



Interoffice Memorandum

November 15, 2021

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Ed Torres, M.S., P.E., LEED AP, Director
Utilities Department



SUBJECT: BCC AGENDA ITEM – Public Hearing
November 30, 2021 BCC Meeting
Revision of Sewer Use Ordinance Chapter 37, Article XX
Contact Person: Michael J. Hudkins, P.E., Manager
Water Reclamation Division
407-254-9685

Orange County Code Chapter 37 – Water and Wastewater, Article XX, Public and Private Sewer System Use Requirements (aka Sewer Use Ordinance, or SUO) provides the necessary regulations for the use of public and private sewers and drains in the interest of the public health, safety and welfare of the citizens and residents of the county. This program is mandated federally (approved by EPA in 1983) and by the state. Staff is recommending a revision to the SUO to include updates to conform to the latest state/federal Industrial Pretreatment compliance requirements.

This revision includes the recently developed companion reference source (Wastewater Discharge and Industrial Pretreatment Standards Technical Manual) to clarify technical language and to enhance other aspects of the SUO not related to federal/state compliance issues, and addresses the following New Federal & State Industrial Pretreatment Requirements:

- 1) Restriction of Hazardous Pharmaceutical Waste Discharge to Wastewater Systems
- 2) Regulation of businesses practicing Dental Amalgam Placement and Removal

The new federal and state requirements will help identify hazardous waste that may enter sanitary sewer system with the potential to disrupt the waste water treatment process.

Orange County Attorney's Office staff has reviewed the ordinance and Standards Technical Manual and finds these acceptable as to form and content. These revisions have also been approved by the Development Advisory Board (February 2020), the Planning and Zoning Commission (June 2020), and met preliminary approval of the Florida Department of Environmental Protection (September 2021). These will be presented in the public hearing on November 16, 2021.

Action Requested: **Approval of an Ordinance Amending the Orange County Code Chapter 37, Article XX, Divisions 1, 2, and 3 Pertaining to Public and Private Sewer System Use Requirements for Orange County, Florida; and Providing for an Effective Date.**

All Districts.

ORDINANCE NO. 2021-_____

AN ORDINANCE AMENDING THE ORANGE COUNTY
CODE CHAPTER 37, ARTICLE XX, DIVISIONS 1, 2, AND 3
PERTAINING TO PUBLIC AND PRIVATE SEWER
SYSTEM USE REQUIREMENTS FOR ORANGE COUNTY,
FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
ORANGE COUNTY:

Section 1. Amendments; In General. Article XX, Chapter 37, Divisions 1, 2 and 3,
are amended as set forth in Section 2 through Section 4 below, with additions being shown as
underlined and deletions being shown as ~~strike-throughs~~:

Section 2. Amendments to Article XX, Chapter 37, Division 1, General Provisions.
Article XX, Chapter 37, Division 1, of the Orange County Code is amended to read as follows:

ARTICLE XX

PUBLIC AND PRIVATE SEWER SYSTEM USE
REQUIREMENTS

DIVISION 1. GENERAL PROVISIONS

Sec. 37-701. Short title.

This article shall be known and may be cited as the "Public
and Private Sewer System Use Requirements for Orange County,
~~Florida,~~ Florida" or the "Sewer Use Ordinance."

Sec. 37-702. Purpose and policy.

(a) This article is enacted pursuant to the Orange County
Charter and all general and special acts authority of the county,
including home rule powers, for the purpose of providing for the
necessary regulations for the use of public and private sewers and
drains in the interest of the public health, safety and welfare of the
citizens and residents of the county. This article shall apply and be
enforced in all areas of the county not within the boundaries of any

36 municipality of the county, and to persons who are, by contract or
agreement with the county, users of the county wastewater system.

38 (b) This article sets forth uniform requirements for direct
and indirect contributors to the county wastewater system and
40 enables the county to comply with all applicable state and federal
laws and requirements set forth by the Clean Water Act of 1977, as
42 amended (Title 33 USC § 1251 et seq.), the United States
Environmental Protection Agency general pretreatment regulations,
44 Title 40, Code of Federal Regulations (CFR), Part 403, and the
Florida Department of Environmental Protection ("FDEP")
46 pretreatment requirements, chapter—Chapter 62-625, Florida
Administrative Code ("F.A.C.>").

(c) The objectives of this article include:

48 (1) To prevent the introduction of pollutants into
the county wastewater system that ~~which~~ will interfere with the
50 operation of the county-wide system;

52 (2) To prevent the introduction of pollutants into
the county wastewater system that ~~which~~ will pass through the
54 system, inadequately treated, into receiving surface or ground
waters, reuse systems, or the atmosphere or otherwise be
incompatible with the countywide system;

56 (3) To improve the opportunity to recycle and
reclaim wastewaters and residuals from the county wastewater
58 system;

60 (4) To protect both the general public as well as
county personnel who may be affected by wastewater, reclaimed
water and residuals in the course of their use or employment;

62 (5) To enable the county to comply with the
conditions in its facility permits, including the National Pollutant
64 Discharge Elimination System ("NPDES") permits, ~~Florida~~
~~Department of Environmental Protection FDEP~~ domestic
66 wastewater permits, water management district permits and other
federal or State of Florida permits; residuals and effluent, reuse and
68 disposal requirements; and any other applicable federal or State of
Florida laws, rules and regulations; and

70 (6) To provide for the equitable distribution of
the cost of operation, maintenance, and improvement of the county
72 wastewater system.

74 (d) This article provides for the regulation of direct and
indirect contributors to the county wastewater system through the
issuance of permits to certain nondomestic users and through
76 enforcement of general requirements for other users; authorizes
monitoring and; enforcement activities; requires user reporting; and

78 provides authority and guidelines for setting fees that equitably
80 distribute the costs resulting from the county's industrial waste
pretreatment, oil and grease prevention, and surcharge programs as
established herein.

