate the provisions of this division, orders, or wastewater discharge permits issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(Ord. No. 99-3, 11-18-98)

Sec. 21-101. - Publication of industrial users in significant noncompliance.

- (a) The city shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the WWF, a list of the users which, at any time during the previous twelve (12) months (Ord. No. 99-3, 11-18-98), were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (3), (4) or (8) of this section) and shall mean:
 - (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter taken during a

six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in section 21-91(b);

- (2) Technical review criteria ("TRC") violations, defined as those in which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by section 21-91(b); multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement as defined by section 21-91(b); (daily maximum, long-term average, instantaneous limit, or narrative standard) that [the superintendent] determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the superintendent's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within forty-five (45) days after the due date, any required reports, 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), which may include a violation of Best Management Practices, which the superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. No. 99-3, 11-18-98; Ord. No. 12-15, § 2, 5-2-12)

Sec. 21-102. - Fees and industrial waste surcharges.

- (a) *Purpose.* It is the purpose of this division to provide for the recovery of costs from users of the city's WWF for the implementation of the pretreatment program established herein. The applicable charges or fees shall be set forth in the City of Miramar Utilities Schedule of Charges and Fees.
- (b) *Fees.* The city may adopt charges and fees which may include the following:
 - (1) Fees for reimbursement of costs of setting up and operating the city's pretreatment monitoring program;
 - (2) Fees for monitoring, inspections, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing self monitoring reports submitted by users;
 - (3) Fees for reviewing accidental discharge procedures and construction;
 - (4) Fees for wastewater discharge permit applications including the cost of processing the applications;
 - (5) Fees for wastewater discharge permits;
 - (6) Fees for filing appeals;
 - (7) Other fees as the city may deem necessary to carry out the requirements contained herein.

These fees relate solely to matters covered by this division and are separate from all other fees chargeable by the city.

(c) *Industrial waste surcharge rates.* The city may adopt industrial waste surcharge rates for the following conventional parameters:

Material or Substance	Upper Limit
(1) BOD5 - above 400mg/L	500 mg/L
(2) Reserved.	
(3) TSS - above 400 mg/L	600 mg/L
(4) Oil & Grease - above 100 mg/L	200 mg/L
(5) Reserved.	
(6) T-Phos - above 15 mg/L	45 mg/L

Industrial waste surcharge rates will be based on WWF's treatment cost and will be charged on a mass emission basis. The rates will be periodically modified and set forth in the City of Miramar Utilities Rates Schedule.

(d) The city commission by resolution, upon the recommendation of the director, shall establish or amend a reasonable rate schedule for IU's.

(Ord. No. 99-3, 11-18-98; Ord. No. 08-03, § 2, 11-28-07)

Sec. 21-103. - Severability.

If any provision, paragraph, word, section or article of this division is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

(Ord. No. 99-3, 11-18-98)

Sec. 21-104. - Conflict.

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

(Ord. No. 99-3, 11-18-98)

Sec. 21-105. - Inclusion in Code.

It is the intention of the governing body of the City of Miramar that the provisions of this division shall become and be made a part of the City of Miramar Code; and that the sections of this division may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or any other appropriate word or phrase in order to accomplish such intentions.

(Ord. No. 99-3, 11-18-98)

Sec. 21-106. - Effective date.

This division shall become effective as provided by law.

(Ord. No. 99-3, 11-18-98)

Secs. 21-107—21-125. - Reserved.

From: DentalAmalgam <DentalAmalgam@floridadep.gov>

Sent: Friday, November 15, 2019 2:15 PM

To: Cardoso, Jose G. <jgcardoso@miramarfl.gov>; jkirkman@miramarfl.gov

Cc: Harris, Marc <Marc.Harris@dep.state.fl.us>; Agosto, Abel <Abel.Agosto@dep.state.fl.us>; Blyden,

Tamara <Tamara.Blyden@FloridaDEP.gov>; Fannon, Kelly <Kelly.Fannon@dep.state.fl.us>;

Lerdodetejada, Stephen <Stephen.Lerdodetejada@dep.state.fl.us>; Sestokas, Andrea

<Andrea.Sestokas@FloridaDEP.gov>; Williams, Ross I <Ross.I.Williams@FloridaDEP.gov>

Subject: Dental Amalgam Rule Implementation

Greetings:

The *Effluent Limitations Guidelines and Standards for the Dental Category* [Title [40 Code of Federal Regulations \(CFR\) Part 441](#)], also known as the dental amalgam rule, became effective on June 14, 2017. This regulation was adopted by the State of Florida and is included in Rule [62-625.110\(3\), Florida Administrative Code \(F.A.C.\)](#). As a result, public utilities with an approved pretreatment program are now responsible for regulating [dental dischargers](#) within their service areas that are [subject to 40 CFR Part 441](#), and the Department is responsible for regulating dental dischargers outside of these areas. To ensure proper implementation and that all dental dischargers are regulated by the appropriate entity, the Department would like to collaborate with your program.

First, dental dischargers subject to this part must meet the requirements at [40 CFR Part 441.30\(a\)](#) and (b) and the record keeping requirements at [40 CFR Part 441.50](#). Compliance dates are as follows:

- New dental dischargers must comply prior to discharging to the domestic wastewater treatment facility and must submit a one-time compliance report no later than 90 days following the initial discharge;
- Existing dental dischargers must comply by July 14, 2020 and submit a one-time compliance report by October 12, 2020; and
- Dental dischargers that transfer ownership must comply and submit a one-time compliance report no later than 90 days following the transfer.

As the approved Control Authority for the pretreatment program, you are required to ensure that the dental dischargers located within your service area meet all of the requirements of [40 CFR Part 441](#), including ensuring that the one time compliance report fulfills the content, signature, and certification requirements of [40 CFR Part 441.50](#). To assist with this effort, attached are an example transmittal e-mail and a one-time compliance report that may be used to notify dental dischargers within your service area.

Second, the Department would like to ensure that all dental dischargers are regulated by the appropriate entity. Attached is a list of existing dental dischargers that the Department has identified may fall within your pretreatment program's service area. Please review the list and confirm that the dental dischargers listed are within your program's service area. If there are dental dischargers listed that do not fall within your service area or additional dental dischargers

have been identified, please update the list and provide the updated list to the Department. Please confirm that the list of dental dischargers attached are within your service area **AND** provide an updated list to the Department by December 13, 2019.

Please note, a revision to the Control Authority's sewer use ordinance may be necessary to implement the Dental Amalgam Rule [40 CFR 441] and the pharmaceutical hazardous waste sewer ban [40 CFR 266.505]. In accordance with Rule 62-625.500(2)(a), F.A.C., the Control Authority shall operate under legal authority enforceable in Federal, State, or local courts which authorizes or enables the Control Authority to apply and to enforce the requirements of Chapter 62-625, F.A.C. Please ensure the Control Authority has adequate legal authority to implement the above referenced regulations.

By December 13, please submit either a schedule to revise the Control Authority's sewer use ordinance or documentation from the Control Authority Attorney's Office stating the Control Authority's ordinances establish the legal authority necessary to fully implement the Dental Amalgam Rule and pharmaceutical hazardous waste sewer ban. For your convenience, example sewer use ordinance language for these two federal regulations is attached.

Please submit the requested information to DentalAmalgam@floridadep.gov.

Thank you for your assistance in helping the Department ensure successful implementation of the new dental amalgam rule. If you have any questions regarding this correspondence, please contact me or one of the following pretreatment program staff:

- Kelly Fannon at 850-245-8617;
- Stephen Lerdo de Tejada at 850-245-8601;
- Ross Williams at 850-245-7566;
- Andrea Sestokas at 850-245-8607.

Yours truly,



Marc Harris, P.E.
Program Administrator
Wastewater Management Program
Division of Water Resource Management
2600 Blair Stone Road, MS# 3545
Tallahassee, FL 32399-2400
Office: 850-245-8590

ARTICLE III. - SANITARY SEWER SYSTEM^[4]

Footnotes:

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Cross reference— Local improvements special assessments procedure, § 2-266 et seq.

DIVISION 1. - GENERALLY

Sec. 21-71. - Use of septic tanks, etc., restricted; connection to city sanitary sewer system prohibited; discontinued septic tanks.

- (a) It shall be unlawful for any person to drain or cause to be drained, any sewerage into septic tanks or other like system within such area as is served by the city's sanitary sewer system or where such system is available therefor.
- (b) No connection shall be made from any septic tank or other like systems with city's sanitary sewer system.
- (c) All discontinued septic tanks or other like systems shall be cleaned and filled with earth within ninety (90) days from date of such discontinuance.

(Code 1964, § 25-4.1)

Sec. 21-72. - Cast-iron cleanouts required in sewers.

There shall be installed in all sewer line hookups to the sewer system of the city cast-iron cleanout with plastic spigot end or an adaptor fitting especially made to fit the city's lateral connection in running the house sewer line into the city sewer system.

(Code 1964, § 25-5)

Secs. 21-73—21-90. - Reserved.

DIVISION 2. - SEWER USE REGULATIONS^[5]

Footnotes:

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Editor's note— Ord. No. 99-3, adopted Nov. 18, 1998, amended Div. 2, in its entirety, to read as herein set out in §§ 21-91—21-106. Prior to inclusion of said ordinance, Div. 2 pertained to similar subject matter. See the Code Comparative Table.

Sec. 21-91. - General provisions.

- (a) *Purpose and policy.* This division sets forth uniform requirements for users of the domestic wastewater facility (WWF) of the City of Miramar. This division enables the city to comply with all applicable federal and state laws, including the Clean Water Act of 1977 (33 U.S.C. 1251 et seq.) as amended, the General Pretreatment Regulations (40 CFR, Part 403), and the Florida Department of Environmental Protection's Pretreatment Requirements (Rule 62-625 F.A.C).

The objectives of this division are:

- (1) To prevent discharges to WWFs which will interfere with the operation of the facility, including interference with its use or disposal of domestic wastewater residuals;
- (2) To prevent discharges to WWFs which will pass through or otherwise be incompatible with WWFs;
- (3) To protect WWF personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- (4) To improve opportunities to recycle and reclaim wastewater and sludge;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the WWF;
- (6) To enable the city to comply with its wastewater discharge/reuse permit conditions, sludge use and disposal requirements and any other federal, state, or local laws to which the WWF is subject.

This division authorizes the issuance of wastewater discharge permits; establishes effluent limits; requires pretreatment; authorizes monitoring, compliance and enforcement activities; requires industrial user reporting; establishes administrative review procedures; and provides for setting of fees for the equitable distribution of costs resulting from the program established herein.

This division shall apply to the City of Miramar sewerage system and to persons outside the system who are, by contract or agreement with the city, users of the city's WWF. Except as otherwise provided herein, the director of the department of public works, City of Miramar shall administer, implement, and enforce the provisions of this division. Any powers granted to or duties imposed upon the director may be delegated by the director to other city personnel.

- (b) *Definitions.* The following terms and phrases when used in this division shall have the meaning ascribed to them in this section, except where a provision explicitly states otherwise.

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.).

Amalgam separator- is a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.

Amalgam waste- means and includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

ANSI/ADA Standard No. 108- is the American National Standards Institute and American Dentistry association standard for amalgam separators.

Approval authority shall mean the Florida Department of Environmental Protection.

Authorized or duly authorized representative of the user shall mean either:

- (1) If the user is a corporation:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or 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 [or general permit] requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs (1) through (3), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

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 section 21-92(g). *BMPs* include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. [Note: *BMPs* also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.]

Biochemical oxygen demand or *BOD* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in terms of concentration (milligrams per liter, mg/l) and as specified in Rule 62-160, F.A.C.

Biosolids shall mean treated wastewater sludge that can be beneficially recycled.

Building sewer shall mean the extension from the building drain to the public sanitary sewer or other place of disposal; also called a house connection, which conveys wastewater from the premises of a user to the WWF.

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

Categorical industrial user shall mean an industrial user subject to Categorical Pretreatment Standards.

Categorical Pretreatment Standards or *Categorical Standards* 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) which applies to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471, as amended.

Chemical oxygen demand or *COD* shall mean the measure of oxygen equivalent to that portion of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant, expressed in milligrams per liter (mg/l), as specified in Rule 62-160, F.A.C.

City shall mean City of Miramar, Broward County, Florida, acting under authority of the board of city commissioners and by and through its duly authorized, appointed and/or elected officers or employees.

Color shall mean the "true color" due to the substances in solution, expressed in wave lengths of light.

Compatible pollutant shall mean biochemical oxygen demand, total suspended solids, pH, oil and grease, fecal coliform bacteria and any additional pollutants identified in the WWF's discharge/reuse permit for which the WWF is designed to treat and does remove to a substantial degree; also called "conventional pollutant."

Composite sample shall mean a sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

Constituents shall mean the particles and dissolved substances which exist in wastewater.

Control authority shall mean the City of Miramar.

Cooling water shall mean the water discharged from uses such as air conditioning, cooling or refrigeration, of which the only pollutant added is heat; also called "non-contact cooling water."

Daily average values shall mean the average of all sample values for any one (1) given day.

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

Dilution shall mean any addition to a wastewater discharge for the purpose of, but not limited to, making weaker, less potent, mixing, dispersing, or thinning, so as to alter the physical, chemical or biological properties, other than what is defined as pretreatment.

Direct discharge shall mean the discharge of treated or untreated wastewater directly to waters of the State of Florida.

Director shall mean the Director of Public Works/Utilities Department, City of Miramar, or his duly authorized deputy, agent or representative.

Discharge shall mean the introduction of pollutants into a WWF from any nondomestic source.

Domestic wastewater shall mean water-carried wastes of human origin, as opposed to wastes from commercial or industrial activities.

Effluent shall mean the wastewater or other liquid that flows out of a basin, treatment process, or treatment plant.

Environmental Protection Agency shall mean the United States Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

Existing source shall be any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to the source if the standard is therefore promulgated in accordance with Section 307 of the Act.

Existing Source (Dental Amalgam Rule)- is any any facility subject to this Section whose first discharge to the sewer collection system occurred on or before July 14, 2017

Florida Department of Environmental Protection (FDEP) shall mean a component of the executive branch of the State of Florida authorized by Section 20.261, Florida Statutes.

Flow proportional composite sample shall mean a sample consisting of several individual portions in which each portion of the sample is proportional to the flow and combined to form a representative sample.

Four-day average values shall mean the average of daily values for four (4) consecutive monitoring days.

Garbage shall mean the solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

General pretreatment regulations shall mean "The General Pretreatment Regulations for Existing and New Sources of Pollution," published in the Federal Register, 40 CFR 403, on June 26, 1978, and any revisions to same.

Grab sample shall mean a sample which is collected from a wastestream over a period of time not exceeding fifteen (15) minutes, with no regard to the flow in the waste stream.

Hazardous substance shall mean a substance having radiological, chemical, physical or biological properties that are or could be dangerous to plant, animal or human life.

Hazardous waste pharmaceutical- is a pharmaceutical that is a solid waste, as defined in Title 40 of the Code of Federal Regulations (40 CFR) section 261.2, and exhibits one or more characteristics identified in 40 CFR part 261 subpart C or is listed in 40 CFR part 261 subpart D

Healthcare facility- means any person that is lawfully authorized to:

- a) Provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or
- b) Distribute, sell, or dispense pharmaceuticals. This definition includes, but is not limited to, wholesale distributors, third-party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals.

Healthcare facility does not include pharmaceutical manufacturers.

Holding tank waste shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks; also called "septic tank wastes".

Incompatible pollutant shall mean all pollutants other than compatible pollutants as defined in this section.

Indirect discharge shall mean the discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the WWF (including holding tank waste discharged into the system).

Industrial user shall mean a source of indirect discharge.

Industrial wastes shall mean the liquid wastes from industrial manufacturing processes, trade or business, as distinct from domestic wastewater.

Industrial waste surcharge shall mean the additional charge made in excess of the sewer service charge assessed against industrial users of the city, or industrial users outside the city's service area who are, by contract or agreement with the city, users of the city's WWF, whose wastewater characteristics exceed established limits for designated compatible pollutants.

Influent shall mean water, wastewater, or other liquid flowing into a reservoir, basin, treatment process, or treatment plant.

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.

Instantaneous maximum allowable discharge limit shall mean the maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the public owned treatment works ("POTW"), its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the city's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act ("RCRA"); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

ISO 11143- is the International Organization for Standardization's standard for amalgam separators.

Local limit shall mean specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Medical waste shall mean isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

Minor user shall mean a non-categorical user which has the potential to discharge a non-domestic process wastestream but whose discharge may not significantly impact the WWF, degrade receiving water quality and/or contaminate sludge.

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.

National pollutant discharge elimination system or *NPDES permit* shall mean a permit for discharge of pollutants from point or non-point sources into the navigable waters, the contiguous zone and the oceans pursuant to Section 402 of the Act (33 U.S.C. 1342).

New source shall mean:

- (1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed pretreatment standards prescribed under Section 307(c) (33 U.S.C. 1317) of the Act which will be applicable to such source, if the standards are thereafter promulgated in accordance with that section, provided that: (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, will be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraph (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has: (a) Begun, or caused to begin as part of a continuous onsite construction program, (i) any placement, assembly, or installation of facilities or equipment, or (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Non-contact 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.

Oil and grease shall mean a group of substances including fats, waxes, free fatty acids, soaps, and certain other non-fatty materials which are from animal or vegetable source and biodegradable. This excludes petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin.

Oil water separator shall mean any tank, box, sump or other container in which any petroleum or grease product thereof, floating on or entrained or contained in water entering the tank, box, sump or other container, is physically separated and removed from the water prior to outfall, drainage, or recovery of the water; also called "grease trap."