82 (e) Except as otherwise provided herein, the director of
84 utilities for the county shall administer, implement, and enforce the
provisions set forth in this article.

Sec. 37-703. Definitions and abbreviations.

86 (a) Unless specifically defined below, words, or phrases
88 used in this article shall be interpreted to give this article its most
reasonable application that is consistent with state and federal laws
90 and other county regulations. The following words and phrases shall
have the meanings as designated below ~~below~~, unless the context
requires otherwise:

92 *Abnormally high strength compatible wastes* shall mean
wastewater containing biochemical oxygen demand (BOD), total
94 suspended solids (TSS), total kjeldahl nitrogen (TKN), total
phosphorus, or ~~or~~ oil and grease in quantities that exceed the
96 county's local limit for these pollutants as specified and established
by county resolution.

98 ~~*Abnormally low strength compatible wastes* shall mean~~
100 ~~wastewater containing less than twenty (20) mg/l of CBOD and~~
~~TSS.~~

102 *Act* shall mean the Federal Water Pollution Control Act, as
amended, also known as the Clean Water Act, as amended, Title 33
USC, ~~§ Section~~ 1251, et seq.

104 *Administrative action* shall mean an enforcement action
106 authorized by the control authority, that ~~which~~ is taken under
authority of this ordinance without or prior to the involvement of a
court.

108 *Administrative fine* shall mean a punitive monetary charge
unrelated to actual treatment costs, that ~~which~~ is assessed by the
110 control authority rather than a court for enforcement of the
requirements herein. Where an administrative fine is upheld by a
112 hearing officer, or the amount is changed by that officer but, ~~but~~ the
assessment of a fine is still upheld, or where an administrative fine
114 is likewise upheld or the amount is changed by a court, the fine does
not lose its identity as an administrative fine because it may be so
116 modified. Administrative fines are also distinguished from civil
penalties or civil fines due to their separate matrix and range of
118 severity.

Administrative order shall mean a document that ~~which~~
120 orders the user (violator) to perform a specific act or refrain from an

act. The order may require users to attend a show cause meeting, cease and desist discharging, or undertake activities pursuant to a compliance schedule.

Aliquot shall mean a portion of a sample.

Appurtenance shall mean a manufactured device or assembly of components that acts as an adjunct to the wastewater piping or pumping system, or plumbing fixtures.

Applicant shall mean an owner, or agent, developer, authorized representative, potential customer, or any person who submits documents pursuant to these regulations. of the owner, of property that requests formal approval for use of the county wastewater system.

Approval authority shall mean the Florida Department of Environmental Protection FDEP or its successor agencies.

Approved shall mean an acceptance by the county director of utilities as meeting or complying with applicable requirements or specifications as set forth in this article; or suitable for the proposed use or application.

Assessment shall mean a lien for improvements placed by the county against the property for benefits received from construction of such improvements.

Authorized county personnel or staff shall mean individuals or designees that have been authorized or approved by the county to perform specific tasks or to execute certain job descriptions or a scope of services.

Authorized representative of the user shall mean and may be:

(1) — If the user is a corporation:

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

(2)b. The manager of one (1)—or more manufacturing, production, or operation operating facilities, provided the manager:

a. 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;

b. Is authorized to initiate and direct other comprehensive measures to ensure long-term environmental compliance with environmental laws and regulations;

c. Can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; or

d. ~~who has~~ Has been assigned or delegated the authority to sign documents in accordance with corporate procedures; in accordance with rule 62-625.200(23), F.A.C.

~~(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 individual described in paragraphs (1) through (3), above, may designate another authorized representative, if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the director.~~

~~Available shall be defined herein as set forth in chapter 37, article XVII, section 37-533, article XVII of the Orange County Code of Ordinances, or F.S. § eh. 381.0065(2), as amended, whichever requirements are more stringent.~~

~~Baseline monitoring report (BMR) shall mean a report submitted by categorical industrial users within one hundred eighty (180) days after the effective date of a categorical standard that which indicates the compliance status of the user with the applicable national categorical pretreatment standards as set forth in 40 CFR § 403.12(b) and adopted by referenced in F.A.C. eh. chapter 62-625, F.A.C.~~

~~Batch discharge shall mean the controlled discharge of a discrete, intermittent, and contained volume of discharge.~~

BCC or Board shall mean the board of county commissioners.

Best management practices plan (BMPP) shall mean a plan prepared by a user providing a systemic evaluation and integration of best management practices to minimize the amount of wastes from production or a process, and to handle the resultant wastes in an environmentally sound and efficient manner.

202 *Best management practices (BMP)* shall mean schedules of
activities, prohibitions ~~of or~~ practices, maintenance procedures, and
204 other management practices to implement the prohibitions listed in
rules 62-625.400(1)(a) and (2), F.A.C., such as personnel training,
~~to prevent or reduce pollution discharges.~~ BMPs also include
206 treatment requirements, operating procedures, and practices to
control plant site runoff, ~~spills~~ spillage or leaks, industrial sludge or
208 waste disposal, or drainage from raw materials storage, in
accordance with rule 62-625.200(2), F.A.C.

210 *Biochemical oxygen demand (BOD)* shall mean the quantity of
oxygen utilized in the biochemical oxidation of organic matter under
212 standard laboratory procedure in five (5)-days at ~~twenty~~ (20) degrees
Celsius, expressed in milligrams per liter. The BOD shall be
214 determined in accordance with procedures set forth in the current
edition of the Environmental Protection Agency's (EPA's)
216 "Methods for the Chemical Analysis of Water and Wastes" or
"Standard Methods", current edition. Refer to 40 CFR § 136.3,
218 Table 1B.

220 *Biohazardous wastes* shall mean wastes from a biological
source that may be hazardous to living organisms. Wastes can be
physical, biological, or chemical in nature.

222 *Biosolids* shall mean the primarily organic solids that are
produced by wastewater treatment processes and; ~~and~~ can be
224 beneficially recycled. Refer to residuals on sludge.

226 ~~*Biowastes* shall mean wastewater containing biological~~
~~components, such as, but not limited to, animal parts, organs, tissues~~
~~or other wastes that result from the care, disposal or processing of~~
228 ~~organisms.~~

230 *Blowdown* shall mean the discharge from boilers or cooling
towers with high concentrations of accumulated dissolved solids and
chemical additives, such as biocides and corrosion inhibitors.
232 Blowdown containing chemical additives shall be considered
process waste streams. ~~wastestreams.~~

234 ~~*Board (BCC)* shall mean the board of county commissioners.~~

236 *Building drain* shall mean that part of the lowest horizontal
piping or discharge point of a sewerage or drainage system that
~~which~~ receives the discharge from soil, waste, and other drainage
238 pipes or sources inside the walls of the building and conveys it to a
point five (5)-feet outside the outer face of the building wall to the
240 building sewer.

242 *Building sewer lateral* shall mean the extension from the
building drain to the public sewer or other place of disposal,
beginning five (5)-feet outside the outer face of the building wall.

244 *Bypass* shall mean the intentional diversion of waste streams
246 ~~wastestreams~~ from any portion of an industrial user's pretreatment facility.

248 *Carbonaceous biochemical oxygen demand (CBOD)* shall
250 mean the quantity of oxygen utilized in the biochemical oxidation
252 of carbonaceous sources only under standard laboratory procedure
254 in five days at 20°C, expressed in milligrams per liter, and specifically excluding nitrogenous sources. CBOD shall be determined in accordance with procedures set forth in the current edition of the EPA's "Methods for the Chemical Analysis of Water and Wastes" or "Standard Methods", current edition.

256 *Categorical industrial user (CIU)* shall mean any new or
258 existing significant industrial users ~~(SIUs)~~ in specific industrial
260 categories ~~that~~ which have established separate regulations and
262 categorical pretreatment standards as specified and pursuant to 40
264 Code of Federal Regulation (CFR) § ~~Part~~ 403.6, Chapter 1,
266 Subchapter N, rule Chapter 62-625.410, Florida Administrative
Code (F.A.C.), and as adopted by reference in ~~chapter~~ Chapter 62-
660, F.A.C.; and/or discharges of one ~~(1)~~ or more of the federally
defined "priority pollutants"; or toxic pollutants, ~~as as~~ designated
pursuant to section 307 of the Act and adopted by reference in 40
CFR § 401.15 ~~defined pursuant to Section 307 of the Act (title 33~~
USC, Section 1317); Florida Statutes (F.S.) or in any applicable
local, state or federal rules.

268 *Categorical pretreatment standards* shall mean the national
270 categorical pretreatment standards specifying pollutant discharge
272 limits or quantities of pollutants ~~that~~ which apply to a specific
274 category of users, as established by EPA in accordance with
Sections ~~sections~~ 307(b) and (c) of the Act ~~(33 U.S.C. §1317)~~ and
that ~~which~~ appear in the appropriate subparts of 40 CFR Parts 405
through 471, Chapter I, Subchapter N, and adopted by reference in
chapter F.A.C. ch. 62-625, F.A.C.

276 *Cease and desist order* shall mean an administrative order
278 directing a user to immediately halt illegal or unauthorized
discharges to the county wastewater system.

280 ~~*Chain of custody* shall mean a written record of sample~~
282 ~~possession for all persons who handle (collect, transport, analyze~~
~~and dispose of) a sample, including the names, dates, times and~~
~~procedures.~~

284 *Chemical oxygen demand (COD)* shall mean the quantity of
286 oxygen, expressed in milligrams per liter, consumed in the chemical
oxidation or decomposition of organic substances using the standard
dichromate reflux method as described in EPA's "Methods for the

Chemical Analysis of Water and Wastes” or “Standard Methods;”,
current latest edition.

Chronic violation shall mean violations in which ~~sixty-six~~
(66) percent or more of all the wastewater measurements taken for
the same pollutant parameter during any consecutive six-month
period exceed (by any magnitude) a numeric pretreatment standard,
limit, or requirement, including instantaneous limits, as defined by
40 CFR ~~§ Part 403.3(1), Chapter I, Subchapter N~~ and in accordance
with 40 CFR ~~§ 403.8(f)(2)(viii)(A) Part 403.8(f)(2)(viii)(A),~~
~~Chapter I, Subchapter N and chapter Chapter 62-625, F.A.C.~~

Civil penalty shall mean, but not be limited to, a monetary
fine issued by a court against a violator in a civil case for
enforcement of the requirements herein. If a court’s civil penalty is
a fine, it will have a separate range of severity from that of
administrative fines. ~~But see also definition, for this~~ Also for the
purposes herein, see the definitions, of code enforcement board and
code enforcement special master fines, in chapter 11, Orange
County Code.

Color shall mean the “true color” due to the substances in
solution, solution using the procedures in EPA’s “Methods for the
Chemical Analysis of Water and Wastes” or “Standard Methods;”,
current latest edition.

Combined waste stream formula shall mean the equation
used for the calculation of alternative discharge limits for industrial
facilities where regulated waste stream(s) ~~wastestream(s)~~ from a
categorical user is combined with other waste streams ~~wastestreams~~
prior to treatment as set forth in 40 CFR ~~§ 403.6, Chapter I,~~
~~Subchapter N and chapter Chapter 62-625.410(6), F.A.C.~~

~~*Common oil and grease interceptor* shall mean an
interceptor which receives oil and grease wastes from more than one
(1) facility with different operators (owners) or types of activities.~~

~~*Compatible constituent or pollutant* shall mean biochemical
oxygen demand, chemical oxygen demand, oil and grease,
suspended solids, pH, ammonia, nitrogen, phosphorus and fecal
coliform bacteria, and such other constituents so identified in the
county’s NPDES and FDEP permits, where the public owned
treatment works (POTW) or wastewater facility (WWF) have been
designed and is capable of treating said constituents to the degree
required in the applicable permits.~~

Compliance order shall mean an administrative order
directing a noncompliant user to achieve or to restore compliance by
a specified date.