Pass through shall mean a discharge which exits the WWF into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the city's discharge/reuse permit (including an increase in the magnitude or duration of a violation).

Person shall mean any individual, firm, company, association, society, corporation, partnership, co-partnership, joint stock company, trust, estate, group, industrial concern, municipality, governmental entity, political subdivision, public officer or any other legal entity, or their legal representatives, agents or assigns, or any combination thereof. This definition includes all federal, state or local government entities. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions. The concentration is the weight of hydrogen ions in grams per liter of solution, expressed in standard units.

Pharmaceutical- means any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials). This definition includes, but is not limited to, dietary supplements, as defined by the Federal Food, Drug and Cosmetic Act; prescription drugs, as defined by Title 21 of the Code of Federal Regulations part 203.3(y); over-the-counter drugs; homeopathic drugs; compounded drugs; investigational new drugs; pharmaceuticals remaining in non-empty containers; personal protective equipment contaminated with pharmaceuticals; and clean-up material from spills of pharmaceuticals. Pharmaceutical does not include dental amalgam or sharps.

Pollutant shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, medical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water, and the characteristics of the wastewater [i.e., pH, temperature, TSS, turbidity, color, biochemical oxygen demand, chemical oxygen demand, toxicity, odor].

Pollution shall mean the manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

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 prior to or in lieu of discharging or otherwise introducing the pollutants into the WWF. The reduction or alteration can be obtained by physical, chemical

or biological processes, or by process changes or by other means, except by diluting the concentration of the pollutants as prohibited by Rule 62-625.410(5), F.A.C. unless allowed by an applicable pretreatment standard.

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

Pretreatment standards or *standards* shall mean prohibited discharge standards, categorical pretreatment standards, and local limits. In case of conflicting standards, the more stringent thereof shall apply.

Priority pollutant shall mean any toxic pollutant regulated under categorical pretreatment standards.

Prohibited discharge standards or *prohibited discharges* shall mean the absolute prohibition against the discharge of certain substances; these prohibitions appear in section 21-92(g) of this division.

Public utility shall mean any state, county or municipality owning, managing, controlling or operating a domestic WWF, or proposing to construct a domestic WWF that provides or proposes to provide wastewater service.

Public sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by the authority of a public utility.

Publicly owned treatment works or *POTW* shall mean a treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

Receiving waters shall mean that body of water, or watercourse receiving the discharge waters from the sewage treatment plant or formed by the waters discharged from the sewage treatment plant.

Reverse distributor- means any person that receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit. Any person, including forward distributors, third-party logistics providers, and pharmaceutical manufacturers, that processes prescription pharmaceuticals for the facilitation or verification of manufacturer credit is considered a reverse distributor.

Sanitary sewer shall mean a sewer that carries wastewater and to which storm, surface and ground waters are not intentionally admitted.

Self-monitoring shall mean sampling, analysis and monitoring by an industrial user of his regulated discharge at the expense of the user.

Septic tank shall mean a subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with:

- (1) A sewer line constructed with solid pipe, with joints sealed, connecting the impervious tank with a plumbing stub out; and
- (2) A subsurface system of piping to drain the clarified discharge from the tank and distribute it underground to be absorbed or filtered.

Sewage shall mean human excrement and gray water (and by example, and not limitation, household showers, dishwashing operations, etc.).

Sewer shall mean a pipe or conduit intended to carry wastewater.

Sewerage system shall mean sewage treatment works, pipelines or conduits, pumping stations and force mains and all other constructions, devices, and appliances appurtenant thereto, used for conducting sewage or industrial wastes to the point of ultimate disposal; also called "sewage system."

Shall is mandatory.

Significant industrial user or *SIU*. Except as provided in subsections (3) and (4) of this section, a *significant industrial user* is:

- (1) An industrial user subject to categorical pretreatment standards; or
- (2) An industrial user that:
 - a. Discharges an average of twenty-five thousand (25,000) gallons per day ("gpd") or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - b. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) The city may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gpd of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
 - a. The industrial user, prior to city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - b. The industrial user annually submits the certification statement required in Section 6.14 B [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
 - c. The industrial user never discharges any untreated concentrated wastewater.
- (4) Upon a finding that a user meeting the criteria in subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Significant noncompliance or *SNC* shall be applicable to all significant industrial users (or any other industrial user that violates subsections (3), (4) or (8) of this section) and shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in this section;
- (2) Technical Review Criteria ("TRC") violations, defined here as those in which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined in this section, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement as defined in this section (daily maximum, long-term average, instantaneous limit, or narrative standard) that [the superintendent] determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of a pollutant 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;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit (or a general permit) or enforcement order for starting construction, completing construction, or attaining final compliance;

- (6) Failure to provide within forty-five (45) days after the due date, any required reports, 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), which may include a violation of Best Management Practices, which the city determines will adversely affect the operation or implementation of the local pretreatment program.

Sludge shall mean the accumulated settleable solids separated from liquids, such as water or wastewater, during processing.

Slug load shall mean any discharge of water, sewage, or industrial waste at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section 21-92 of this division or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

Standard Industrial Classification (SIC) Code shall mean a classification pursuant to the latest edition of Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

State shall mean the State of Florida.

Stormwater shall mean any flows occurring during or following any form of natural precipitation and resulting therefrom.

Total suspended solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering through a standard glass fiber filter.

Total toxic organics shall mean the sum of the concentrations of specific toxic organic compounds listed in 40 CFR Part 122, Appendix D, Table II, III, IV, and V, found in the user's effluent at a concentration greater than 0.01 mg/l.

Total volatile organics or *volatile organic compounds* shall mean purgeable halocarbon and aromatic organics such as carbon tetrachloride, chloroform, methylene chloride, tetrachloroethene, trichloroethane, vinyl chloride, benzene, chlorobenzene, or toluene detectable in a user's effluent using U.S. EPA Methods 601 & 602.

Toxic pollutant shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provision of the Clean Water Act 307(a), and any amendments to same, or other federal or state acts.

Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards due to factors beyond the reasonable control of the industrial user.

User shall mean any person who contributes, causes or permits the contribution of wastewater into the city's WWF.

Waste shall include sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operations of whatever nature, including the waste placed within containers of whatever nature prior to, and for the purpose of disposal.

Wastewater shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any storm, surface or ground waters which may be present, whether treated or untreated, which is contributed into or permitted to enter the WWF.

Wastewater discharge permit shall be a permit for a user to discharge wastewater to the WWF as set forth in section 21-94 of this division.

Wastewater facility or *WWF* shall mean the structures, equipment and processes owned and maintained by the city that are required to collect, carry away, and treat domestic wastewater or industrial wastewater and dispose of the effluent. For the purposes of this division, "WWF" shall also include any sewers that convey wastewater to the city's WWF from persons outside the city wastewater service area who are, by contract or agreement with the city, users of the city's WWF.

Water reclamation facility shall mean that portion of a WWF which is designed to provide treatment (including recycling and reclamation) of domestic and industrial wastewater.

Waters of the state shall mean 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.

The use of the singular shall be construed to include the plural and plural shall include the singular as indicated by the context of its use. Where terms have not been defined in this section, they shall have their accepted meanings or such as context may imply.

(c) *Abbreviations.*

- (1) *BOD* - Biochemical Oxygen Demand.
- (2) *CFR* - Code of Federal Regulations.
- (3) *COD* - Chemical Oxygen Demand.
- (4) *EPA* - U.S. Environmental Protection Agency.
- (5) *FAC* - Florida Administrative Code.
- (6) *FDEP* - Florida Department of Environmental Protection.
- (7) *fr* - Federal Register.
- (8) *FS* - Florida Statutes.
- (9) *gpd* - Gallons per day.
- (10) *l* - Liter.
- (11) *mg* - Milligrams.
- (12) *mg/l* - Milligrams per liter.
- (13) *NPDES* - National Pollutant Discharge Elimination System.
- (14) *O&G* - Oil and Grease.
- (15) *O&M* - Operations and Maintenance.
- (16) *ppb* - Parts per billion.
- (17) *RCRA* - Resource Conservation and Recovery Act.
- (18) *SIC* - Standard Industrial Classification.
- (19) *SWDA* - Solid Waste Disposal Act, 42 U. S. C. 6901, et seq.
- (20) *TSS* - Total Suspended Solids.
- (21) *TTO* - Total Toxic Organics.
- (22) *U.S.C.* - United States Code.
- (23) *VOC* - Volatile Organic Compounds or Total Volatile Organics.

(Ord. No. 99-3, 11-18-98; Ord. No. 12-15, § 2, 5-2-12)

Sec. 21-92. - Use of public sewers.

- (a) [*Generally.*] All persons shall connect to the public sewer system where the sewer system is reasonably accessible, in accordance with all applicable regulations. No person shall discharge wastewater into the stormwater system.
- (b) *Control of discharge.* If any wastes or wastewaters are discharged or are proposed to be discharged into the city's WWF which do not meet applicable pretreatment standards and requirements, or which may have a deleterious effect upon the WWF, its processes, equipment, personnel, or receiving waters, or which otherwise create a hazard to public health, safety and welfare, or which constitutes a public nuisance, the director may:
 - (1) Reject the wastewaters or impose specific condition(s) upon the introduction of new sources of wastewater into the WWF;
 - (2) Require the user to demonstrate that in-plant improvements will modify the discharge to such a degree as to be acceptable;
 - (3) Require pretreatment of the user's discharge to ensure compliance with this division;
 - (4) Require payment of an industrial waste surcharge to cover the added cost of handling and treating excess loads imposed on the WWF by the discharge. Industrial waste surcharges may be imposed upon compatible pollutants only. Said surcharges shall be in accordance with the schedule of rates and fees set forth in section 21-102 of this division and Article VI, "Rates, Charges, Billing and Collection Procedures." Imposition of industrial waste surcharges for the recovery of treatment costs does not replace or supersede the requirements for pretreatment facilities, should they be found necessary by the director;
 - (5) Issue a notice of violation(s) in accordance with this division.
- (c) *Protection from damage.*
 - (1) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the WWF. Any person found in violation of this requirement shall be subject to the sanctions set out in sections 21-98 through 21-100 below.
 - (2) No person shall discharge directly into a manhole or other opening of the city WWF without the prior written approval of the director. No unauthorized person shall leave open an unprotected wastewater system manhole.
- (d) *Private sewage disposal where public sewers are not reasonably accessible.* The following regulations shall apply where public sewers are not reasonably accessible:
 - (1) No person shall permit the discharge of septic tank effluent or cesspool overflow to any open drain, ditch, stream, or well penetrating a water-bearing formation.
 - (2) The minimum lot area for which a private sewage disposal facility may be approved shall be in accordance with regulations of the applicable agency in Broward County with jurisdiction.
 - (3) Any person building a private sewage disposal facility must first obtain approval from the applicable agency in Broward County with jurisdiction.
- (e) *Structures required of certain dischargers into sanitary sewers.*
 - (1) *Storage tanks:* In order to equalize flows over a twenty-four-hour period, each person discharging a waste into the city sanitary sewers having a volume in excess of fifty thousand (50,000) gallons in any one (1) day, may be required to construct and maintain at his or her own expense a suitable storage tank approved by the city. The tank shall have a capacity of at least eighty (80) percent of the normal volume of one (1) twenty-four-hour production period of waste. The outlet to the sewer shall be controlled by a waterworks-type rate controller, or other approved devices, the setting of which shall be directed by the city.

- (2) *Control manhole:* Any person discharging industrial wastes into the city sanitary sewers shall construct and maintain a suitable control manhole, downstream from any treatment, storage, or other approved works, to facilitate observation, measurements and sampling of all wastes, including domestic sewage, discharged from the industry. The control manhole shall be constructed at a suitable and satisfactory location and built in a manner approved by the city. Where a storage tank is not required, the control manhole shall be equipped with a permanent-type volume measuring device as may be required by the city. The manhole shall be maintained by him or her so as to be in the judgment of the city safe, accessible and in proper operating condition at all times.
- (3) *Plans:* Plans for the construction of the storage tank, control manhole, and controlling devices shall be approved by the city prior to the beginning of construction.
- (f) *Measurement of flow through sewers.*
 - (1) The volume of flow used in computing charges for wastewater treatment shall be based upon metered water consumption as shown in the meter reading records maintained by the city water department.
 - (2) Any person discharging industrial wastes into the sanitary sewers of the city, all or part of which waste is discharged into the sanitary sewers, may install and maintain, at his or her expense, water meters of a type approved by the city for the purpose of determining the proper volume of flow being charged. The city has a right to read, test, or require independent testing of such private meters.
- (g) *Prohibited discharge standards.* No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass-through or 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 any other federal, state, or local pretreatment standards or requirements. A user may not contribute the following substances to the WWF:
 - (1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or to the operation of the WWF. This includes but is not limited to all wastestreams with a closed-cup flashpoint of less than one hundred forty (140) degrees F (sixty (60) degrees C) using the test methods specified in 40 CFR 261.21.
 - (2) Solids or viscous substances which may cause obstruction to the flow in the WWF resulting in interference, such as, but not limited to: grease, garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, 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, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, or any solids greater than one-half ($\frac{1}{2}$) inch or 1.27 centimeters in any dimension.
 - (3) Any wastewater having a pH less than 5.0 or greater than 9.5, or otherwise causing corrosive damage or hazard to structures, equipment, or endangering personnel of the WWF.
 - (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with the WWF, constitute a hazard to humans or animals, create a toxic effect in the receiving waters or effluent reuse of the WWF, exceed the limitation set forth in a Categorical Pretreatment Standard or local limit, or cause the WWF's effluent to fail a toxicity test.
 - (5) Any 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, a hazard to life, or to prevent entry into the sewers for maintenance and repair.

- (6) Any substance which may cause the WWF's effluent or any other product of the WWF such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

In no case shall a substance discharged to the WWF cause the WWF to be in non-compliance with effluent criteria, effluent reuse criteria or sludge use and disposal criteria; or guidelines or regulations developed under Section 405 of the Act; or any criteria, guidelines, or regulations affecting effluent reuse or sludge use and disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state or local criteria applicable to the effluent reuse or sludge management method being used.

- (7) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (8) Any wastewater having a temperature greater than one hundred fifty (150) degrees F (sixty-five and five-tenths (65.5) degrees C) or which inhibits biological activity in the WWF resulting in interference, but in no case wastewater which causes the temperature at introduction into the treatment plant to exceed one hundred four (104) degrees F (40 C).
- (9) Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the WWF; or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals. In no case shall a slug load have a flow rate or contain a concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- (10) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the director in compliance with applicable local, state, or federal regulations.
- (11) Any wastewater which results in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause acute worker health and safety problems or creates a public nuisance.
- (12) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (13) Any trucked or hauled pollutants, except at the discharge point designated by the control authority in accordance with section 21-93(e).
- (14) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions
- (15) Any stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, ground water remediation discharge, and unpolluted industrial wastewater, unless specifically authorized by the director.
- (16) Any medical wastes, except as specifically authorized by the director in a wastewater discharge permit.
- (17) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the WWF.
- (18) Any concentration of chlorides which may cause damage to the WWF, pass-through or interfere with the treatment process.
- (19) Any hazardous waste pharmaceuticals from healthcare facilities and reverse distributors

When the director determines that a user is contributing to the WWF any of the above enumerated substances in such amounts as to pass-through or interfere with the operation of the WWF, the director shall: (1) advise the user(s) of the impact of the contribution on the WWF; and (2) develop effluent limitation(s) for the user(s) to correct the interference with the WWF. Wastes prohibited by this section shall

not be processed or stored in such a manner that they could be discharged to the WWF. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the WWF.

If any person causes damages as a result of the discharge of improper wastes, as described in this division, the entire cost of the damages and/or judgments resulting therefrom shall be paid by that person.

The city, without limitation by other sections of this article, may authorize any person to discharge industrial wastes of unusual strength or character into the sewers of the city, under approved conditions or pretreatment. The city may prohibit entry of particular industrial wastes into the sanitary sewers whenever such action is necessary to prevent damage to the system or to determine the effects of such wastes on the sewage system.

- (h) *Federal Categorical Pretreatment Standards.* The National Categorical Pretreatment Standards found in 40 CFR Chapter I, Subchapter N, Parts 405 through 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 62-625.410(4).
 - (2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall impose an alternate limit using the combined wastestream formula in 62-625.410(6).
 - (3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 62-625.700, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
 - (4) A user may obtain a net/gross adjustment to a categorical standard in accordance 62-625.820.
- (i) *State requirements.* State requirements and limitations on discharges found in Rule 62-625, F.A.C. are hereby incorporated and shall apply in any case where they are more stringent than federal requirements and limitations or those in this division.
- (j) *Local limits.* The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing the material or substances listed below in amounts that exceed the daily average and daily max values indicated below * :

Material or Substance	Daily Average Value mg/L	Daily Max Value mg/L
Biological Oxygen Demand, BOD ₅ *	400	600
Total Suspended Solids, TSS*	400	3,000
Oil and Grease	100	200
pH	5.0—9.5	
Cyanide, CN	0.33	

Arsenic, As	0.044	
Cadmium, Cd	0.50	
Total Chromium, Cr	1.81	
Copper, Cu	3.25	
Lead, Pb	3.28	
Manganese, Mn	0.78	
Mercury, Hg	0.33	
Molybdenum, Mb	0.05	
Nickel, Ni	1.13	
Selenium, Se	0.12	
Silver, Ag	0.81	
Total Phosphorus	15	45
Zinc, Zn	4.93	

* Pollutant parameters that can be surcharged under industrial waste surcharge program.

The above limits apply at the point where the wastewater is discharged to the WWF. The director may impose mass limitations, instantaneous maximum limitations, maximum monthly average values, or maximum four-day average values, in addition to, or in place of, the limitations listed above.