330 *Compliance schedule* shall mean a schedule of requisite
332 remedial activities or milestones necessary for a user to achieve
334 compliance with all pretreatment program requirements. A
compliance schedule may be set forth in the industrial wastewater
discharge permit, consent order, ~~order~~ or other enforcement
documents.

336 *Composite sample* shall mean a mixture of discrete grab
338 samples or aliquots taken at the same location but at different times
that ~~which~~ reflect the average water quality or conditions.
Composite samples may be collected on a flow or time proportional
basis.

340 *Concentration limit* shall mean a limit based on the mass of
342 pollutant per unit volume, usually expressed in milligrams per liter
(mg/l).

344 *Consent order* shall mean an administrative order
346 embodying a legally enforceable agreement between the control
authority and the noncompliant user designed to restore the user to
compliant ~~compliance~~ status.

348 *Consistent removal* shall mean the average of the lowest ~~fifty~~
(50) percent of the removal efficiencies that are determined for a
user or pretreatment facility in accordance with rule
350 62-625.420(1)(b)2., Chapter 62-625.420(1)(b)(2), F.A.C.

352 *Contaminant* shall mean any physical, chemical, biological,
354 or radiological substance ~~micro-organisms, wastes, or wastewater~~
introduced into a flow of water in a concentration that renders the
water unsuitable for its intended use.

356 ~~*Continuous discharge* shall mean a discharge which occurs
without interruption throughout the operating hours of the industrial
facility, except for infrequent shutdowns for maintenance, process
changes or other similar activities.~~

360 *Control authority* shall mean the county and as such
362 authority is delegated by the county to the director of utilities in
accordance with the provisions of 40 CFR ~~§ Part 403.8, Chapter I,~~
~~Subchapter N, 40 CFR § Part 403.12, Chapter I, Subchapter N and~~
chapter Chapter 62-625.510, F.A.C.

364 ~~*Control or compliance manhole* shall mean a manhole
installed by the user at their expense to facilitate observation,
366 compliance inspection, sampling and testing of the process
wastestream.~~

368 *Cooling water* shall mean the discharge from air
370 conditioning, cooling, or refrigeration systems that has ~~which have~~
been used for heat transfer purposes and that ~~which~~ may contain
chemical additives.

372 *County* shall mean Orange County, a political subdivision of the
374 State of Florida, except where the context clearly indicates that the
 limits of the geographical boundaries are meant.

376 *County collection system* shall mean the portion of the public
 owned treatment works (POTW) or wastewater facility ~~WWF~~ that
378 receives discharges from users and conveys the resultant wastewater
 to the water reclamation facility ~~(WRF)~~. Such system generally
380 consists of gravity sewers, force mains, pump stations, and other
 necessary appurtenances.

382 *County wastewater system* shall mean all facilities and interests
 in the real and personal property owned, operated, managed,
384 ~~managed~~ or controlled by the county now and in the future, ~~future~~;
 and used to provide wastewater service to existing and future
 customers within the service area of the county.

386 *Customer* shall mean the user of the county wastewater system.

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

390 *Daily maximum limit* shall mean the maximum allowable
 discharge limit of a pollutant during a ~~twenty-four hour period,~~
392 calendar day. Where daily maximum limits are expressed either in
 units of mass, the daily discharge is the total mass discharged over
394 the course of the day. Where daily maximum limits are expressed in
 terms of a concentration, the daily discharge is or as the arithmetic
396 average measurement of the pollutant concentration derived from
 for all measurements taken that day within the twenty-four hour
 period.

398 ~~*Development property* shall mean any parcel of land that has~~
400 ~~been, or is about to be, improved to the extent that water and sewer~~
 ~~service are necessary prior to its utilization.~~

402 ~~*Developer* shall mean an owner, or agent of the owner, engaged~~
 ~~in development, who has the right to negotiate for wastewater~~
 ~~services.~~

404 *Development* shall mean a parcel of land, including
 subdivisions, that has been or, or is being improved to the extent that
406 water or wastewater service is necessary prior to its utilization.

408 ~~*Dilute waste stream-wastestream*~~ shall mean, for purposes of
 the combined ~~waste stream-wastestream~~ formula, the average daily
410 flow (at least a ~~thirty~~30-day average) from: (a) boiler blowdown
 streams, noncontact cooling streams, stormwater streams, ~~storm~~
412 ~~water streams,~~ and demineralized backwash streams; provided,
 however, that where such streams contain a significant amount of
414 pollutant and, ~~and~~ the combination of such streams, prior to
 treatment, with an industrial user's regulated process waste

416 ~~stream(s)-wastestream(s)~~ will result in a substantial reduction of that
418 pollutant, the control authority, upon application of the industrial
420 user, may exercise its discretion to determine whether such
422 stream(s) should be classified as diluted or unregulated; ~~or~~ (b)
424 sanitary ~~waste streams~~ ~~wastestreams~~ where such streams are not
regulated by a categorical pretreatment standard; or (c) ~~from form~~
any process ~~waste streams~~ ~~that wastestreams~~ which were, or could
have been, entirely exempted from categorical pretreatment
standards pursuant to 40 CFR Part 403, Appendix D of 40 CFR Part
403 for one (1) or more of the following reasons:

426 (1) The pollutants of concern are not detectable in the
effluent from the industrial user;

428 (2) The pollutants of concern are present only in trace
amounts and are neither causing nor likely to cause toxic effects;

430 (3) The pollutants of concern are present in amounts too
small to be effectively deduced by technologies known to the
approval authority; or

432 (4) The ~~waste stream~~ ~~wastestream~~ contains only
pollutants ~~that~~ ~~which~~ are compatible with the POTW.