- (k) *Control authority's right of revision.* The control authority reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent limitations or requirements on discharges to the WWF if deemed necessary to comply with the objectives presented in section 21-91(a) of this division.
- (l) *Dilution.* No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with the limitations unless expressly authorized by an applicable Federal Categorical Pretreatment Standard, or in any other pollutant-specific limitation developed by the state. The director may impose mass limitations on industrial users that are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(Ord. No. 99-3, 11-18-98; Ord. No. 08-03, § 2, 11-28-07; Ord. No. 12-15, § 2, 5-2-12; Ord. No. 15-01, § 2, 11-5-14)

Sec. 21-93. - Pretreatment.

- (a) *Pretreatment facilities.* Users shall provide necessary wastewater treatment as is required to comply with this division and shall achieve compliance with all Federal Categorical Pretreatment Standards, local limits, and prohibitions set forth in section 21-92 above within the time limitations as specified by the EPA, the FDEP, or the director whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the control authority shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the director for review, and shall be approved by the director before construction of the facility. The review of the plans and operating procedures will in no way relieve the user from responsibility of modifying the facility as necessary to produce an effluent acceptable to the director under the provisions of this division. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and acceptable to the director prior to the user's initiation of the changes.
- (b) *Additional pretreatment measures.*
 - (1) Whenever deemed necessary, the director may require industrial 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 domestic wastestreams from industrial wastestreams, and other conditions as may be necessary to protect the WWF and determine the user's compliance with the requirements of this division.
 - (2) 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. A wastewater discharge permit may be issued solely for flow equalization.
 - (3) Greasetraps, interceptors, and/or oil/water separators ("interceptors") shall be required 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. Interceptors shall be required in establishments such as, but not limited to, food service establishments, transportation/equipment cleaning establishments, service stations, repair shops, or other commercial or industrial facilities where wastes containing grease, oil, flammable material, sand or other harmful constituents can be discharged into the WWF. Interceptors shall not be required for residential users.

An engineer acting on behalf of the user shall determine the type, capacity and location of the interceptor. The engineer shall submit a copy of the calculations for sizing and location to the director for final written approval. The interceptor shall be located so that it is easily accessible for cleaning, sampling, and inspection. The interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at his expense, but in no instance shall the cleaning frequency be less than once per year.
 - (4) Industrial users with the potential to discharge flammable substances may be required to install and maintain at his expense an approved combustible gas detection meter. At no time shall two (2) readings on an explosion hazard meter at the point of discharge to the WWF, or at any point in the WWF, be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter.
- (c) *Affirmative defenses to violations of prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibited discharge standards in section 21-92(g) of this division (excluding items (1), (3), and (13) under section 21-92(g)) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
 - (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the department was regularly in compliance with its NPDES or wastewater facility permit, and in the cases of interference, was in compliance with applicable sludge use or disposal requirements.
- (d) *Accidental discharge, upset, and bypass.*
- (1) *Accidental discharge/slug plan and procedure:* Each user shall provide and maintain at their expense, protection from accidental discharge of prohibited materials, slug loads or other substances regulated by this division. The director may require any user to develop and implement an accidental discharge/slug control plan. At least once every two (2) years the director shall evaluate whether each significant industrial user needs such a plan. Detailed plans and operating procedures to provide this protection shall be submitted to the city for review and approval. The plan shall include, but is not limited to:
 - a. Description of discharge practices, including nonroutine batch discharges.
 - b. Description of all stored chemicals.
 - c. Procedures to prevent accidental spills, including:
 1. Maintenance of storage areas.
 2. Handling and transfer of materials.
 3. Loading and unloading operations.
 4. Control of plant site stormwater run-off.
 5. Worker training.
 6. Building containment structures for equipment.
 7. Measures for controlling toxic pollutants (including solvents).
 8. Procedures and equipment for emergency response.
 9. Follow-up practices to limit the damage suffered by the environment of the city's equipment.
 - (2) *Upset:*
 - a. The occurrence of an unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user 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 c., below, are met.
 - c. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 1. An upset occurred and the user can identify the cause(s) of the upset;
 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 3. The user has properly notified the city of the upset in accordance with the procedures set forth in paragraph (4) below.

4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
 5. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
 6. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power for the treatment facility is reduced, lost, or fails.
- (3) *Bypass*: An industrial user may allow bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to assure efficient operation.

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

Bypass that exceeds applicable pretreatment standards is prohibited, and the city shall take enforcement action against an industrial user for a bypass, unless:

- a. The bypass was unavoidable to prevent loss of life, personal injury, or sever property damage.
 - b. There were no technically 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 judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.
 - c. The industrial user properly notifies the city of the bypass in accordance with the procedures set forth in paragraph (4) below.
- (4) *Notification of accidental discharge, upset or bypass*:
- a. *Immediate notification via telephone*: In the event of an accidental discharge, slug load, upset or bypass, (including a violation of the prohibited discharge standards in section 21-92(f) of this division) the user shall take the necessary measures to stop, limit, or control the discharge. The discharger shall immediately notify the director within twenty-four (24) hours about the incident by telephone. In the event the director is not available, the discharger shall notify the city communications by telephone. The notification shall include:
 1. Address of the discharge.
 2. Type of discharge.
 3. Concentration of pollutants in the discharge.
 4. Volume of discharge.
 5. Corrective measures taken.
 - b. *Written notification*: Within five (5) days of the accidental discharge, upset or bypass, the discharger shall submit a written report to the director. The report shall include, but not limited to, type of discharge, concentrations, volume, cause of the event, duration of the event, corrective measures taken and measures to be employed to prevent future incidents. In the event further information is requested, the discharger shall provide the information within forty-eight (48) hours of the request. If the event occurs during a holiday period or weekend, the written notification shall be the first working day following the holiday period or weekend. Such notification shall not relieve the user of any expense, loss, damage, or other liability

which may be incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this division 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 an accidental discharge. Employers shall insure that all employees who could cause or suffer such an accidental discharges to occur are advised of the emergency notification procedures. Failure to notify the city of potential problem discharges shall be deemed a separate violation of this division.
- (5) *Tenant responsibility:* Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this ordinance.
- (e) *Hauled wastewater.*
 - (1) Septic tank waste may be accepted into the WWF at a designated receiving facility within the treatment plant area, and at such times as are established by the director, provided the wastes do not violate section 21-92 of this division or any other requirements established or adopted by the city. Wastewater discharge permits for individual vehicles to use the facilities will be issued by the city. All septic tank waste haulers and industrial waste haulers shall be required to obtain a waste hauler permit from the Department of Natural Resources Protection, Broward County.
 - (2) The discharge of hauled industrial wastes as "industrial septage" requires prior approval and a wastewater discharge permit from the control authority. The director will require generators of hauled industrial waste to obtain wastewater discharge permits. The director shall have the authority to prohibit the disposal of the wastes, if such disposal would interfere with WWF operation. Waste haulers discharge is subject to all other sections of this division.
 - (3) Industrial waste haulers shall discharge loads only at locations designated by the director. No load shall 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.
 - (4) 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, wastewater discharge 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 waste.
 - (5) Wastes from septic tanks or industrial wastes from locations outside the city wastewater system or the connected systems who are, by contract or agreement with the city, users of the city WWF, shall not be discharged into the city's wastewater system or any connected system without previous written approval of the director. The discharge shall only be made at a site approved by the director.
 - (6) Fees for discharging septage will be established as part of the industrial user fee system as authorized in section 21-102.
- (f) Requirements for dental facilities that remove or place amalgam fillings.
 - (a) All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following reporting and waste management practices:
 - (1) For existing sources, the One-Time Compliance Report is due no later than October 12, 2020 or no later than 90 days after transfer of ownership.
 - (2) For new sources, the One-Time Compliance Report is due within 90 days of the start of discharge to the sewer collection system.

- (3) No person shall rinse chairside traps, vacuum screens, or amalgam separators equipment in a sink or other connection to the sanitary sewer.
 - (4) Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and fixer-containing solutions and shall maintain training records that shall be available for inspection by the superintendent or designee during normal business hours.
 - (5) Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.
 - (6) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.
 - (7) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.
- (b) All owners and operators of dental vacuum suction systems, except as set forth in subsections (d) and (e) of this section, shall comply with the following:
- (1) An ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator or equivalent device shall be installed for each dental vacuum suction system on or before July 14, 2020; provided, however, that all dental facilities that are newly constructed on and after the effective date of this ordinance shall include an installed ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator device. The installed device must be ISO 11143 or ANSI/ADA Standard No. 108 certified as capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified.
 - (2) Proof of certification and installation records shall be submitted to the superintendent within 30 days of installation.
 - (3) Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request therefor by the superintendent or designee during normal business hours. Records shall be maintained for a minimum of three years.
- (c) Facilities with vacuum suction systems that meet all the following conditions may apply to the superintendent for an exemption to the requirements of subsection (c) of this section:
- (1) The system is a dry vacuum pump system with an air-water separator.

- (2) The sedimentation tank is non-bottom draining, with the drain above the anticipated maximum level of accumulated sludge.
- (3) Evidence of regular pump outs by a licensed hauler (a minimum of once a year, or more often if either directed by the manufacturer or necessary to keep solids from exiting through the drain) is maintained and open to inspection by the superintendent during normal business hours.
- (4) The system has no direct discharge pipe to the sewer on the bottom of the sedimentation tank.

An owner or operator whose facility meets conditions (1) through (4) may apply for this exemption by written letter to the superintendent. The superintendent or designee will review the system and, if the exemption is approved, shall provide a written letter of exemption.

An exemption obtained pursuant to this subsection (d) shall expire upon installation of a new vacuum system. Upon expiration of the exemption, the facility shall comply with subsection (c) of this section before commencing further operation.

- (d) Dental dischargers that exclusively practice one or more of the following specialties are not subject to the requirements of this section: (1) Orthodontics; (2) Periodontics; (3) Oral and maxillofacial surgery; (4) Radiology; (5) Oral pathology or oral medicine; (6) Endodontistry and prosthodontistry.
- (e) Dental practices that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, are exempt from the requirements of this part, provided the dental practice:

- (1) Submits the following statement to the (City/County/Utility/Authority), signed by a responsible corporate officer, general partner, proprietor, or a duly authorized representative by the applicable compliance deadline identified in Section 23.93 (f)(b):

"This facility is a dental discharger subject to this rule and does not place or remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances. I am a responsible corporate officer, a general partner or proprietor (if the facility is a partnership or sole proprietorship), or a duly authorized representative in accordance with the requirements of § 403.12(l) of the above named dental facility, and 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.”;

(2) Removes dental amalgam for limited emergency or unplanned, unanticipated circumstances, less than 9 times per year and as no more that 5% of dental procedures; and

(3) The dental practice notifies the (City/County/Utility/Authority) of any changes affecting the applicability of this certification.

(f) Disposal of hauled waste from dental facilities to the sanitary sewer is prohibited in accordance with **Section.21-92.**

(g) Dental dischargers that fail to comply with this section will be considered significant industrial users, and will be subject to the requirements herein, including the reporting requirements, compliance monitoring , and administrative enforcement remedies identified in Sections 21-95 ,21-96, and 21-99, respectively.

(Ord. No. 99-3, 11-18-98; Ord. No. 08-03, § 2, 11-28-07)

Sec. 21-94. - Wastewater discharge permit administration.

(a) *Permit application/wastewater survey.*

- (1) It is unlawful to discharge industrial waste without a city wastewater discharge permit in any area under the jurisdiction of the city's wastewater system; or to any person outside the system who are, by contract or agreement with the city, users of the city's WWF; and/or to the WWF any wastewater except as authorized by the director in accordance with the provisions of this division. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this division and shall subject the permittee to sanctions set out in sections 21-98 through 21-100. 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. The director may require other industrial users, including liquid waste haulers and nondischarging industrial users to obtain wastewater discharge permits as necessary to carry out the purposes of this division.
- (2) All prospective industrial users must submit to the director information on the nature and characteristics of their wastewater by completing a wastewater discharge permit application/wastewater survey at least one hundred eighty (180) days prior to the date upon which any discharge will begin. The director is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Information to be provided with the survey may include the industrial user's identifying information (e.g., name and address of industrial user), information of any applicable environmental permits held by the IU, and location(s) for monitoring wastes covered by the permit, description of the industrial activity, specifications of the constituents inherent to the processes and wastes, identification of the wastewater characteristics, plumbing diagrams, number of employees and hours of operation, and any other information deemed necessary by the director to evaluate the permit application. Failure to complete this survey shall be reasonable grounds for terminating service to the user and shall be considered a violation of this division.
- (3) Within ninety (90) days of receipt of a complete wastewater discharge permit application, the director will determine whether or not to issue a wastewater discharge permit. Permits will be issued to all users determined to be significant industrial users as defined in this section. Permits

may also be issued to minor users as deemed necessary by the director to ensure compliance with this division. The director may deny any application for a wastewater discharge permit.

- (4) Any user which discharges industrial waste into the WWF prior to the effective date of this division are granted temporary authority to continue to discharge in compliance with the existing codes, regulations, and policies of the city. Those users who wishes to continue such discharges, shall apply for a wastewater discharge permit within ninety (90) days after the effective date of this division. The user shall not cause or allow discharges to the WWF to continue after one hundred and eighty (180) days of the effective date of this division, except in accordance with a wastewater discharge permit issued by the director.
 - (5) Any existing industrial user located outside of the city's jurisdiction shall submit a wastewater discharge permit application within ninety (90) days of the effective date of this division. New industrial users located outside the city's jurisdiction shall submit the applications to the director one hundred and eighty (180) days prior to any proposed discharge into the WWF. Alternatively, the director may enter into an agreement with the neighboring jurisdiction in which the industrial user is located to provide for the implementation, and enforcement of the pretreatment program requirements against said user.
- (b) *Application signatories and certification.*
- (1) 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."
 - (2) Annual certification for non-significant categorical industrial users. A facility determined to be a non-significant categorical industrial user by the director pursuant to section 21-91 (definition of SIU subsection (3)) and section 21-94(a)(3) must annually submit the following certification statement signed in accordance with the signatory requirements in 1.4 C **[Note: See 40 CFR 403.120(l)]**. This certification must accompany an alternative report required by the superintendent:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR, I certify that, to the best of my knowledge and belief that during the period from MM/DD/YYYY to MM/DD/YYYY [Month, Day, Year]:

 - a. The facility described as [Facility Name] met the definition of a non-significant categorical industrial user as described in 1.4 GG (3); **[Note: See 40 CFR 403.3(v)(2)]**
 - b. The facility complied with all applicable pretreatment standards and requirements during this reporting period; and
 - c. The facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information: [Fill in pertinent information].
 - (3) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the director prior to or together with any reports to be signed by an authorized representative.

- (4) A facility determined to be a non-significant categorical industrial user by the director pursuant to section 21-91(b)(3) must annually submit the signed certification statement in section 21-95(c)(1).
- (c) *Permit issuance process.*
- (1) Wastewater discharge permits shall be expressly subject to all provisions of this division and all other applicable regulations. The cost of said permit shall be incurred by the industrial user in accordance with the fee schedule as set forth in section 21-102 of this division and Article VI "Rates, Charges, Billing and Collection Procedures."
 - (2) Permit duration shall not exceed two (2) years and upon expiration of same, a renewal permit may be issued which shall be effective for an additional two (2) years provided that the conditions of the existing permit have not changed and the appropriate renewal fees have been paid. The permit shall be displayed by the industrial user in a location at the permitted facility so as to be seen and read by the general public.
 - (3) Wastewater discharge permits shall contain at a minimum, the following conditions:
 - a. A statement that indicates wastewater discharge permit duration;
 - b. A statement of nontransferability;
 - c. Pretreatment standards and effluent limits applicable to the user based on applicable standards in federal, state, and local law;
 - d. Self monitoring, sampling, reporting, notification, and record keeping requirements;
 - e. Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements.
 - (4) Wastewater discharge permits may contain the following additional conditions:
 - a. The unit charge or schedule of user charges and fees for management of the wastewater to be discharged to the WWF;
 - b. Limits on the instantaneous, daily, monthly average and/or four-day maximum concentration, mass, or other measure of identified wastewater constituents and characteristics;
 - c. Limits on the average and/or maximum rate and time of discharge and/or requirements for flow regulations and equalization;
 - d. Requirements for installation and maintenance of inspection facilities, and flow metering and sampling equipment;
 - e. 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;
 - f. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
 - g. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the WWF;
 - h. 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;
 - i. Other conditions as deemed appropriate by the director to ensure compliance with this division, and federal and state laws, rules, and regulations.
- (d) *Compliance schedules.* If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the user shall submit to the director for approval and incorporation

in the permit the shortest schedule by which the user is to provide additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards:

The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of progress 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 (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - (2) No increment referred to in paragraph (a) shall exceed nine (9) months.
 - (3) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the project to the schedule established. In no event shall more than nine (9) months elapse between the progress reports to the director.
- (e) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit may not be reassigned, transferred or sold to a new owner or new user unless the permittee gives at least ninety (90) days advance written notice to the director and the director approves the wastewater discharge permit transfer. The notice to the director shall include a written certification by the new owner and/or user that:
- (1) States that the new owner and/or user has no immediate intent to change the facility's operations and processes;
 - (2) Identifies the specific date on which the transfer is to occur;
 - (3) Acknowledges full responsibility for complying with the terms and conditions of the existing permit.
- Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.
- (f) *Permit appeal.*
- (1) The director shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the city to reconsider the terms of a wastewater discharge permit within fifteen (15) days of its issuance. 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 wastewater discharge provisions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
 - (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
 - (4) If the city fails to act within fifteen (15) 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.
- (g) *Permit modification.* Permits may be modified by the city for causes including, but not limited to the following:
- (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
 - (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

- (3) A change in the 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 city's WWF, city personnel, or the receiving waters;
- (5) Violations 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.;
- (8) To correct typographical or other errors in the wastewater discharge permit;
- (9) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.
- (10) Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

Industrial user requests for permit modifications shall be made in writing and include facts or reasons which support the request. When modifying a permit, the city shall allow a reasonable time frame for the user to comply with the new or changed conditions if the user cannot meet them at the time of the modification and if permitted by law. If the new or changed conditions are the result of new or changed pretreatment regulations, those regulations will stipulate the compliance period. The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

(h) *Permit revocation.* Wastewater discharge permits may be revoked for the following reasons:

- (1) Failure to notify the city of significant changes to the wastewater prior to the changed discharge.
- (2) Failure to provide prior notification to the city of changed condition pursuant to section 21-95(f).
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
- (4) Falsifying self-monitoring reports.
- (5) Tampering with monitoring equipment.
- (6) Refusing to allow the city timely access to the facility premises and records.
- (7) Failure to meet effluent limitations.
- (8) Failure to pay penalties.
- (9) Failure to pay sewer charges.
- (10) Failure to meet compliance schedules.
- (11) Failure to provide advance notice of the transfer of a permitted facility.
- (12) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this division.
- (13) Indication that the discharge presents a threat to the environment or threatens to interfere with the operation of the WWF.

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

(i) *Permit renewal.* All permittees must apply for a permit renewal a minimum of ninety (90) days prior to the expiration of the existing permit. The reapplication for a permit shall consist of a written request for

reissuance of the permit. The request shall state if all terms and conditions of the existing permit and ordinance are complied with and must be signed by an authorized representative of the user.

- (j) *Special agreements.* The city reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the WWF. In no case will a special agreement waive compliance with a categorical pretreatment standard or requirement.
- (k) *Regulation of discharge from other jurisdictions.* In the event another jurisdiction or municipality contributes all or a portion of its wastewater to the city's WWF, the WWF may require the jurisdiction or municipality to enter into an multi-jurisdictional agreement with the city.
 - (1) Prior to entering into an agreement, the director shall request the following information from the contributing jurisdiction:
 - a. A description of the quality and volume of the wastewater at point(s) where it enters the WWF from the contributing jurisdiction.
 - b. An inventory of all industrial users discharging to the WWF within the contributing jurisdiction.
 - c. Other information as may be required by the director.
 - (2) A multi-jurisdictional agreement as required above, shall contain the following conditions:
 - a. A requirement for the contributing jurisdiction to adopt a sewer use ordinance which is at least as stringent as this division and local limits which are at least as stringent as those set out in section 21-92. The requirement shall specify that the ordinance and limits must be revised as necessary to reflect changes made to this division.
 - b. A requirement for the contributing jurisdiction to submit a revised industrial user inventory on at least an annual basis.
 - c. A requirement for the contributing jurisdiction to (i) conduct pretreatment implementation activities including industrial user permit issuance, inspection and sampling, and enforcement; or (ii) authorize the WWF to take or conduct the activities on its behalf.
 - d. A requirement for the contributing jurisdiction to provide the city with access to all information that the municipal user obtains as part of its pretreatment activities.
 - e. Limits on the nature, quality, and volume of the contributing jurisdiction wastewater at the point where it discharges to the WWF.
 - f. Requirements for monitoring the municipal discharge.
 - g. A provision ensuring the director access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the director.
 - h. A provision specifying remedies available for breach of the terms of the multi-jurisdictional agreement.
 - (3) Violation of the terms and conditions of the multi-jurisdictional agreement subjects the contributing jurisdiction to the sanctions set out in sections 21-98 through 21-100.

(Ord. No. 99-3, 11-18-98; Ord. No. 12-15, § 2, 5-2-12)

Sec. 21-95. - Reporting requirements.

(a) *Baseline monitoring reports.*

- (1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the superintendent a report which contains

the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the superintendent a report which contains the information listed in paragraph (2) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- (2) Users described above shall submit the information set forth below.
 - a. All information required in section 21-94(a)(2)
 - b. Measurement of pollutants.
 - c. The user shall provide the information required in section 4.5A(7)(a) through (d).
 - d. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this section.
 - e. Samples should 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 user should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the control authority;
 - f. Sampling and analysis shall be performed in accordance with section 21-95 (d)(3);
 - g. The superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 - h. 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 POTW.
- (3) Compliance certification. A statement, reviewed by the user's authorized representative as defined in section 21-91(b) (duly authorized representative of the user) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance ("O&M") and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (4) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. 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 subsection 21-95(a)(2)c.
- (b) *Signature and report certification.* All baseline monitoring reports must be certified in accordance with section 21-94(b)(1) of this article and signed by an authorized representative as defined in section 21-91(b) (duly authorized representative of the user).
- (c) *Periodic compliance reports.*
 - (1) Any user required to self monitor by their wastewater discharge permit shall submit to the director at a frequency determined by the director but in no case less than twice per year (in June and December), a report indicating the nature and concentration of the pollutants in the effluent which are limited in the wastewater discharge permit. In addition, this report shall include a report of measured or estimated average and maximum daily flows for the reporting period for the discharge. At the discretion of the director and in consideration of such factors as 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 or pollution prevention alternative, the user must submit documentation required by the director or the pretreatment standard necessary to determine the compliance status of the user. Falsification of self-monitoring reports shall be considered a significant violation of this division and could lead to termination of the user's wastewater discharge permit.

- (2) If an industrial user subject to the reporting requirement of this section monitors any pollutant more frequently than required by the WWF, using the procedures prescribed in section 21-96(d) of this division, the results of this monitoring shall be included in the report.
- (d) *Self monitoring and analysis of user discharges.*
- (1) The monitoring reports required in paragraphs (a), (b), and (c) of this section shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration, or production and mass where required, of pollutants contained therein which are limited by the wastewater discharge permit. The frequency of monitoring to demonstrate compliance shall be as prescribed in the wastewater discharge permit.
 - (2) All pollutant analyses, including sampling techniques, shall be performed in accordance with procedures established by the state pursuant to Rule 62-160, F.A.C. Analytical techniques for additional pollutants not contained in Rule 62-160, F.A.C., must be performed using validated analytical methods approved by the state or by EPA.
 - (3) Except as indicated in section 21-95(d)(4) below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the director may authorize the use of time proportional sampling or 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.
 - (4) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, toxicity, and volatile organic chemicals must be obtained using grab sample collection techniques.
- (e) *Compliance with categorical pretreatment standard deadline report.* Within ninety (90) days following the date for final compliance with the applicable standards, or in case of a new source following commencement of the introduction of wastewater into the WWF, any user subject to pretreatment requirements shall submit to the director a report indicating the concentration of pollutants in the discharge along with the average and maximum daily flow for those processes. These reports shall comply with the requirements of subsection 62-625.600(3), F.A.C.
- (f) *Report of changed conditions.*
- (1) Each user is required to notify the director of planned significant changes to the industrial user's operations or system that might alter the nature, quality or volume of its wastewater at least sixty (60) days before the change.
 - (2) The director may require the user to submit information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 21-94(a);
 - (3) The director may issue a wastewater discharge permit under section 21-94(c) or modify an existing wastewater discharge permit under section 21-94(g);
 - (4) No user shall implement the planned change of condition(s) until and unless the director has responded to the user's notice;
 - (5) For purposes of this requirement flow increases of ten (10) percent or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.
- (g) *Reports from unpermitted users.* All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the city as the director may require.

- (h) *Notice of violation/repeat sampling and reporting.* If sampling and analysis performed by an industrial user indicates a violation, the 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 sample analysis to the control authority within thirty (30) days after becoming aware of the violation. The user is not required to re-sample if:
- (1) The city performs monitoring at the industrial user's at least once a month, or
 - (2) The city performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.
- (i) *Notification of the discharge of hazardous waste.*
- (1) Any industrial user shall notify the director, the EPA Region IV Waste Management Division Director, and the FDEP hazardous waste authorities in writing of any discharge into the WWF of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 and/or Rule 62-730, F.A.C. 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).
 - (2) If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the WWF, the notification shall also contain the following information as to the extent information is known and readily available to the industrial user:
 - a. An identification of the hazardous constituents contained in the wastes.
 - b. An estimation of the mass and concentration of the constituents in the wastewater discharged during that calendar month.
 - c. An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.
 - (3) All notifications must take place no later than thirty (30) days after the discharge commences. Any notification under this paragraph need to be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under section 21-95(f) above. The notification requirement in this section does not apply to pollutants already reported under the self monitoring requirements of sections 21-95(c) and (d) above.
 - (4) Dischargers are exempt from the requirements of paragraph (1) of this subsection during a calendar month in which a user discharges no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(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 261.33(e) requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
 - (5) 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 user must notify the WWF, the EPA Region IV Waste Management Waste Division Director, and the FDEP hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of the regulations.
 - (6) In the case of any notification made under this section, the 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.
 - (7) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this division, a permit issued thereunder, or any applicable federal or state law.
- (j) *Signatories and certification.* All reports identified in this section must be signed and certified in accordance with section 21-94(b).

(k) *Records.*

- (1) Any user subject to the reporting requirements established in this section shall retain and make available for inspection and copying by EPA, FDEP, and the city, all records of all information resulting from monitoring activities required by this division. Records for sampling activities shall include the following:
 - a. The date, exact place, method, time of sampling and names of the person or persons taking the sample, and any appropriate field sample preservation methods;
 - b. The date analyses were performed;
 - c. Who performed the analyses;
 - d. The analytical methods/techniques used and detection limits; and
 - e. The results of the analyses.
- (2) All records of monitoring activities and results shall be retained by the user for a minimum of three (3) years. This period of retention shall be extended during the course of any unresolved litigation regarding the user, or when requested by the director, FDEP, or EPA.

(Ord. No. 99-3, 11-18-98; Ord. No. 12-15, § 2, 5-2-12; Ord. No. 13-01, § 2, 10-3-12)

Sec. 21-96. - Compliance monitoring.

(a) *Monitoring facilities.*

- (1) The city may require the user to provide and maintain at his own expense monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or the regulated process discharge. The monitoring facility should normally be situated on the user's property at a location approved by the city prior to installation. When a location would be impractical or cause undue hardship on the user, the city may allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near the sampling manhole or facility to allow flow measurements, accurate sampling and preparation of samples for analysis. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the director.
- (2) The city may require the user to install and maintain at his own expense suitable flow metering and sampling equipment to facilitate the accurate observation, sampling, and flow measurement of process wastewater. The sampling and measuring equipment shall be properly operated, cleaned, and maintained in good working order at all times. The sampling and metering equipment shall be accessible at all times. The devices used to measure wastewater flow and quality shall be calibrated periodically based on manufacturer's recommendation to ensure their accuracy.
- (3) The failure of an industrial user to keep his monitoring facility in good working order shall be deemed a separate violation of this division and shall not be grounds for claiming that sample results are unrepresentative of its discharge.

(b) *Authority of city inspectors.*

- (1) The city shall have the right to inspect the facilities of any user to ascertain whether the purpose of this division, and any permit or order issued hereunder, is being met and all requirements are being complied with.
- (2) Persons or occupants of premises where wastewater is created or discharged 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 of their duties. The city, FDEP, and EPA shall have the right to set up on the user's property devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Tampering with, or knowingly rendering the devices inaccurate shall be a significant violation and shall be prosecuted to the full extent of this division.

- (3) Where a user has security measures in force which require proper identification and clearance before entry into his premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, FDEP, or EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
- (4) Any temporary or permanent obstruction to the safe and easy access of the industrial facility shall be promptly and permanently removed by the user at the written or verbal request of the director. The costs of clearing access shall be born by the user. Unreasonable delays in allowing control authority personnel access to the user's premises shall be a violation of this division.

(c) *Search warrants.*

- (1) A search and/or seizure warrant will be obtained by the city if:
 - a. The director has been refused access to a building, structure or property or any part thereof;
 - b. The director has demonstrated probable cause to believe that there may be a violation of this division;
 - c. There is a need to inspect as part of a routine inspection designed to verify compliance with this division or any permit or order issued hereunder; or
 - d. There is a need to protect the overall public health, safety and welfare of the community.
- (2) The search and/or seizure warrant shall be issued by the municipal court judge upon application by the city attorney, describing therein the specific location subject to the warrant. The warrant shall specify what may be searched and/or seized on the property described.
- (3) The warrant shall be served at reasonable hours by the director in the company of a uniformed police officer of the local municipality. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

(Ord. No. 99-3, 11-18-98)

Sec. 21-97. - Confidential information.

- (a) User information and data obtained from reports, questionnaires, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from inspections and sampling activities shall be available to the public or other government agencies without restriction. Information will be considered confidential only if the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state and federal law. Any request must be asserted at the time of submission of the information or data.
- (b) When properly requested and demonstrated by the user in accordance with the procedures in Section 403.111, F.S., the portions of information which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon request to governmental agencies for uses related to this division, the National Pollutant Discharge Elimination System (NPDES) Permit, FDEP disposal/reuse system permit and/or pretreatment programs; however, such portions of information shall be available for use in judicial review or enforcement proceedings involving the user. Wastewater constituents and characteristics and other "effluent data"

as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

- (c) Information accepted by the city as confidential shall not be transmitted to any governmental agency by the city until and unless a ten-day notification is given to the user.

(Ord. No. 99-3, 11-18-98)

Sec. 21-98. - Administrative enforcement.

(a) *Notice of violation.*

- (1) Whenever the city finds that any user has violated or is violating this division, or a wastewater discharge permit, or any prohibition, limitation of requirements contained herein, the director or his agent may serve upon said user a written notice of violation. The notice of violation shall set forth the specific violation, the corrective action to be taken by the user, and the period of time by which the user must correct the violation.
- (2) Within ten (10) days of the receipt of this notice, the user shall submit to the director a written explanation of the violation and a plan for the satisfactory correction and prevention thereof. Submission of this plan in no way relieves the user of liability for any violation 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.

(b) *Show cause hearing.*

- (1) The director may order any user which causes or contributes to violation(s) of this division, wastewater discharge permits or orders issued hereunder, 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 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.
- (2) The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Notice may be served on any authorized representative of the user. A show cause hearing shall not be a prerequisite for taking any other action against the user.

(c) *Administrative order.*

- (1) When the director finds that a user has violated or continues to violate this division, wastewater discharge permits or orders issued thereunder, or any other pretreatment standard or requirement, he may issue an administrative order to the user directing that the user come into compliance within a specified period of time.
- (2) Administrative orders may also direct the user to take appropriate remedial or preventive action to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- (3) Administrative orders may contain other requirements to address the noncompliance, including the installation of pretreatment technology, additional self monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer.
- (4) An administrative order may not extend the deadline for compliance established for a federal categorical pretreatment standard or requirement, nor may it release the user of liability for any violation, including any continuing violation.
- (5) Issuance of an administrative order shall not be a prerequisite to taking any other action against the user as set forth in other sections of this division.

(d) *Administrative penalties.*

- (1) Notwithstanding any other section of this division, any user who is found to have violated any provision of this division, its wastewater discharge permit and orders issued hereunder, or any other pretreatment standard or requirement may be penalized in an amount not to exceed one thousand dollars (\$1,000.00) per violation per day. Each day on which non-compliance shall occur or continue shall be deemed a separate and distinct violation. Assessments may be added to the user's next scheduled sewer service charge and/or the director shall have other collection remedies as may be available for other service charges and fees.
- (2) Unpaid charges, fees, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of fifty (50) percent of the unpaid balance and interest shall accrue thereafter at a rate of eighteen (18) percent per month. A lien against the individual user's property will be sought for unpaid charges, fees, and penalties.
- (3) Users desiring to dispute penalties must file a request in writing for the director to reconsider the penalty along with full payment of the penalty within ten (10) days of being notified of the penalty. Where the director believes a request has merit, he shall convene a hearing on the matter within fifteen (15) days of receiving the request from the user. In the event that the user's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial user. The city may add the costs of preparing administrative enforcement actions such as sampling, inspections, notices, and orders to the penalty.

(e) *Termination of service.*

- (1) The director may immediately terminate a user's wastewater discharge and/or wastewater discharge permit, after informal notice to the user, whenever such termination 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.
- (2) The director may also immediately terminate a user's discharge, after notice and opportunity to respond, which presents or may present an endangerment to the environment, or threatens interference with the operation of the WWF.
- (3) Any user notified of a termination of its wastewater discharge and/or wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the user to immediately comply voluntarily with the suspension order, the director shall take steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WWF system, its receiving stream, or endangerment to any individuals. The director may reinstate the wastewater discharge and/or the wastewater discharge permit when the user has demonstrated to the satisfaction of the director elimination of the non-complying discharge.
- (4) 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 director, prior to the date of any show cause hearing under section 21-98(b).
- (5) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(Ord. No. 99-3, 11-18-98)

Sec. 21-99. - Judicial enforcement.

If any person who discharges wastewater, industrial wastes, or other wastes into the WWF contrary to the provisions of this division or any order or permit issued hereunder, or violates any provision of this division, the director, through the city attorney, may commence an action for appropriate legal and/or

equitable relief in the Circuit Court for Broward County. Such an action by the city may be commenced without the use of the procedures set forth in section 21-98.

(1) *Injunctive relief.*

- a. Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this division, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the director, through legal counsel may petition the Circuit Court for Broward County for issuance of a temporary or permanent injunction or both (as may be appropriate) which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this division on activities of the user.
- b. The city may also seek other action as appropriate for legal and/or equitable relief. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user. The director shall have remedies to collect these fees as he has to collect other sewer service charges.