434 ~~Direct discharge shall mean the introduction of pollutants~~
436 ~~from untreated or treated wastewater directly into the waters of the~~
~~state.~~

438 *Director* shall mean the county director of utilities, who is
the county administrative official responsible for administering the
county wastewater system, or his or her authorized deputy, agent, or
440 representative.

442 ~~Discharge shall mean the introduction of pollutants into the~~
~~county wastewater system by any nondomestic source that is subject~~
~~to the regulations of F.S. ch. 403.~~

444 *Discharge monitoring report* shall mean the form for
reporting the results of self-monitoring activities as required by the
446 industrial wastewater discharge permit.

448 *Discharge permit.* Refer to industrial ~~“Industrial~~ wastewater
discharge permit.”²²

450 *Dissolved solids* shall mean the solid matter in solution in
the wastewater and shall be obtained by evaporation of a sample
452 from which all suspended matter has been removed by filtration as
determined by the procedures in EPA’s “Methods for the Chemical
454 Analysis of Water and Wastes” or “Standard Methods,” current
~~latest~~ edition.

456 *Domestic sewage or wastewater* shall mean human body
~~waste and the liquid wastes or water borne solid or grease wastes~~

458 ~~(sewage or wastewater) that are produced from noncommercial or~~
460 ~~nonindustrial activities, and which result from normal human living~~
462 ~~processes, which are of substantially similar origin and strength to~~
464 ~~those typically produced in households, including bath and toilet~~
~~waste, residential sewage or wastewater from sanitary~~
~~conveniences, domestic laundry waste,s or the preparation and~~
~~handling of food residential kitchen waste and other similar waste~~
~~from household or establishment appurtenances.~~

466 ~~Domestic wastewater facility permit shall mean a document~~
~~issued by FDEP to the county's water reclamation facilities in~~
468 ~~accordance with F.A.C. ch. 62-620, for the disposal or reuse of~~
~~effluent and residuals, or discharge from said facility.~~

470 ~~Duplicate or replicate sample shall mean two (2) samples or~~
~~aliquots collected at the same time from the same location.~~

472 ~~Dwelling, multiple shall mean a building designed for, or~~
~~occupied exclusively by two (2) or more families.~~

474 ~~Dwelling (unit), single family shall mean a building~~
~~designed for or occupied exclusively by one (1) family. Also~~
~~designated as "unit."~~

476 ~~Effluent shall mean pollutants, partially or completely~~
~~treated, or in its natural state.~~

478 ~~Enforcement response plan (ERP) shall mean the Florida~~
~~Department of Environmental Protection (FDEP)-approved~~
480 ~~enforcement procedures followed by the control authority to~~
482 ~~identify, document, and respond to any violations of this ordinance,~~
~~as referenced in section 37-749(g)(6) of this article, as prepared in~~
484 ~~accordance with rule Chapter 62-625.500, F.A.C., as established by~~
~~the BCC board of county commissioners, and adopted by county~~
~~resolution.~~

486 ~~Environmental Protection Agency (USEPA or EPA) shall~~
488 ~~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 such agency.~~

490 ~~Equalization shall mean a pretreatment process consisting of~~
492 ~~detention of a wastewater flow in a large tank, sump, or headbox to~~
~~smooth out surges and peak flows.~~

494 ~~Equivalent residential connection (ERC) shall mean the~~
~~equivalent residential flow value (water), specified in, determined~~
496 ~~to equal the flow of three hundred fifty (350) the county rate~~
~~resolution in gallons per day, whereby one (1)-ERC shall have an~~
498 ~~assigned value of one (1). The total ERC value for an establishment~~
~~shall be calculated by multiplying the ERC factor specified in the~~
~~county rate resolution by the number of units.~~

500 *Equivalent residential unit (ERU)* shall mean the equivalent
502 residential flow value (wastewater), specified in for an
establishment, ~~determined to equal the flow of three hundred (300)~~
504 the county rate resolution in gallons per day, whereby one ~~(1)~~ ERU
shall have an assigned value of one ~~(1)~~. The total ERU value for an
506 establishment shall be calculated by multiplying the ERU factor
specified in the county rate resolution by the number of units.

508 *Establishment* shall mean a business organization or public
institution, or an entity other than a household.

510 *Exceedances* shall mean in excess of standards set forth in
this ordinance.

512 *Existing source* shall mean any source of discharge, the
construction or operation ~~that which~~ commenced prior to the
514 publication by EPA of proposed categorical pretreatment standards,
~~that which~~ shall be applicable to such source if the standard is
thereafter promulgated in accordance with section ~~Section~~ 307 of
516 the Act.

518 *Florida Administrative Code (F.A.C.)* shall mean the
codification of administration rules to implement legislation
approved by the legislature and the resultant Florida Statutes.

520 *Florida Department of Environmental Protection (FDEP)*
shall mean the State of Florida Department of Environmental
522 Protection, ~~or where appropriate, the term may also be used as a~~
~~designation for the administrator or other duly authorized official of~~
524 ~~such agency that administers the regulations pertaining to the~~
~~environment in the state authorized created by F.S. § 20.255. FDEP~~
526 ~~is the approval authority for pretreatment programs in the state.~~

528 *Florida Department of Health (FDOH)* shall mean the State
of Florida Department of Health, or where appropriate, the term may
530 also be used as a designation for the administrator or other duly
authorized official of such agency that administers the regulations
532 pertaining to analytical laboratory certification in the state
authorized by chapter ~~Chapter~~ 64E-1, F.A.C. The FDOH through its
534 National Environmental Laboratory Accreditation Program,
~~Program~~ is the approval authority for certification of analytical
laboratories and analytical methods in the state.

536 ~~*Flow proportional composite samples* shall mean a sampling~~
~~method which combines discrete aliquots of a sample collected over~~
538 ~~time, based on the flow of the waste stream being sampled. There~~
~~are two (2) methods used to collect this type of sample. One (1)~~
540 ~~method collects a constant sample volume at time intervals which~~
~~vary based on the flow. That is, a two hundred (200) milliliters (ml)~~
542 ~~sample is collected for every five thousand (5,000) gallons of flow~~

(discharge). The other method collects aliquots of varying volume that is based on the flow during the constant time interval.

~~Flow weighted average formula shall mean procedure to calculate alternative limits where waste streams that are regulated by a categorical pretreatment standard and nonregulated wastestreams are combined after treatment but prior to the monitoring location or control manhole.~~

Food shall mean any raw, cooked, or processed edible substance, ice, beverage, ~~beverage~~ or ingredient used or intended for use or for sale in whole or in part for human consumption.

~~*Food court* shall mean a designated area in shopping centers or amusement parks where food preparation establishments with different operators (owners) share seating space or plumbing facilities.~~

~~*Food processing establishment* shall mean a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary.~~

~~*Food sales establishment* shall mean retail and wholesale grocery stores, retail seafood stores, food processing plants, bakeries, confectioneries, fruit, nuts, and vegetable stores and places of business, and similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off premises.~~

~~*Food service facility* shall mean any commercial establishment which prepares (cuts, cooks, bakes) or serves food or beverages for sale to and/or consumption by the general public on or off site, or which disposes of food or beverage related wastes. The term includes; restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which manufacture retail sandwiches, soda fountains, institutional cafeterias, catering establishments, food vending vehicles and operations connected therewith; and similar facilities by whatever name called. The term "food service establishment" shall not mean a "food sales establishment," as defined in this division, which does not provide seating or facilities for consumption of food on the premises.~~

~~*Force main* shall mean a pressure pipe that connects the pumped sanitary discharge from a pump station to a point of gravity flow.~~

Forum shall mean the appeals hearing and hearing examiner described in section 37-749(j) of this article to which any person or user may appeal the enforcement decision, interpretation, ~~interpretation~~ or order of the director, described only in that section,

established by the ~~BCC board of county commissioners~~, in accordance with the procedures established by county resolution by the ~~BCC board of county commissioners~~ for said appeal.

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

Garbage grinder or disposal shall mean an electric device ~~that which~~ shreds solid or semisolid waste materials, generally food-related, into smaller portions for discharge into the county wastewater system.

Generator shall mean a user, by site or facility, who produces wastes from the said user's process operations. The generator is responsible for disposal of the produced wastes in accordance with applicable federal, state, and local regulations.

~~*Good faith effort or progress* shall mean prompt and vigorous pollution control measures undertaken by the user which shows that extraordinary efforts (not a "business as usual" approach) have been made to achieve compliance as judged solely by the director or county.~~

Grab sample shall mean a sample ~~that which~~ is taken from a waste stream at a specific time and location and on a one-time basis; without regard to flow in the ~~waste stream~~ ~~wastestream~~ and consideration of time. Sampling period shall not exceed ~~fifteen~~ (15) minutes.

Hauled wastes shall mean any hauled domestic wastewater, septic tank waste, storm sewer waste, oil and grease intercept/trap waste, and hauled industrial wastewater.

Hauler. Refer to transporter. ~~"Transporter."~~

Hazardous waste shall mean a solid waste, or combination of solid wastes, ~~that which~~ because of its quantity, concentration, or physical, chemical, or infectious characteristics:

(1) Causes, Cause, or significantly contributes ~~contribute~~ to an increase in mortality or an increase in serious irreversible irreversible, or incapacitating reversible illness; ~~or~~

(2) Poses Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, ~~or~~ disposed, or otherwise managed; or

(3) Meets one ~~(1)~~ of the following four ~~(4)~~ conditions:

a. Exhibits Exhibit a characteristic of a hazardous waste as defined in 40 CFR §§ Sections 261.20 through 262.24; ~~or~~

b. Listed as a hazardous substance in 40 CFR §§
Sections 261.31 through 261.33; or

c. A mixture containing a listed hazardous waste
and a nonhazardous solid waste, unless the mixture is specifically
excluded or no longer exhibits any of the characteristics of
hazardous waste; or

d. Not excluded from regulation as a hazardous
waste.

Hazardous waste pharmaceutical shall mean a
pharmaceutical that is a solid waste, as defined in 40 CFR § 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. A
pharmaceutical is not a solid waste, as defined in 40 CFR § 261.2,
and therefore not a hazardous waste pharmaceutical, if it is
legitimately used/reused (e.g., lawfully donated for its intended
purpose) or reclaimed. An over-the-counter pharmaceutical, dietary
supplement, or homeopathic drug is not a solid waste, as defined in
40 CFR § 261.2, and therefore not a hazardous waste
pharmaceutical, if it has a reasonable expectation of being
legitimately used/reused (e.g., lawfully redistributed for its intended
purpose) or reclaimed.

Healthcare facility shall mean any person that is lawfully
authorized to:

(1) 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

(2) Distribute, sell, or dispense pharmaceuticals,
including over the counter pharmaceuticals, dietary supplements,
homeopathic drugs, or prescription 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, physician 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. This definition does not include
pharmaceutical manufacturers, reverse distributors, or reverse
logistics centers.

Hearing examiner shall mean the hearing officer described
shown in section 37-749(j) of this article that to which any person

or user may appeal the enforcement decision, interpretation, or order of the director, described only in that section, established by the BCC, board of county commissioners, in accordance with the procedures established by county resolution by the BCC board of county commissioners for said hearing officer.