(2) *Civil penalties.*

- a. Any user who has violated or continues to violate this division, any order or wastewater discharge permit issued hereunder, or any other pretreatment standard or requirement shall be liable to the control authority for a maximum civil penalty of five thousand dollars (\$5,000.00) but not less than one thousand dollars (\$1,000.00), plus actual damages incurred by the WWF per violation per day for as long as the violation continues.
- b. In addition to the above described penalty and damages, the director 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. The director shall petition the court to impose, assess, and recover such sums.
- c. In determining amount of liability, the court may 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. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

(3) *Criminal prosecution.*

- a. Any user who willfully or negligently violates any provision of this division, any orders or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of at least one thousand dollars (\$1,000.00) and up to five thousand dollars (\$5,000.00) per violation per day or imprisonment for not more than one (1) year 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 shall be subject to a penalty of at least five thousand dollars (\$5,000.00) per violation per day or imprisonment for one (1) year or both up to a fine of ten thousand dollars (\$10,000.00) per violation per day or imprisonment for not more than three (3) years or both. This penalty shall be in addition to any other action for personal injury or property damage available under state law.
- c. Any user who 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 division, wastewater discharge permit, or order or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division shall, upon conviction, be punished by a fine of at least one thousand dollars (\$1,000.00) but not more than five thousand dollars (\$5,000.00) per violation per day or imprisonment for not more than one (1) year or both.

- d. In the event of a second conviction, the user shall be punishable by a fine of at least ten thousand dollars (\$10,000.00) but not to exceed twenty-five thousand dollars (\$25,000.00) per violation per day or imprisonment of one (1) year but not for more than three (3) years or both.
- (4) *Remedies nonexclusive.* The provisions in sections 21-98 and 21-99 are not exclusive remedies. The city reserves the right to take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the 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 (1) enforcement action against any non-compliant user. These actions may be taken concurrently.

(Ord. No. 99-3, 11-18-98)

Sec. 21-100. - Supplemental enforcement.

- (a) *Performance bonds.* The director may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this division, any orders, or a previous wastewater discharge permit issued hereunder, unless the user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the director to be necessary to achieve consistent compliance. The city attorney must approve the form of any bond.
- (b) *Water supply severance.* Whenever a user has violated or continues to violate the provisions of this division, orders, or wastewater discharge permits issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(Ord. No. 99-3, 11-18-98)

Sec. 21-101. - Publication of industrial users in significant noncompliance.

- (a) The city shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the WWF, a list of the users which, at any time during the previous twelve (12) months (Ord. No. 99-3, 11-18-98), were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (3), (4) or (8) of this section) and shall mean:
 - (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in section 21-91(b);
 - (2) Technical review criteria ("TRC") violations, defined as those in which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by section 21-91(b); multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
 - (3) Any other violation of a pretreatment standard or requirement as defined by section 21-91(b); (daily maximum, long-term average, instantaneous limit, or narrative standard) that [the superintendent] determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

- (4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the superintendent's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within forty-five (45) days after the due date, any required reports, 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), which may include a violation of Best Management Practices, which the superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. No. 99-3, 11-18-98; Ord. No. 12-15, § 2, 5-2-12)

Sec. 21-102. - Fees and industrial waste surcharges.

- (a) *Purpose.* It is the purpose of this division to provide for the recovery of costs from users of the city's WWF for the implementation of the pretreatment program established herein. The applicable charges or fees shall be set forth in the City of Miramar Utilities Schedule of Charges and Fees.
- (b) *Fees.* The city may adopt charges and fees which may include the following:
 - (1) Fees for reimbursement of costs of setting up and operating the city's pretreatment monitoring program;
 - (2) Fees for monitoring, inspections, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing self monitoring reports submitted by users;
 - (3) Fees for reviewing accidental discharge procedures and construction;
 - (4) Fees for wastewater discharge permit applications including the cost of processing the applications;
 - (5) Fees for wastewater discharge permits;
 - (6) Fees for filing appeals;
 - (7) Other fees as the city may deem necessary to carry out the requirements contained herein.

These fees relate solely to matters covered by this division and are separate from all other fees chargeable by the city.

- (c) *Industrial waste surcharge rates.* The city may adopt industrial waste surcharge rates for the following conventional parameters:

Material or Substance	Upper Limit
(1) BOD5 - above 400mg/L	500 mg/L
(2) Reserved.	

(3) TSS - above 400 mg/L	600 mg/L
(4) Oil & Grease - above 100 mg/L	200 mg/L
(5) Reserved.	
(6) T-Phos - above 15 mg/L	45 mg/L

Industrial waste surcharge rates will be based on WWF's treatment cost and will be charged on a mass emission basis. The rates will be periodically modified and set forth in the City of Miramar Utilities Rates Schedule.

- (d) The city commission by resolution, upon the recommendation of the director, shall establish or amend a reasonable rate schedule for IU's.

(Ord. No. 99-3, 11-18-98; Ord. No. 08-03, § 2, 11-28-07)

Sec. 21-103. - Severability.

If any provision, paragraph, word, section or article of this division is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

(Ord. No. 99-3, 11-18-98)

Sec. 21-104. - Conflict.

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

(Ord. No. 99-3, 11-18-98)

Sec. 21-105. - Inclusion in Code.

It is the intention of the governing body of the City of Miramar that the provisions of this division shall become and be made a part of the City of Miramar Code; and that the sections of this division may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or any other appropriate word or phrase in order to accomplish such intentions.

(Ord. No. 99-3, 11-18-98)

Sec. 21-106. - Effective date.

This division shall become effective as provided by law.

(Ord. No. 99-3, 11-18-98)

Secs. 21-107—21-125. - Reserved.

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. 99-03

AN ORDINANCE DELETING DIVISION 2., "SEWER USE REGULATIONS", IN CHAPTER 21, ARTICLE III OF THE CITY OF MIRAMAR CODE AND ADDING A NEW DIVISION 2 ENTITLED "SEWER USE REGULATIONS"; PROVIDING FOR PURPOSE AND POLICY; PROVIDING FOR DEFINITIONS, PROVIDING FOR USE OF PUBLIC SEWERS; PROVIDING FOR PRETREATMENT; PROVIDING FOR WASTEWATER PERMIT ADMINISTRATION; PROVIDING FOR COMPLIANCE MONITORING; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR FEES AND SURCHARGES; INCORPORATING THE REQUIRED CHANGES PURSUANT TO THE FEDERAL WATER POLLUTION CONTROL ACT AS AMENDED BY THE CLEAN WATER ACT OF 1977 (Pub.L. 95-217) AND UNDER THE PRETREATMENT REGULATIONS PROMULGATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY IN 40 CFR PART 403 AND FLORIDA ADMINISTRATIVE CODE (F.A.C.) CHAPTER 62-625; PROVIDING FOR SEVERABILITY; INCORPORATING BY REFERENCE THE NATIONAL CATEGORICAL PRETREATMENT STANDARDS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Division 2, sewer use regulations in Chapter 21, of the City code of Miramar establishes the authority for Wastewater management; and

WHEREAS, the currently, Division 2, Chapter 21 of the City of Miramar code Sewer Use ordinance does not include provisions for Industrial Pretreatment; and

WHEREAS, the City plans to implement unrestricted public access reuse as a means of effluent disposal at the new Wastewater Reclamation Facility; and

WHEREAS, the City of Miramar is amending the existing code to comply with the Federal Pollution Control Act as amended by the Clean Water Act of 1977 (Pub. 95-217) and the Florida Administrative Code Chapter 62-625, for Natural Categorical Pretreatment Standards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA:

Section 1: Division 2 Chapter 21, Article III of the City of Miramar Code entitled “SEWER USE REGULATIONS” is hereby deleted and is replaced with a new Division 2 as follows:

DIVISION 2. SEWER USE REGULATIONS

Sec. 21-91. GENERAL PROVISIONS

(a) Purpose and Policy.

This Division sets forth uniform requirements for Users of the domestic wastewater facility (WWF) of the City of Miramar. This Division enables the City to comply with all applicable Federal and State laws, including the Clean Water Act of 1977 (33 U.S.C. 1251 et seq.) as amended, the General Pretreatment Regulations (40 CFR, Part 403), and the Florida Department of Environmental Protection's Pretreatment Requirements (Rule 62-625 F.A.C).

The objectives of this Division are:

1. To prevent discharges to WWFs which will interfere with the operation of the facility, including interference with its use or disposal of domestic wastewater residuals;

2. To prevent discharges to WWFs which will pass through or otherwise be incompatible with WWFs;
3. To protect WWF personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
4. To improve opportunities to recycle and reclaim wastewater and sludge;
5. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the WWF;
6. To enable the City to comply with its wastewater discharge/reuse permit conditions, sludge use and disposal requirements and any other Federal, State, or local laws to which the WWF is subject.

The Division authorizes the issuance of wastewater discharge permits; establishes effluent limits; requires pretreatment; authorizes monitoring, compliance and enforcement activities; requires Industrial User reporting; establishes administrative review procedures; and provides for setting of fees for the equitable distribution of costs resulting from the program established herein.

This Division shall apply to the City of Miramar sewerage system and to persons outside the system who are, by contract or agreement with the City, Users of the City's WWF. Except as otherwise provided herein, the Director of the Department of Public Works, City of Miramar shall administer, implement, and enforce the provisions of this Division. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other City personnel.

(b) Definitions.

The following terms and phrases when used in this Division shall have the meaning ascribed to them in this Section, except where a provision explicitly states otherwise.

1. **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.).
2. **Approval Authority** shall mean the Florida Department of Environmental Protection.
3. **Authorized Representative of Industrial User** shall mean either:
 - a. The president, vice-president, secretary, or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. A general partner or proprietor if the Industrial User is a partnership or sole proprietorship, respectively; or
 - c. A director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his designee if the Industrial User is a Federal, State or local governmental facility; or
 - d. A duly authorized representative of the person designated in Sections (1), (2), or (3) above if such authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facilities from which the discharge originates, and the written authorization is submitted to the City.
4. **Biochemical Oxygen Demand or BOD** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in

five (5) days at 20 degrees Celsius, expressed in terms of concentration (milligrams per liter, mg/l) and as specified in Rule 62-160, F.A.C..

5. **Biosolids** shall mean treated wastewater sludge that can be beneficially recycled.
6. **Building Sewer** shall mean the extension from the building drain to the public sanitary sewer or other place of disposal; also called a house connection, which conveys wastewater from the premises of a User to the WWF.
7. **Bypass** shall mean the intentional diversion of wastewater streams from any portion of an industrial user's treatment facility.
8. **Categorical Industrial User** shall mean an industrial user subject to Categorical Pretreatment Standards.
9. **Categorical Pretreatment Standards or Categorical Standards** 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) which applies to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471, as amended.
10. **Chemical Oxygen Demand or COD** shall mean the measure of oxygen equivalent to that portion of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant, expressed in milligrams per liter (mg/l), as specified in Rule 62-160, F.A.C.
11. **City** shall mean City of Miramar, Broward County, Florida, acting under authority of the Board of City Commissioners and by and through its duly authorized, appointed and/or elected officers or employees.

12. **Color** shall mean the "true color" due to the substances in solution, expressed in wave lengths of light.
13. **Compatible Pollutant** shall mean biochemical oxygen demand, total suspended solids, pH, oil and grease, fecal coliform bacteria and any additional pollutants identified in the WWF's discharge/reuse permit for which the WWF is designed to treat and does remove to a substantial degree; also called "Conventional Pollutant".
14. **Composite Sample** shall mean a sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
15. **Constituents** shall mean the particles and dissolved substances which exist in wastewater.
16. **Control Authority** shall mean the City of Miramar.
17. **Cooling Water** shall mean the water discharged from uses such as air conditioning, cooling or refrigeration, of which the only pollutant added is heat; also called "Non-Contact Cooling Water".
18. **Daily Average Values** shall mean the average of all sample values for any one (1) given day.
19. **Dilution** shall mean any addition to a wastewater discharge for the purpose of, but not limited to, making weaker, less potent, mixing, dispersing, or thinning, so as to alter the physical, chemical or biological properties, other than what is defined as pretreatment.

20. **Direct Discharge** shall mean the discharge of treated or untreated wastewater directly to waters of the State of Florida.
21. **Director** shall mean the director of Public Works/Utilities Department, City of Miramar, or his duly authorized deputy, agent or representative.
22. **Discharge** shall mean the introduction of pollutants into a WWF from any nondomestic source.
23. **Domestic Wastewater** shall mean water-carried wastes of human origin, as opposed to wastes from commercial or industrial activities.
24. **Effluent** shall mean the wastewater or other liquid that flows out of a basin, treatment process, or treatment plant.
25. **Environmental Protection Agency** shall mean the United States Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
26. **Existing Source** shall be any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to the source if the standard is therefore promulgated in accordance with Section 307 of the Act.
27. **Florida Department of Environmental Protection (FDEP)** shall mean a component of the executive branch of the State of Florida authorized by Section 20.261, Florida Statutes.

28. **Flow Proportional Composite Sample** shall mean a sample consisting of several individual portions in which each portion of the sample is proportional to the flow and combined to form a representative sample.
29. **Four-Day Average Values** shall mean the average of daily values for four (4) consecutive monitoring days.
30. **Garbage** shall mean the solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
31. **General Pretreatment Regulations** shall mean "The General Pretreatment Regulations for Existing and New Sources of Pollution," published in the Federal Register, 40 CFR 403, on June 26, 1978, and any revisions to same.
32. **Grab Sample** shall mean a sample which is collected from a wastestream over a period of time not exceeding fifteen minutes, with no regard to the flow in the waste stream.
33. **Hazardous Substance** shall mean a substance having radiological, chemical, physical or biological properties that are or could be dangerous to plant, animal or human life.
34. **Holding Tank Waste** shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks; also called "septic tank wastes".
35. **Incompatible Pollutant** shall mean all pollutants other than compatible pollutants as defined in this Section.

36. **Indirect Discharge** shall mean the discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the WWF (including holding tank waste discharged into the system).
37. **Industrial User** shall mean a source of Indirect Discharge.
38. **Industrial Wastes** shall mean the liquid wastes from industrial manufacturing processes, trade or business, as distinct from domestic wastewater.
39. **Industrial Waste Surcharge** shall mean the additional charge made in excess of the sewer service charge assessed against Industrial Users of the City, or Industrial Users outside the City's service area who are, by contract or agreement with the City, Users of the City's WWF, whose wastewater characteristics exceed established limits for designated compatible pollutants.
40. **Influent** shall mean water, wastewater, or other liquid flowing into a reservoir, basin, treatment process, or treatment plant.
41. **Instantaneous Maximum Allowable Discharge Limit** shall mean the maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
42. **Interference** shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- a. Inhibits or disrupts the WWF, its treatment processes or operations, or its domestic wastewater residuals processes, use or disposal; and

- b. Is a cause of a violation of any requirement of the WWF's permit (including an increase in the magnitude or duration of a violation) or prevents use or disposal of domestic wastewater residuals in compliance with local regulations or rules of FDEP and Chapter 403, F.S.

- 43. **May** is permissive (see "shall" below).
- 44. **Medical Waste** shall mean isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.
- 45. **Minor User** shall mean a non-categorical user which has the potential to discharge a non-domestic process wastestream but whose discharge may not significantly impact the WWF, degrade receiving water quality and/or contaminate sludge.
- 46. **National Pollutant Discharge Elimination System or NPDES Permit** shall mean a permit for discharge of pollutants from point or non-point sources into the navigable waters, the contiguous zone and the oceans pursuant to Section 402 of the Act (33 U.S.C. 1342).

47. **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 is commenced after the publication of proposed pretreatment standards prescribed under Section 307(c) (33 U.S.C. 1317) of the Act which will be applicable to such source, if the standards are thereafter promulgated in accordance with that Section, provided that: (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, will 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 paragraph (1.) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- c. Construction of a new source as defined under this paragraph has commenced if the owner or operator has: (a) Begun, or caused to begin as part of a

continuous onsite construction program, (i) any placement, assembly, or installation of facilities or equipment, or (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

48. **Oil and Grease** shall mean a group of substances including fats, waxes, free fatty acids, soaps, and certain other non-fatty materials which are from animal or vegetable source and biodegradable. This excludes petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin.
49. **Oil Water Separator** shall mean any tank, box, sump or other container in which any petroleum or grease product thereof, floating on or entrained or contained in water entering the tank, box, sump or other container, is physically separated and removed from the water prior to outfall, drainage, or recovery of the water; also called "Grease Trap."

50. **Pass Through** shall mean a discharge which exits the WWF into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the City's discharge/reuse permit (including an increase in the magnitude or duration of a violation).
51. **Person** shall mean any individual, firm, company, association, society, corporation, partnership, co-partnership, joint stock company, trust, estate, group, industrial concern, municipality, governmental entity, political subdivision, public officer or any other legal entity, or their legal representatives, agents or assigns, or any combination thereof. This definition includes all Federal, State or local government entities. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
52. **pH** shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions. The concentration is the weight of hydrogen ions in grams per liter of solution, expressed in standard units.
53. **Pollutant** shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, medical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water, and the characteristics of the wastewater [i.e., pH, temperature, TSS, turbidity, color, Biochemical Oxygen Demand, Chemical Oxygen Demand, toxicity, odor].