~~High strength wastewater surcharge shall mean the additional charge made in excess of the sewer service charge assessed against commercial or industrial users of the county WWF or commercial or industrial users outside the county system who are, by contract or agreement with the county, users of the county's POTW or WWF, whose wastewater characteristics exceed established limits for designated compatible pollutants.~~

~~Homogeneous shall mean uniform characteristics, composition throughout the waste stream of flow regime.~~

~~Incompatible pollutant shall mean all pollutants other than compatible pollutants. Specifically, it means any pollutant other than CBOD, suspended solids, pH, and fecal coliform bacteria or other pollutants as identified in the NPDES or FDEP permits, which the wastewater treatment facilities were not designed to treat and do not remove to a substantial degree.~~

Indirect discharge shall mean the discharge or the introduction of pollutants from any nondomestic source regulated under Sections sections 307(b), (c), (e) or (d) of the Act (Title 33 USC, Section 1317), into the county POTW or WWF.

Industrial user shall mean any user of the county wastewater system as identified in the Standard Industrial Classification Manual, current edition, that is a source of indirect discharge of industrial wastes and does not constitute a "discharge of pollutants" under regulations issued pursuant to Section section 402 of the Act (Title 33 USC, Section 1342).

~~Industrial waste-wastes~~ shall mean liquid waste wastes that is produced by ~~any~~, excluding domestic wastewater and cooling water, any industrial or manufacturing, process, trade or business, or institutional, commercial, agricultural, or other nondomestic activity or operation ~~that which~~ contains wastes of nonhuman origin, and is not otherwise classified as domestic sewage.

Industrial wastewater discharge permit shall mean the document issued to an industrial user by the county following approval of a complete application. The permit shall authorize the indirect discharge of industrial wastes to the county POTW or WWF in accordance with specific conditions, restrictions and county local limits defined and established by county resolution and as referenced herein.

Infiltration shall mean water unintentionally entering the county wastewater system from sanitary building drains and sewer laterals, from the ground through such means as, but not limited to, defective pipes, pipe joints, or connections on manhole walls. Infiltration does not include, and is distinguished from, inflow.

Infiltration/inflow shall mean the total quantity of water flowing into the collection system from nonuser sources.

Inflow shall mean discharge into the county wastewater system from nonuser sources, such as yard drains, roof drains, swimming pool drains, foundation drains, cooling water, springs and swampy areas, manhole covers, catch basins, cross-connections with storm sewers, ~~catch basins, stormwater~~ storm water systems, surface runoff, street washers, ~~washers~~ and general drainage. Inflow does not include, and is distinguished from, infiltration.

Influent shall mean water, ~~wastewater~~ wastewater or other liquid flowing into a tank, basin, treatment process, ~~process~~ or treatment facility.

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 discrete~~ or composited composite sample collected, independent of the industrial ~~(wastestream)~~ flow rate and the duration of the sampling event.

~~Institutional user~~ shall mean ~~a nonresidential user designated and zoned for public uses, government, schools or religious organizations, such as churches.~~

~~Integrated sample~~ shall mean ~~a mixture of discrete grab samples taken from different locations at the same time or within a specified time interval. Typically, integrated samples are used to evaluate the average composition or total loading for combined wastestreams; or to represent various points in a waste stream cross-section which are mixed proportional to their relative flow rates or volumes.~~

Interference shall mean a discharge, ~~that which~~ alone or in conjunction with a discharge(s) ~~or discharges~~ from other sources, inhibits or disrupts the county's POTW or WWF, its treatment processes or operations, ~~or or~~ its biosolids bio-solids processes, use, use or disposal; and ~~therefore~~ therefore, constitutes or causes a violation of the county's NPDES or FDEP permit(s) (including an increase in the magnitude or duration of a violation) or, ~~or~~ the prevention of wastewater biosolids bio-solids reuse or disposal in compliance with any of the statutory/regulatory provisions or

permits issued thereunder, or any other more stringent federal, state,
~~state~~ or local regulations.

Lateral or sewer lateral shall mean the service line from the public sewer or, ~~or~~ other place of disposal to, ~~to~~ a point five (5)-feet outside the building wall.

Lift station. Refer to pump "~~Pump~~ station."

~~*Local pollutant* shall mean a pollutant or constituent of local concern which may be subject to more stringent standards for effluent disposal, reuse, recycling and disposal or recycling of residuals than mandated by National Categorical Standards in 40 CFR, Part 403.~~

Local limit shall mean a discharge standard for nonresidential or industrial users of the county POTW or WWF in order to achieve the purposes of this article and for the county to comply with the conditions set forth in its ~~their~~ NPDES or FDEP permits for effluent disposal, reuse, or recycling, ~~recycling~~ and disposal or recycling of residuals.

Local pollutant shall mean a pollutant or contaminants of local concern that may be subject to more stringent standards for effluent disposal, reuse, recycling, and disposal or recycling of residuals mandated by National Categorical Standards in 40 CFR Part 403.

Lower explosive limit shall mean the minimum concentration of combustible gas or vapor present in air necessary for ignition; that is, the lowest percentage by volume of a mixture that will propagate a flame at ~~twenty-five (25)~~ degrees centigrade and atmospheric pressure.

~~*Maintenance access structure* shall mean a cap, cover, hatch, lid, plug, seal, valve or other type of access to a stationary system used to convey wastewater streams or residuals to the county POTW or WWF.~~

~~*Mass emission rate* shall mean the weight of material discharged to the county wastewater system during a given time interval; in pounds per day of the particular constituent or combination of constituents.~~

Mass limit shall mean a limit based on the weight of pollutant per unit time, usually expressed in pounds per day of the particular constituent (lb. ~~lbs~~/day).

~~*Maximum allowable concentration* shall mean the maximum permissible amount of a pollutant in a waste stream; expressed in units of mass per unit volume, such as milligrams per liter (mg/l).~~

796 *Measurement* shall mean the ability of an analytical method
or protocol to quantify and identify the presence of a substance,
798 flow, ~~or~~ volume.