54. **Pollution** shall mean the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.
55. **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 prior to or in lieu of discharging or otherwise introducing the pollutants into the WWF. The reduction or alteration can be obtained by physical, chemical or biological processes, or by process changes or by other means, except by diluting the concentration of the pollutants as prohibited by Rule 62-625.410 (5), F.A.C. unless allowed by an applicable pretreatment standard.
56. **Pretreatment Requirements** shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.
57. **Pretreatment Standards or Standards** shall mean prohibited discharge standards, categorical pretreatment standards, and local limits. In case of conflicting standards, the more stringent thereof shall apply.
58. **Priority Pollutant** shall mean any toxic pollutant regulated under Categorical Pretreatment Standards.
59. **Prohibited Discharge Standards or Prohibited Discharges** shall mean the absolute prohibition against the discharge of certain substances; these prohibitions appear in Section 21-92 (f) of this Division.

60. **Public Utility** shall mean any state, county or municipality owning, managing, controlling or operating a domestic WWF, or proposing to construct a domestic WWF that provides or proposes to provide wastewater service.
61. **Public Sewer** shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by the authority of a public utility.
62. **Receiving Waters** shall mean that body of water, or watercourse receiving the discharge waters from the sewage treatment plant or formed by the waters discharged from the sewage treatment plant.
63. **Sanitary Sewer** shall mean a sewer that carries wastewater and to which storm, surface and ground waters are not intentionally admitted.
64. **Self-Monitoring** shall mean sampling, analysis and monitoring by an Industrial User of his regulated discharge at the expense of the User.
65. **Septic Tank** shall mean a subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with:
- a. A sewer line constructed with solid pipe, with joints sealed, connecting the impervious tank with a plumbing stub out; and
 - b. A subsurface system of piping to drain the clarified discharge from the tank and distribute it underground to be absorbed or filtered.
66. **Sewer** shall mean a pipe or conduit intended to carry wastewater.
67. **Sewerage System** shall mean sewage treatment works, pipelines or conduits, pumping stations and force mains and all other constructions, devices, and appliances

appurtenant thereto, used for conducting sewage or industrial wastes to the point of ultimate disposal; also called "sewage system."

68. **Shall** is mandatory (see "may" above).

69. **Significant Industrial User or SIU** shall mean:

- a. Any Industrial User of the City's wastewater treatment and disposal system who is subject to Categorical Pretreatment Standards under Rule 62-625.410, F.A.C. and 40 CFR Chapter I, Subchapter N which has been adopted by reference in Rule 62-660, F.A.C.; and/or
- b. Any other Industrial User who (1) discharges an average of 25,000 gallons per day or more of process wastewater to the WWF (excluding domestic wastewater, noncontact cooling and boiler blowdown wastewater), or (2) contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant, or (3) is designated as significant by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the WWF's operation or violating any pretreatment standard or requirement (in accordance with Rule 62-625.500 (2)(e), F.A.C.
- c. Upon finding that an Industrial User meeting the criteria in (2) above has no reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement, the Control Authority may at any time, on its own initiative or in response to a request received from an Industrial User, and in accordance with Rule 62-625.500 (2)(e), F.A.C., determine that the industrial user is not a Significant Industrial User.

70. **Significant Non-Compliance or SNC** may include one or all of the following:

- a. Violations of wastewater discharge limits:
 - (1) Chronic Violations. Sixty-six (66%) percent or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period (any magnitude of exceedence).
 - (2) Technical Review Criteria ("TRC") Violations. Thirty-three (33%) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, total oil and grease, and 1.2 for all other pollutants except pH.)
 - (3) Any other violation(s) of an effluent limit (average or daily maximum) that the Control Authority believes has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of WWF personnel or the general public).
 - (4) Any discharge that has caused imminent endangerment to human health, safety or welfare or to the environment and has resulted in the Control Authority's exercise of its emergency authority to halt or prevent such discharge.
- b. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance.

- c. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
 - d. Failure to accurately report noncompliance.
 - e. Any other violation or group of violations that the Control Authority determines will adversely affect the operation or implementation of the pretreatment program.
71. **Sludge** shall mean the accumulated settleable solids separated from liquids, such as water or wastewater, during processing.
72. **Slug Load** shall mean any discharge of water, sewage, or industrial waste at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 21-92 of this Division or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.
73. **Standard Industrial Classification (SIC) Code** shall mean a classification pursuant to the latest edition of Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.
74. **State** shall mean the State of Florida.
75. **Storm Water** shall mean any flows occurring during or following any form of natural precipitation and resulting therefrom.
76. **Total Suspended Solids** shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering through a standard glass fiber filter.

77. **Total Toxic Organics** shall mean the sum of the concentrations of specific toxic organic compounds listed in 40 CFR Part 122, Appendix D, Table II, III, IV, & V, found in the User's effluent at a concentration greater than 0.01 mg/l.
78. **Total Volatile Organics or Volatile Organic Compounds** shall mean purgeable halocarbon and aromatic organics such as carbon tetrachloride, chloroform, methylene chloride, tetrachloroethene, trichloroethane, vinyl chloride, benzene, chlorobenzene, or toluene detectable in a User's effluent using U. S. EPA Methods 601 & 602.
79. **Toxic Pollutant** shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provision of the Clean Water Act 307(a), and any amendments to same, or other Federal or State Acts.
80. **Upset** shall mean an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards due to factors beyond the reasonable control of the Industrial User.
81. **User** shall mean any person who contributes, causes or permits the contribution of wastewater into the City's WWF.
82. **Waste** shall include sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operations of whatever nature, including the waste placed within containers of whatever nature prior to, and for the purpose of disposal.

83. **Wastewater** shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any storm, surface or ground waters which may be present, whether treated or untreated, which is contributed into or permitted to enter the WWF.
84. **Wastewater Discharge Permit** shall be a permit for a User to discharge wastewater to the WWF as set forth in Section 21-94 of this Division.
85. **Wastewater Facility or WWF** shall mean the structures, equipment and processes owned and maintained by the City that are required to collect, carry away, and treat domestic wastewater or industrial wastewater and dispose of the effluent. For the purposes of this Division, "WWF" shall also include any sewers that convey wastewater to the City's WWF from persons outside the City wastewater service area who are, by contract or agreement with the City, users of the City's WWF.
86. **Water Reclamation Facility** shall mean that portion of a WWF which is designed to provide treatment (including recycling and reclamation) of domestic and industrial wastewater.
87. **Waters of the State** shall mean 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.

The use of the singular shall be construed to include the plural and plural shall include the singular as indicated by the context of its use. Where terms have not been defined in this Section, they shall have their accepted meanings or such as context may imply.

(c) Abbreviations.

1. **BOD** - Biochemical Oxygen Demand.
2. **CFR** - Code of Federal Regulations.
3. **COD** - Chemical Oxygen Demand.
4. **EPA** - U.S. Environmental Protection Agency.
5. **FAC** - Florida Administrative Code.
6. **FDEP** - Florida Department of Environmental Protection.
7. **FR** - Federal Register.
8. **FS** - Florida Statutes.
9. **gpd** - Gallons per day.
10. **l** - Liter.
11. **mg** - Milligrams.
12. **mg/l** - Milligrams per liter.
13. **NPDES** - National Pollutant Discharge Elimination System.
14. **O&G** - Oil and Grease.
15. **O&M** - Operations and Maintenance.
16. **ppb** - Parts per billion.
17. **RCRA** - Resource Conservation and Recovery Act.
18. **SIC** - Standard Industrial Classification.

- 19. **SWDA** - Solid Waste Disposal Act, 42 U. S. C. 6901, et seq.
- 21. **TSS** - Total Suspended Solids.
- 22. **TTO** - Total Toxic Organics.
- 23. **U.S.C.** - United States Code.
- 24. **VOC** - Volatile Organic Compounds or Total Volatile Organics.

Sec. 21-92. Use of Public Sewers

(a) All persons shall connect to the public sewer system where the sewer system is reasonably accessible, in accordance with all applicable regulations. No person shall discharge wastewater into the stormwater system.

(b) Control of Discharge.

If any wastes or wastewaters are discharged or are proposed to be discharged into the City's WWF which do not meet applicable pretreatment standards and requirements, or which may have a deleterious effect upon the WWF, its processes, equipment, personnel, or receiving waters, or which otherwise create a hazard to public health, safety and welfare, or which constitutes a public nuisance, the Director may:

- 1. Reject the wastewaters or impose specific condition(s) upon the introduction of new sources of wastewater into the WWF;
- 2. Require the User to demonstrate that in-plant improvements will modify the discharge to such a degree as to be acceptable;
- 3. Require pretreatment of the User's discharge to ensure compliance with this Division;

4. Require payment of an Industrial Waste Surcharge to cover the added cost of handling and treating excess loads imposed on the WWF by the discharge. Industrial waste surcharges may be imposed upon compatible pollutants only. Said surcharges shall be in accordance with the schedule of rates and fees set forth in Section 21-102 of this Division and Article VI, "Rates, Charges, Billing and Collection Procedures". Imposition of industrial waste surcharges for the recovery of treatment costs does not replace or supersede the requirements for pretreatment facilities, should they be found necessary by the Director;
5. Issue a Notice of Violation(s) in accordance with this Division.

(c) Protection from Damage.

1. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the WWF. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 21-98 through 21-100 below.
2. No person shall discharge directly into a manhole or other opening of the City WWF without the prior written approval of the Director. No unauthorized person shall leave open an unprotected wastewater system manhole.

(d) Private Sewage Disposal Where Public Sewers Are Not Reasonably Accessible.

The following regulations shall apply where public sewers are not reasonably accessible:

1. No person shall permit the discharge of septic tank effluent or cesspool overflow to any open drain, ditch, stream, or well penetrating a water-bearing formation.

2. The minimum lot area for which a private sewage disposal facility may be approved shall be in accordance with regulations of the applicable agency in Broward County with jurisdiction.
3. Any person building a private sewage disposal facility must first obtain approval from the applicable agency in Broward County with jurisdiction.

(e) Structures Required of Certain Dischargers Into Sanitary Sewers.

1. *Storage tanks:*

In order to equalize flows over a twenty-four-hour period, each person discharging a waste into the city sanitary sewers having a volume in excess of fifty thousand (50,000) gallons in any one (1) day, may be required to construct and maintain at his or her own expense a suitable storage tank approved by the city. The tank shall have a capacity of at least eighty (80) percent of the normal volume of one (1) twenty-four-hour production period of waste. The outlet to the sewer shall be controlled by a waterworks-type rate controller, or other approved devices, the setting of which shall be directed by the city.

2. *Control manhole:*

Any person discharging industrial wastes into the city sanitary sewers shall construct and maintain a suitable control manhole, downstream from any treatment, storage, or other approved works, to facilitate observation, measurements and sampling of all wastes, including domestic sewage, discharged from the industry. The control manhole shall be constructed at a suitable and satisfactory location and built in a manner approved by the city. Where a storage tank is not required, the control manhole shall be equipped with a permanent-type volume measuring device as may

be required by the city. The manhole shall be maintained by him or her so as to be in the judgment of the city safe, accessible and in proper operating condition at all times.

3. *Plans:*

Plans for the construction of the storage tank, control manhole, and controlling devices shall be approved by the city prior to the beginning of construction.

(f) Measurement of Flow Through Sewers.

1. The volume of flow used in computing charges for wastewater treatment shall be based upon metered water consumption as shown in the meter reading records maintained by the city water department.
2. Any person discharging industrial wastes into the sanitary sewers of the city, all or part of which waste is discharged into the sanitary sewers, may install and maintain, at his or her expense, water meters of a type approved by the city for the purpose of determining the proper volume of flow being charged. The city has a right to read, test, or require independent testing of such private meters.

(g) Prohibited Discharge Standards.

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass-through or 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 any other Federal, State, or local Pretreatment Standards or Requirements. A User may not contribute the following substances to the WWF:

1. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause

fire or explosion or be injurious in any other way to the WWF or to the operation of the WWF. This includes but is not limited to all wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21.

2. Solids or viscous substances which may cause obstruction to the flow in the WWF resulting in interference, such as, but not limited to:
grease, garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, 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, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, or any solids greater than one-half inch (1/2") or 1.27 centimeters in any dimension.
3. Any wastewater having a pH less than 5.0 or greater than 9.5, or otherwise causing corrosive damage or hazard to structures, equipment, or endangering personnel of the WWF.
4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with the WWF, constitute a hazard to humans or animals, create a toxic effect in the receiving waters or effluent reuse of the WWF, exceed the limitation set forth in a Categorical Pretreatment Standard or local limit, or cause the WWF's effluent to fail a toxicity test.

5. Any 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, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
6. Any substance which may cause the WWF's effluent or any other product of the WWF such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

In no case shall a substance discharged to the WWF cause the WWF to be in non-compliance with effluent criteria, effluent reuse criteria or sludge use and disposal criteria; or guidelines or regulations developed under Section 405 of the Act; or any criteria, guidelines, or regulations affecting effluent reuse or sludge use and disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State or local criteria applicable to the effluent reuse or sludge management method being used.
7. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
8. Any wastewater having a temperature greater than 150 degrees F (65.5 degrees C) or which inhibits biological activity in the WWF resulting in interference, but in no case wastewater which causes the temperature at introduction into the treatment plant to exceed 104 degrees F (40 C).
9. Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the WWF; or any wastewater

treatment or sludge process, or which will constitute a hazard to humans or animals. In no case shall a slug load have a flow rate or contain a concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

10. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Director in compliance with applicable Local, State, or Federal regulations.
11. Any wastewater which results in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause acute worker health and safety problems or creates a public nuisance.
12. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
13. Any trucked or hauled pollutants, except at the discharge point designated by the Control Authority in accordance with Section 21-93 (d).
14. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions
15. Any storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, ground water remediation discharge, and unpolluted industrial wastewater, unless specifically authorized by the Director.
16. Any medical wastes, except as specifically authorized by the Director in a wastewater discharge permit.

17. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the WWF.
18. Any concentration of chlorides which may cause damage to the WWF, pass-through or interfere with the treatment process.

When the Director determines that a User is contributing to the WWF any of the above enumerated substances in such amounts as to pass-through or interfere with the operation of the WWF, the Director shall: (1) Advise the User(s) of the impact of the contribution on the WWF; and (2) Develop effluent limitation(s) for the User(s) to correct the interference with the WWF. Wastes prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the WWF. All floor drains located in process or materials storage areas must discharge to the Industrial User's pretreatment facility before connecting with the WWF.

If any person causes damages as a result of the discharge of improper wastes, as described in this Division, the entire cost of the damages and/or judgments resulting therefrom shall be paid by that person.

The city, without limitation by other Sections of this article, may authorize any person to discharge industrial wastes of unusual strength or character into the sewers of the city, under approved conditions or pretreatment. The city may prohibit entry of particular industrial wastes into the sanitary sewers whenever such action is necessary to prevent damage to the system or to determine the effects of such wastes on the sewage system.

(h) Federal Categorical Pretreatment Standards.

The national categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N 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 62-625.410(4).
2. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined wastestream formula in 62-625.410(6).
3. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 62-625.700, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
4. A user may obtain a net/gross adjustment to a categorical standard in accordance 62-625.820.

(i) State Requirements.

State requirements and limitations on discharges found in Rule 62-625, F.A.C. are hereby incorporated and shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Division.

(j) Specific Pollutant Limitations.

The following interim pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing the material or substances listed below in amounts that exceed the Daily Average Values indicated below:

<u>Material or Substance</u>	<u>Daily Average Value,</u> <u>mg/L</u>
Biological Oxygen Demand, BOD ₅ *	400

<u>Material or Substance</u>	<u>Daily Average Value, mg/L</u>
Chemical Oxygen Demand, COD*	800
Total Suspended Solids, TSS*	400
Oil and Grease	100
pH	5.0-9.5
Total Sulfide, S ⁻	5.0
Total Phenols	898
Cyanide, CN	1.7
Arsenic, As	1.75
Cadmium, Cd	0.37
Total Chromium, Cr	1.77
Copper, Cu	6.21
Lead, Pb	1.75
Mercury, Hg	1.79
Molybdenum, Mb	0.02
Nickel, Ni	1.88
Selenium, Se	0.04
Silver, Ag	4.49
Zinc, Zn	2.62

*Pollutant Parameters that can be surcharged under Industrial Waste Surcharge Program

The above limits apply at the point where the wastewater is discharged to the WWF. The interim limits will be replaced by technically based local limits, as soon as those limits are developed and approved by FDEP. The Director may impose mass limitations, instantaneous maximum limitations, maximum monthly average values, or maximum 4-day average values, in addition to, or in place of, the limitations listed above.

(k) Control Authority's Right of Revision.

The Control Authority reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent limitations or requirements on discharges to the WWF if deemed necessary to comply with the objectives presented in Section 21-91 (a.) of this Division.

(l) Dilution.

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with the limitations unless expressly authorized by an applicable Federal Categorical Pretreatment Standard, or in any other pollutant-specific limitation developed by the State. The Director may impose mass limitations on Industrial Users that are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

Sec. 21-93. PRETREATMENT

(a) Pretreatment Facilities.

Users shall provide necessary wastewater treatment as is required to comply with this Division and shall achieve compliance with all Federal Categorical Pretreatment Standards, local limits, and prohibitions set forth in Section 21-92 above within the time limitations as specified by the EPA, the FDEP, or the Director whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the Control Authority shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director for review, and shall be approved by the Director before construction of the facility. The review

of the plans and operating procedures will in no way relieve the User from responsibility of modifying the facility as necessary to produce an effluent acceptable to the Director under the provisions of this Division. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and acceptable to the Director prior to the User's initiation of the changes.

(b) Additional Pretreatment Measures.

1. Whenever deemed necessary, the Director may require Industrial 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 domestic wastestreams from industrial wastestreams, and other conditions as may be necessary to protect the WWF and determine the User's compliance with the requirements of this Division.
2. 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. A wastewater discharge permit may be issued solely for flow equalization.
3. Greasetraps, interceptors, and/or oil/water separators ("Interceptors") shall be required 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. Interceptors shall be required in establishments such as, but not limited to, food service establishments, transportation/equipment cleaning establishments, service stations, repair shops, or other commercial or industrial facilities where wastes containing grease, oil, flammable material, sand or other harmful

constituents can be discharged into the WWF. Interceptors shall not be required for residential users.

An engineer acting on behalf of the User shall determine the type, capacity and location of the Interceptor. The Engineer shall submit a copy of the calculations for sizing and location to the Director for final written approval. The interceptor shall be located so that it is easily accessible for cleaning, sampling, and inspection. The interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at his expense, but in no instance shall the cleaning frequency be less than once per year.

4. Industrial Users with the potential to discharge flammable substances may be required to install and maintain at his expense an approved combustible gas detection meter. At no time shall two readings on an explosion hazard meter at the point of discharge to the WWF, or at any point in the WWF, be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter.

(c) Affirmative Defenses to Violations of Prohibited Discharge Standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibited discharge standards in Section 21-92 (g) of this Ordinance (excluding items 1, 3, and 13 under Section 21-92(g)) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

1. A local limit exists for each pollutant discharged and the user was in compliance

with each limit directly prior to, and during, the pass through or interference; or

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

(d) Accidental Discharge, Upset, and Bypass.

1. *Accidental Discharge/Slug Plan and Procedure:*

Each User shall provide and maintain at their expense, protection from accidental discharge of prohibited materials, slug loads or other substances regulated by this Division. The Director may require any User to develop and implement an accidental discharge/slug control plan. At least once every two years the Director shall evaluate whether each significant Industrial User needs such a plan. Detailed plans and operating procedures to provide this protection shall be submitted to the City for review and approval. The plan shall include, but is not limited to:

- a. Description of discharge practices, including nonroutine batch discharges.
- b. Description of all stored chemicals.
- c. Procedures to prevent accidental spills, including:
 - (1) Maintenance of storage areas
 - (2) Handling and transfer of materials
 - (3) Loading and unloading operations
 - (4) Control of plant site stormwater run-off
 - (5) Worker training

- (6) Building containment structures for equipment
- (7) Measures for controlling toxic pollutants (including solvents)
- (8) Procedures and equipment for emergency response.
- (9) Follow-up practices to limit the damage suffered by the environment of the City's equipment.

2. *Upset:*

If there occurs an unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user, and the industrial user wishes to establish an affirmative defense of an upset, the User must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

- and
- a. An upset occurred and the industrial user can identify the cause of the upset;
 - b. The industrial user's facility was, at the time of the upset, being properly operated; and
 - c. The industrial user properly notified the City of the upset in accordance with the procedures set forth in Paragraph D below.

In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset has the burden of proof. 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. The industrial user shall control production or 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.

3. *Bypass:*

An industrial user may allow bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to assure efficient operation.

If an industrial user knows in advance of the need for a bypass, it shall submit a notice to the City at least 10 days before the date of the bypass.

Bypass that exceeds applicable pretreatment standards is prohibited, and the City shall take enforcement action against an industrial user for a bypass, unless:

- a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
- b. There were no technically 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 judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.
- c. The industrial user properly notifies the City of the bypass in accordance with the procedures set forth in Paragraph 4 below.

4. *Notification of Accidental Discharge, Upset or Bypass:*

- a. **Immediate Notification via Telephone** : In the event of an accidental discharge, slug load, upset or bypass, (including a violation of the prohibited discharge standards in Section 21-92 (f) of this Division) the user shall take the necessary measures to stop, limit, or control the discharge. The discharger shall immediately notify the Director within 24 hours about the incident by telephone. In the event the Director is not available, the discharger shall notify the City communications by telephone. The notification shall include:
- (1) Address of the discharge
 - (2) Type of discharge
 - (3) Concentration of pollutants in the discharge
 - (4) Volume of discharge
 - (5) Corrective measures taken
- b. **Written Notification** : Within 5 days of the accidental discharge, upset or bypass, the discharger shall submit a written report to the Director. The report shall include, but not limited to, type of discharge, concentrations, volume, cause of the event, duration of the event, corrective measures taken and measures to be employed to prevent future incidents. In the event further information is requested, the discharger shall provide the information within forty-eight hours of the request. If the event occurs during a holiday period or weekend, the written notification shall be the first working day following the holiday period or weekend. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of

damage to the WWF, natural resources, or any other damage to person or property; nor shall notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Division 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 an accidental discharge. Employers shall insure that all employees who could cause or suffer such an accidental discharges to occur are advised of the emergency notification procedures. Failure to notify the City of potential problem discharges shall be deemed a separate violation of this Division.

5. *Tenant Responsibility:*

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an Industrial User, either or both may be held responsible for compliance with the provisions of this ordinance.

(e) **Hauled Wastewater.**

- 1. Septic tank waste may be accepted into the WWF at a designated receiving facility within the treatment plant area, and at such times as are established by the Director, provided the wastes do not violate Section 21-92 of this Division or any other requirements established or adopted by the City. Wastewater discharge permits for individual vehicles to use the facilities will be issued by the City. All septic tank waste haulers and industrial waste haulers shall be required to obtain

a Waste Hauler permit from the Department of Natural Resources Protection, Broward County.

2. The discharge of hauled industrial wastes as "industrial septage" requires prior approval and a wastewater discharge permit from the Control Authority. The Director will require generators of hauled industrial waste to obtain wastewater discharge permits. The Director shall have the authority to prohibit the disposal of the wastes, if such disposal would interfere with WWF operation. Waste haulers discharge is subject to all other Sections of this Division.
3. Industrial waste haulers shall discharge loads only at locations designated by the Director. No load shall 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.
4. 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, wastewater discharge 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 waste.
5. Wastes from septic tanks or industrial wastes from locations outside the City wastewater system or the connected systems who are, by contract or agreement with the City, Users of the City WWF, shall not be discharged into the City's

wastewater system or any connected system without previous written approval of the Director. The discharge shall only be made at a site approved by the Director.

6. Fees for discharging septage will be established as part of the Industrial User fee system as authorized in Section 21-102.

Sec. 21-94. WASTEWATER DISCHARGE PERMIT ADMINISTRATION

(a) Permit Application/ Wastewater Survey.

1. It is unlawful to discharge industrial waste without a City wastewater discharge permit in any area under the jurisdiction of the City's wastewater system; or to any person outside the system who are, by contract or agreement with the City, Users of the City's WWF; and/or to the WWF any wastewater except as authorized by the Director in accordance with the provisions of this Division. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Division and shall subject the permittee to sanctions set out in Sections 21-98 through 21-100. 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. The Director may require other Industrial Users, including liquid waste haulers and nondischarging industrial users to obtain wastewater discharge permits as necessary to carry out the purposes of this Division.
2. All prospective Industrial Users must submit to the Director information on the nature and characteristics of their wastewater by completing a wastewater

discharge permit application / wastewater survey at least one hundred and eighty (180) days prior to the date upon which any discharge will begin. The Director is authorized to prepare a form for this purpose and may periodically require Industrial Users to update the survey. Information to be provided with the survey may include description of the industrial activity, specifications of the constituents inherent to the processes and wastes, identification of the wastewater characteristics, plumbing diagrams, number of employees and hours of operation, and any other information deemed necessary by the Director to evaluate the permit application. Failure to complete this survey shall be reasonable grounds for terminating service to the User and shall be considered a violation of this Division.

3. Within ninety (90) days of receipt of a complete wastewater discharge permit application, the Director will determine whether or not to issue a wastewater discharge permit. Permits will be issued to all Users determined to be Significant Industrial Users as defined in this Section. Permits may also be issued to Minor Users as deemed necessary by the Director to ensure compliance with this Division. The Director may deny any application for a wastewater discharge permit.
4. Any User which discharges industrial waste into the WWF prior to the effective date of this Division are granted temporary authority to continue to discharge in compliance with the existing codes, regulations, and policies of the City. Those Users who wishes to continue such discharges, shall apply for a wastewater discharge permit within ninety (90) days after the effective date of this Division.

The User shall not cause or allow discharges to the WWF to continue after one hundred and eighty (180) days of the effective date of this Division, except in accordance with a wastewater discharge permit issued by the Director.

5. Any existing Industrial User located outside of the City's jurisdiction shall submit a wastewater discharge permit application within ninety (90) days of the effective date of this Division. New Industrial Users located outside the City's jurisdiction shall submit the applications to the Director one hundred and eighty (180) days prior to any proposed discharge into the WWF. Alternatively, the Director may enter into an agreement with the neighboring jurisdiction in which the Industrial User is located to provide for the implementation, and enforcement of the pretreatment program requirements against said User.

(b) 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."

(c) Permit Issuance Process.

and all other applicable regulations. The cost of said permit shall be incurred by the Industrial User in accordance with the fee schedule as set forth in Section 21-102 of this Division and Article VI "Rates, Charges, Billing and Collection Procedures".

2. Permit duration shall not exceed two (2) years and upon expiration of same, a renewal permit may be issued which shall be effective for an additional two (2) years provided that the conditions of the existing permit have not changed and the appropriate renewal fees have been paid. The permit shall be displayed by the Industrial User in a location at the permitted facility so as to be seen and read by the general public.
3. Wastewater discharge permits shall contain at a minimum, the following conditions:
 - a. A statement that indicates wastewater discharge permit duration;
 - b. A statement of nontransferability;
 - c. Pretreatment standards and effluent limits applicable to the User based on applicable standards in Federal, State, and local law;
 - d. Self monitoring, sampling, reporting, notification, and record keeping requirements;
 - e. Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements.

4. Wastewater discharge permits may contain the following additional conditions:
 - a. The unit charge or schedule of user charges and fees for management of the wastewater to be discharged to the WWF;
 - b. Limits on the instantaneous, daily, monthly average and/or four (4) day maximum concentration, mass, or other measure of identified wastewater constituents and characteristics;
 - c. Limits on the average and/or maximum rate and time of discharge and/or requirements for flow regulations and equalization;
 - d. Requirements for installation and maintenance of inspection facilities, and flow metering and sampling equipment;
 - e. 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;
 - f. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
 - g. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the WWF;
 - h. 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;

- i. Other conditions as deemed appropriate by the Director to ensure compliance with this Division, and Federal and State laws, rules, and regulations.

(d) Compliance Schedules.

If additional pretreatment and/or operation and maintenance will be required to meet the Pretreatment Standards, the User shall submit to the Director for approval and incorporation in the permit the shortest schedule by which the User is to provide additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standards:

The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress 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 (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
2. No increment referred to in paragraph (a.) shall exceed nine (9) months.
3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the project to the schedule established. In no event

shall more than nine (9) months elapse between the progress reports to the Director.

(e) Permit Transfer.

Wastewater discharge permits are issued to a specific User for a specific operation. A wastewater discharge permit may not be reassigned, transferred or sold to a new owner or new User unless the permittee gives at least ninety (90) days advance written notice to the Director and the Director approves the wastewater discharge permit transfer. The notice to the Director shall include a written certification by the new owner and/or User that:

1. States that the new owner and/or User has no immediate intent to change the facility's operations and processes;
2. Identifies the specific date on which the transfer is to occur;
3. Acknowledges full responsibility for complying with the terms and conditions of the existing permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

(f) Permit Appeal.

1. The Director shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the User, may petition the City to reconsider the terms of a wastewater discharge permit within fifteen (15) days of its issuance. 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 wastewater discharge provisions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
4. If the City fails to act within fifteen (15) 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.

(g) Permit Modification.

Permits may be modified by the City for causes including, but not limited to the following:

1. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
3. A change in the 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 City's WWF, City personnel, or the receiving waters;
5. Violations 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.;
8. To correct typographical or other errors in the wastewater discharge permit;
9. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.
10. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

Industrial user requests for permit modifications shall be made in writing and include facts or reasons which support the request. When modifying a permit, the City shall allow a reasonable time frame for the user to comply with the new or changed conditions if the user cannot meet them at the time of the modification and if permitted by law. If the new or changed conditions are the result of new or changed pretreatment regulations, those regulations will stipulate the compliance period. The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

(h) Permit Revocation.

Wastewater discharge permits may be revoked for the following reasons:

1. Failure to notify the City of significant changes to the wastewater prior to the changed discharge.
2. Failure to provide prior notification to the City of changed condition pursuant to Section 21-95 (f.).

3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
4. Falsifying self-monitoring reports.
5. Tampering with monitoring equipment.
6. Refusing to allow the City timely access to the facility premises and records.
7. Failure to meet effluent limitations.
8. Failure to pay penalties.
9. Failure to pay sewer charges.
10. Failure to meet compliance schedules.
11. Failure to provide advance notice of the transfer of a permitted facility.
12. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Division.
13. Indication that the discharge presents a threat to the environment or threatens to interfere with the operation of the WWF.

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

(i) Permit Renewal.

All permittees must apply for a permit renewal a minimum of ninety (90) days prior to the expiration of the existing permit. The reapplication for a permit shall consist of a written request for reissuance of the permit. The request shall state if all terms and conditions of the existing permit and ordinance are complied with and must be signed by an authorized representative of the user.

(j) Special Agreements.

The City reserves the right to enter into special agreements with Industrial Users setting out special terms under which they may discharge to the WWF. In no case will a special agreement waive compliance with a categorical pretreatment standard or requirement.

(k) Regulation of Discharge from other Jurisdictions.

In the event another jurisdiction or municipality contributes all or a portion of its wastewater to the City's WWF, the WWF may require the jurisdiction or municipality to enter into an multi-jurisdictional agreement with the City.

1. Prior to entering into an agreement, the Director shall request the following information from the contributing jurisdiction:
 - a. A description of the quality and volume of the wastewater at point(s) where it enters the WWF from the contributing jurisdiction.
 - b. An inventory of all Industrial Users discharging to the WWF within the contributing jurisdiction.
 - c. Other information as may be required by the Director.
2. A multi-jurisdictional agreement as required above, shall contain the following conditions:
 - a. A requirement for the contributing jurisdiction to adopt a sewer use ordinance which is at least as stringent as this Division and local limits which are at least as stringent as those set out in Section 21-92. The requirement shall specify that the ordinance and limits must be revised as necessary to reflect changes made to this Division.

- b. A requirement for the contributing jurisdiction to submit a revised Industrial User inventory on at least an annual basis.
 - c. A requirement for the contributing jurisdiction to (i) conduct pretreatment implementation activities including Industrial User permit issuance, inspection and sampling, and enforcement; or (ii) authorize the WWF to take or conduct the activities on its behalf.
 - d. A requirement for the contributing jurisdiction to provide the City with access to all information that the municipal user obtains as part of its pretreatment activities.
 - e. Limits on the nature, quality, and volume of the contributing jurisdiction wastewater at the point where it discharges to the WWF.
 - f. Requirements for monitoring the municipal discharge.
 - g. A provision ensuring the Director access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director.
 - h. A provision specifying remedies available for breach of the terms of the multi-jurisdictional agreement.
3. Violation of the terms and conditions of the multi-jurisdictional agreement subjects the contributing jurisdiction to the sanctions set out in Sections 21-98 through 21-100.

Sec. 21-95. REPORTING REQUIREMENTS

(a) Baseline Monitoring Reports.

1. Any Industrial User subject to a National Categorical Pretreatment Standard, and currently discharging to or scheduled to discharge to the WWF, shall submit to the Director a Baseline Monitoring Report within 180 days of the effective date of the National Categorical Pretreatment Standard promulgated under Section 307 (b) or (c) of the Act, or the final administrative decision on a category determination 62-625.410(2)(d) whichever is later.
2. 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 Baseline Monitoring Report. 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 discharged.
3. Baseline Monitoring Reports shall comply with the requirements of Rule 62-625.600, F.A.C.
4. If additional pretreatment will be required to meet the pretreatment standards, the User shall provide such additional pretreatment as specified in a compliance schedule. The completion date in the schedule shall not be later than the compliance date established for the applicable pretreatment standard.

Compliance schedules shall comply with Section 21-94(d) of this Ordinance.

(b) Compliance With Categorical Pretreatment Standard Deadline Report.

Within 90 days following the date for final compliance with the applicable standards, or in case of a new source following commencement of the introduction of wastewater into the WWF, any User subject to pretreatment requirements shall submit to the Director a report indicating the concentration of pollutants in the discharge along with the average and maximum daily flow for those processes. These reports shall comply with the requirements of Rule 62-625.600(3), F.A.C.

(c) Periodic Compliance Reports.

1. Any User required to self monitor by their wastewater discharge permit shall submit to the Director at a frequency determined by the Director but in no case less than twice per year (in June and December), a report indicating the nature and concentration of the pollutants in the effluent which are limited in the wastewater discharge permit. In addition, this report shall include a report of measured or estimated average and maximum daily flows for the reporting period for the discharge. At the discretion of the Director and in consideration of such factors as 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. Falsification of self-monitoring reports shall be considered a significant violation of this Division and could lead to termination of the User's wastewater discharge permit.
2. If an Industrial User subject to the reporting requirement of this Section monitors any pollutant more frequently than required by the WWF, using the procedures

prescribed in Section 21-96 (d.) of this Division, the results of this monitoring shall be included in the report.

(d) Self Monitoring and Analysis of User Discharges.

1. The monitoring reports required in paragraphs (a), (b), and (c) of this Section shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration, or production and mass where required, of pollutants contained therein which are limited by the wastewater discharge permit. The frequency of monitoring to demonstrate compliance shall be as prescribed in the wastewater discharge permit.
2. All pollutant analyses, including sampling techniques, shall be performed in accordance with procedures established by the State pursuant to Rule 62-160, F.A.C. Analytical techniques for additional pollutants not contained in Rule 62-160, F.A.C., must be performed using validated analytical methods approved by the State or by EPA.
3. Except as indicated in Section 21-96 (d)(4) below, the Industrial User must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director may authorize the use of time proportional sampling or 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.

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

(e) Report of Potential Problems/Slug Loading.

Each User shall notify the Director immediately of any discharges that could cause problems to the WWF, including accidental slug loading and prohibited discharges, and meet all requirements of Section 21-93 (c) of this Division.

(f) Report of Changed Conditions.

1. Each User is required to notify the Director of planned significant changes to the Industrial User's operations or system that might alter the nature, quality or volume of its wastewater at least sixty (60) days before the change.
2. The Director may require the User to submit information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 21-94 (a);
3. The Director may issue a wastewater discharge permit under Section 21-94 (c) or modify an existing wastewater discharge permit under Section 21-94 (g);
4. No User shall implement the planned change of condition(s) until and unless the Director has responded to the User's notice;
5. 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.

(g) Reports from Unpermitted Users.

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

(h) Notice of Violation/Repeat Sampling and Reporting.

If sampling and analysis performed by an Industrial User indicates a violation, the 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 sample analysis to the Control Authority within thirty (30) days after becoming aware of the violation. The User is not required to re-sample if:

1. The City performs monitoring at the Industrial User's at least once a month, or
2. The City performs sampling between the Industrial User's initial sampling and when the Industrial User receives the results of this sampling.

(i) Notification of the Discharge of Hazardous Waste.

1. Any Industrial User shall notify the Director, the EPA Region IV Waste Management Division Director, and the FDEP hazardous waste authorities in writing of any discharge into the WWF of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 and/or Rule 62-730, F.A.C. 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).
2. If the Industrial User discharges more than one hundred (100) kilograms of such waste per calendar month to the WWF, the notification shall also contain the

following information as to the extent information is known and readily available to the Industrial User:

- a. An identification of the hazardous constituents contained in the wastes.
 - b. An estimation of the mass and concentration of the constituents in the wastewater discharged during that calendar month.
 - c. An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.
3. All notifications must take place no later than thirty (30) days after the discharge commences. Any notification under this paragraph need to be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 21-95 (f) above. The notification requirement in this Section does not apply to pollutants already reported under the self monitoring requirements of Sections 21-95 (c) and (d) above.
4. Dischargers are exempt from the requirements of Paragraph (1) of this subsection during a calendar month in which a User discharges no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(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 261.33(e) requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

5. 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 User must notify the WWF, the EPA Region IV Waste Management Waste Division Director, and the FDEP hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of the regulations.
6. In the case of any notification made under this Section, the 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.
7. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Division, a permit issued thereunder, or any applicable federal or state law.

(j) Signatories and Certification.

All reports identified in this Section must be signed and certified in accordance with Section 21-94(b).

(k) Records.

1. Any User subject to the reporting requirements established in this Section shall retain and make available for inspection and copying by EPA, FDEP, and the City, all records of all information resulting from monitoring activities required by this Division . Records for sampling activities shall include the following:
 - a. The date, exact place, method, time of sampling and names of the person or persons taking the sample, and any appropriate field sample preservation methods;

- b. The date analyses were performed;
 - c. Who performed the analyses;
 - d. The analytical methods/techniques used and detection limits; and
 - e. The results of the analyses.
2. All records of monitoring activities and results shall be retained by the User for a minimum of three (3) years. This period of retention shall be extended during the course of any unresolved litigation regarding the User, or when requested by the Director, FDEP, or EPA.

Sec. 21-96. COMPLIANCE MONITORING

(a) Monitoring Facilities.

1. The City may require the User to provide and maintain at his own expense monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or the regulated process discharge. The monitoring facility should normally be situated on the User's property at a location approved by the City prior to installation. When a location would be impractical or cause undue hardship on the User, the City may allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near the sampling manhole or facility to allow flow measurements, accurate sampling and preparation of samples for analysis. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications.

Construction shall be completed within ninety (90) days following written notification by the Director.

2. The City may require the User to install and maintain at his own expense suitable flow metering and sampling equipment to facilitate the accurate observation, sampling, and flow measurement of process wastewater. The sampling and measuring equipment shall be properly operated, cleaned, and maintained in good working order at all times . The sampling and metering equipment shall be accessible at all times. The devices used to measure wastewater flow and quality shall be calibrated periodically based on manufacturer's recommendation to ensure their accuracy.
3. The failure of an Industrial User to keep his monitoring facility in good working order shall be deemed a separate violation of this Division and shall not be grounds for claiming that sample results are unrepresentative of its discharge.

(b) Authority of City Inspectors.

1. The City shall have the right to inspect the facilities of any User to ascertain whether the purpose of this Division, and any permit or order issued hereunder, is being met and all requirements are being complied with.
2. Persons or occupants of premises where wastewater is created or discharged 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 of their duties. The City, FDEP, and EPA shall have the right to set up on the User's property devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

Tampering with, or knowingly rendering the devices inaccurate shall be a significant violation and shall be prosecuted to the full extent of this Division.

3. Where a User has security measures in force which require proper identification and clearance before entry into his premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, FDEP, or EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
4. Any temporary or permanent obstruction to the safe and easy access of the Industrial facility shall be promptly and permanently removed by the User at the written or verbal request of the Director. The costs of clearing access shall be born by the User. Unreasonable delays in allowing Control Authority personnel access to the User's premises shall be a violation of this Division.

(c) Search Warrants.

1. A search and/or seizure warrant will be obtained by the City if:
 - a. The Director has been refused access to a building, structure or property or any part thereof;
 - b. The Director has demonstrated probable cause to believe that there may be a violation of this Division;
 - c. There is a need to inspect as part of a routine inspection designed to verify compliance with this Division or any permit or order issued hereunder; or
 - d. There is a need to protect the overall public health, safety and welfare of the community.

2. The search and/or seizure warrant shall be issued by the Municipal Court Judge upon application by the City Attorney, describing therein the specific location subject to the warrant. The warrant shall specify what may be searched and/or seized on the property described.
3. The warrant shall be served at reasonable hours by the Director in the company of a uniformed police officer of the local municipality. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

Sec. 21-97 CONFIDENTIAL INFORMATION

- (a) User information and data obtained from reports, questionnaires, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from inspections and sampling activities shall be available to the public or other government agencies without restriction. Information will be considered confidential only if the User specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State and Federal law. Any request must be asserted at the time of submission of the information or data.
- (b) When properly requested and demonstrated by the User in accordance with the procedures in Section 403.111, F.S., the portions of information which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon request to governmental agencies for uses related to this Division, the National Pollutant Discharge Elimination System (NPDES)

Permit, FDEP Disposal/Reuse System permit and/or Pretreatment Programs; however, such portions of information shall be available for use in judicial review or enforcement proceedings involving the User. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

- (c) Information accepted by the City as confidential shall not be transmitted to any governmental agency by the City until and unless a ten (10) day notification is given to the User.

Sec. 21-98 ADMINISTRATIVE ENFORCEMENT

(a) Notice of Violation.

1. Whenever the City finds that any User has violated or is violating this Division, or a wastewater discharge permit, or any prohibition, limitation of requirements contained herein, the Director or his agent may serve upon said User a written Notice of Violation. The Notice of Violation shall set forth the specific violation, the corrective action to be taken by the User, and the period of time by which the User must correct the violation.
2. Within ten (10) days of the receipt of this notice, the User shall submit to the Director a written explanation of the violation and a plan for the satisfactory correction and prevention thereof. Submission of this plan in no way relieves the User of liability for any violation 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.

(b) Show Cause Hearing.

1. The Director may order any User which causes or contributes to violation(s) of this Division, wastewater discharge permits or orders issued hereunder, 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 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.
2. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Notice may be served on any authorized representative of the User. A show cause hearing shall not be a prerequisite for taking any other action against the User.

(c) Administrative Order.

1. When the Director finds that a User has violated or continues to violate this Division, wastewater discharge permits or orders issued thereunder, or any other pretreatment standard or requirement, he may issue an administrative order to the User directing that the User come into compliance within a specified period of time.
2. Administrative Orders may also direct the User to take appropriate remedial or preventive action to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

3. Administrative Orders may contain other requirements to address the noncompliance, including the installation of pretreatment technology, additional self monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer.
4. An Administrative Order may not extend the deadline for compliance established for a Federal Categorical pretreatment standard or requirement, nor may it release the User of liability for any violation, including any continuing violation.
5. Issuance of an Administrative Order shall not be a prerequisite to taking any other action against the User as set forth in other sections of this Division.

(d) Administrative Penalties.

1. Notwithstanding any other Section of this Division, any User who is found to have violated any provision of this Division, its wastewater discharge permit and orders issued hereunder, or any other pretreatment standard or requirement may be penalized in an amount not to exceed one thousand dollars (\$1,000.00) per violation per day. Each day on which non-compliance shall occur or continue shall be deemed a separate and distinct violation. Assessments may be added to the User's next scheduled sewer service charge and/or the Director shall have other collection remedies as may be available for other service charges and fees.
2. Unpaid charges, fees, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of fifty (50) percent of the unpaid balance and interest shall accrue thereafter at a rate of eighteen (18) percent per month. A lien against the individual User's property will be sought for unpaid charges, fees, and penalties.

3. Users desiring to dispute penalties must file a request in writing for the Director to reconsider the penalty along with full payment of the penalty within ten (10) days of being notified of the penalty. Where the Director believes a request has merit, he shall convene a hearing on the matter within fifteen (15) days of receiving the request from the User. In the event that the User's appeal is successful, the payment together with any interest accruing thereto shall be returned to the Industrial User. The City may add the costs of preparing administrative enforcement actions such as sampling, inspections, notices, and orders to the penalty.

(e) Termination of Service.

1. The Director may immediately terminate a User's wastewater discharge and/or wastewater discharge permit, after informal notice to the User, whenever such termination 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.
2. The Director may also immediately terminate a User's discharge, after notice and opportunity to respond, which presents or may present an endangerment to the environment, or threatens interference with the operation of the WWF.
3. Any User notified of a termination of its wastewater discharge and/or wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the User to immediately comply voluntarily with the suspension order, the Director shall take steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WWF

system, its receiving stream, or endangerment to any individuals. The Director may reinstate the wastewater discharge and/or the wastewater discharge permit when the User has demonstrated to the satisfaction of the Director elimination of the non-complying discharge.

4. 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 Director, prior to the date of any show cause hearing under Section 21-98 (b).
5. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

Sec. 21-99 JUDICIAL ENFORCEMENT

If any person who discharges wastewater, industrial wastes, or other wastes into the WWF contrary to the provisions of this Division or any order or permit issued hereunder, or violates any provision of this Division, the Director, through the City Attorney, may commence an action for appropriate legal and/or equitable relief in the Circuit Court for Broward County. Such an action by the City may be commenced without the use of the procedures set forth in Section 21-98.

(a) Injunctive Relief.

1. Whenever a User has violated a pretreatment standard or requirement or continues to violate the provisions of this Division, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the Director,

through legal counsel may petition the Circuit Court for Broward County for issuance of a temporary or permanent injunction or both (as may be appropriate) which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Division on activities of the User.

2. The City may also seek other action as appropriate for legal and/or equitable relief. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a User. The Director shall have remedies to collect these fees as he has to collect other sewer service charges.

(b) Civil Penalties.

1. Any User who has violated or continues to violate this Division, any order or wastewater discharge permit issued hereunder, or any other pretreatment standard or requirement shall be liable to the Control Authority for a maximum civil penalty of five thousand dollars (\$5,000.00) but not less than one thousand dollars (\$1,000.00), plus actual damages incurred by the WWF per violation per day for as long as the violation continues.
2. In addition to the above described penalty and damages, the Director 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. The Director shall petition the Court to impose, assess, and recover such sums.
3. In determining amount of liability, the Court may 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. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a User.

(c) Criminal Prosecution.

1. Any User who willfully or negligently violates any provision of this Division, any orders or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of at least one thousand dollars (\$1,000.00) and up to five thousand dollars (\$5,000.00) per violation per day or imprisonment for not more than one year or both.
2. 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 shall be subject to a penalty of at least five thousand dollars (\$5,000.00) per violation per day or imprisonment for one year or both up to a fine of ten thousand dollars (\$10,000.00) per violation per day or imprisonment for not more than three (3) years or both. This penalty shall be in addition to any other action for personal injury or property damage available under State law.
3. Any User who 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 Division, wastewater discharge permit, or order or who falsifies, tampers with, or knowingly renders inaccurate any monitoring

device or method required under this Division shall, upon conviction, be punished by a fine of at least one thousand dollars (\$1,000.00) but not more than five thousand dollars (\$5,000.00) per violation per day or imprisonment for not more than one year or both.

4. In the event of a second conviction, the User shall be punishable by a fine of at least ten thousand dollars (\$10,000.00) but not to exceed twenty-five thousand dollars (\$25,000.00) per violation per day or imprisonment of one year but not for more than three (3) years or both.

(d) Remedies Nonexclusive.

The provisions in Sections 21-98 and 21-99 are not exclusive remedies. The City reserves the right to take any, all, or any combination of these actions against a non-compliant User.

Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the 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 non-compliant User. These actions may be taken concurrently.

Sec. 21-100. SUPPLEMENTAL ENFORCEMENT

(a) Performance Bonds.

The Director may decline to reissue a wastewater discharge permit to any User which has failed to comply with the provisions of this Division, any orders, or a previous wastewater discharge permit issued hereunder, unless the User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance. The City Attorney must approve the form of any bond.

(b) Water Supply Severance.

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

Sec. 21-101. PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE

- (a) The City shall annually publish, in the daily newspaper with the largest circulation in the municipality where the WWF is located, a list of the Users which were in Significant Non-Compliance (SNC) with any Pretreatment Requirements or Standards during the previous twelve (12) months.
- (b) The notification shall also summarize any enforcement actions taken against the User(s) during the same twelve- (12) months.

Sec. 21-102. FEES AND INDUSTRIAL WASTE SURCHARGES

(a) Purpose.

It is the purpose of this Division to provide for the recovery of costs from Users of the City's WWF for the implementation of the pretreatment program established herein. The applicable charges or fees shall be set forth in the City of Miramar Utilities Schedule of Charges and Fees.

(b) Fees.

The City may adopt charges and fees which may include the following:

1. Fees for reimbursement of costs of setting up and operating the City's Pretreatment Monitoring Program;
2. Fees for monitoring, inspections, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing self monitoring reports submitted by users;
3. Fees for reviewing accidental discharge procedures and construction;
4. Fees for wastewater discharge permit applications including the cost of processing the applications;
5. Fees for wastewater discharge permits;
6. Fees for filing appeals;
7. Other fees as the City may deem necessary to carry out the requirements contained herein.

These fees relate solely to matters covered by this Division and are separate from all other fees chargeable by the City.

(c) Industrial Waste Surcharge Rates.

The City may adopt Industrial Waste Surcharge rates for the following conventional parameters:

- | | | |
|----------------------|----|------------------|
| (1) BOD ₅ | -- | above 400 mg/l |
| (2) COD | -- | above 800 mg/l |
| (3) TSS | -- | above 400 mg/l |
| (4) Oil & Grease | -- | above 100 mg/l |
| (5) TDS | -- | above 2,000 mg/l |
| (6) T-Phos | -- | above 15 mg/l |

Industrial Waste Surcharge rates will be based on WWF's treatment cost and will be charged on a mass emission basis. The rates will be periodically modified and set forth in the City of Miramar Utilities Rates Schedule.

(d) The City Commission by resolution, upon the recommendation of the Director, shall establish or amend a reasonable rate schedule for IU's.

Section 2. Severability If any provision, paragraph, word, section or article of this Division is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

Section 3: Conflict: All other Divisions and parts of other Divisions inconsistent or conflicting with any part of this Division are hereby repealed to the extent of the inconsistency or conflict.

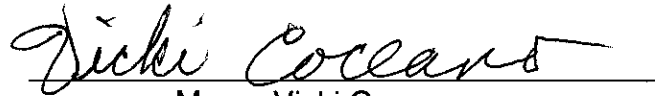
Section 4. Inclusion In Code: It is the intention of the Governing Body of the City of Miramar that the provisions of this Ordinance shall become and be made a part of the City of Miramar Code; and that the Sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or any other appropriate word or phrase in order to accomplish such intentions.

Section 5: Effective Date: This Ordinance shall become effective upon adoption on second reading.

10/20/98

PASSED AND ADOPTED on first reading this 4th day of November, 1998.

PASSED AND ADOPTED on second reading this 18th day of November, 1998.

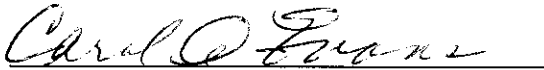


Mayor Vicki Coceano



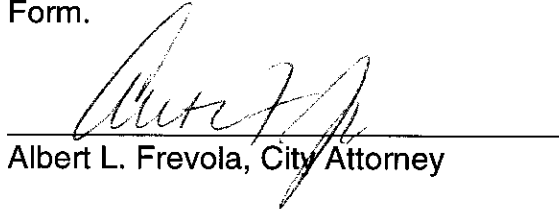
Vice Mayor A.R. "Sandy" Enos

ATTEST:



Carol A. Evans, CMC, City Clerk

I HEREBY CERTIFY that I have
Approved this ORDINANCE as to
Form.



Albert L. Frevola, City Attorney

Requested by Administration

Voted

Comm. Jim Cundiff	<u>Yes</u>
Vice Mayor A.R. "Sandy" Enos	<u>Absent</u>
Comm. Kevin A. Fernander	<u>Yes</u>
Comm. Lori C. Moseley	<u>Yes</u>
Mayor Vicki Coceano	<u>Yes</u>