800 *Medical wastes* shall mean any solid waste or liquid that
wastes or liquids which may present a threat of infection to humans,
802 such as, but not limited to, isolation wastes, infectious agents,
human blood and blood products, pathological wastes, sharps, body
804 parts, contaminated bedding, surgical wastes, potentially
contaminated laboratory wastes, and dialysis wastes.

806 *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 calendar month.

808 *National Categorical Pretreatment Standard* refers to
categorical pretreatment standards.

810 *National Pollution Discharge Elimination System (NPDES)*
permit shall mean a permit issued to a POTW pursuant to ~~Sections~~
812 sections 307, 318, 402, and 405 of the Act (~~Title 33 USC,~~
~~Section 1342~~) for the discharge of pollutants from point sources into
814 navigable waters, contiguous zones, and ~~and~~ oceans.

816 *National Prohibited Discharge Standard* or *prohibited*
discharge standard shall mean any regulation developed under the
authority of ~~Section~~ section 307(b) of the Act, and 40 CFR § 403.5,
818 ~~and F.A.C. ch. rule 62-625.400, F.A.C., that which~~ absolutely
prohibits the discharge of certain substances.

820 *Natural outlet* shall mean any outlet into a watercourse,
pond, ditch, lake, ~~or~~ other body of surface or ground water.

822 *New source* shall mean any building, structure, facility, or
installation from which there is (or may be) a discharge of
824 pollutants, the construction of which commenced after the
publication of proposed pretreatment standards under ~~Section~~
826 section 307(c) of the Act or ~~that which~~ will be applicable to a source
if such standards are thereafter promulgated in accordance with that
828 section, provided that:

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

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

834 (3) The production or wastewater generating processes
of the building, structure, facility, or installation are substantially
836 independent of an existing source at the same site. In determining
whether these are substantially independent, factors such as the

838 extent to which the new facility is integrated with the existing plant
840 ~~and, and~~ the extent to which the new facility is engaged in the same
general type of activity as the existing source should, ~~should~~ be
considered; or

842 (4) Construction on a site at which an existing source is
844 located results in a modification rather than a new source if the
construction does not create a new building, structure, facility, or
846 installation meeting the criteria of paragraphs (1), (2), or ~~or~~ (3)
above but otherwise alters, replaces, or adds to existing process or
production equipment; or

848 (5) Construction of a new source as defined under this
paragraph has commenced if the owner or operator has:

850 a. Begun, or caused to begin, as part of a
continuous on-site ~~onsite~~ construction program; ~~or~~

852 b. Any placement, assembly, or installation of
facilities or equipment; ~~or~~

854 c. Significant site preparation work, ~~work~~
including clearing, excavation, or removal of existing buildings,
856 structures, or facilities that ~~which~~ is necessary for the placement,
assembly, or installation of new source facilities or equipment; or

858 d. Entered ~~into~~ a binding contractual obligation
for the purchase of facilities or equipment that ~~which~~ are intended
860 to be used in its operation within a reasonable time. Options to
purchase or contracts that ~~which~~ can be terminated or modified
862 without substantial loss, and contracts for feasibility, engineering,
and design studies do not constitute a contractual obligation under
864 this paragraph.

~~Ninety-day compliance report shall mean a report submitted
866 by a categorical industrial user within ninety (90) days following the
date for final compliance with applicable categorical standards; or
868 in the case of a new source, after commencement of the discharge to
the POTW; that documents and certifies the compliance status of the
870 user in accordance with 40 CFR 403.12 (d) and F.A.C. ch. 62-
625.600.~~

872 *Noncontact cooling water* shall mean water used for cooling
purposes that ~~which~~ does not come in direct contact with any raw
874 material, intermediate product, waste product, or finished product;
and the only pollutant that was added to the water was heat.

876 *Nondomestic wastewater* shall mean the nonsanitary liquid
wastes from industrial processes, commercial processes, or
878 commercial laundries. Nondomestic wastewater is considered to
have the same meaning as industrial wastewater.

880 Non-significant categorical industrial user shall mean an
882 industrial user that discharges 100 gallons per day (gpd) or less of
884 total categorical wastewater (excluding sanitary, non-contact
cooling and boiler blowdown wastewater, unless specifically
included in the pretreatment standard) and;

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

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

890 (3) Never discharges any untreated categorical process
wastewater.

892 *North American Industry Classification System (NAICS)*
894 shall mean a classification system based on the type of
896 manufacturing or commercial activity at a facility or site, pursuant
to the current edition of the "North American Industry Classification
System Manual" as issued by the Executive Office of the President,
Office of Management and Budget.

898 *Notice of significant noncompliance (NOSNC)* shall mean a
900 document by the control authority notifying a nonresidential user
that it has violated one (1) or more of the pretreatment standards or
902 program requirements as set forth in this article or one (1) or more
of the criteria classifying the violation as a significant
noncompliance.

904 *Notice of violation* shall mean a document from the control
authority notifying a user that it has violated the pretreatment
906 standards or program requirements set forth in this article.

908 *Oil and grease* shall mean materials, either liquid or solid,
that are composed primarily of fatty material from animal or
vegetable sources, or petroleum-based hydrocarbons.

910 *Oil and grease interceptor* shall mean a device designed and
constructed in accordance with the Florida Building Code, Orange
912 County Utilities Department Engineering Division's Development
Review Section policies, and Orange County Utilities Standards and
914 Construction Specifications Manual, installed outside of the
building and constructed to separate, ~~trap, trap~~ and hold ~~solid, solid~~
916 oil, ~~and~~ and grease substances from animal or vegetable sources that
are present in the discharge from users of the county POTW or
918 WWF. The purpose of the oil and grease interceptor shall be to
prevent oil and grease from entering the county POTW or WWF.

920 *Oil and grease trap* shall mean a device designed and
constructed in accordance with the Florida Building Code, Orange
922 County Utilities Department Engineering Division's Development

Review Section policies, and Orange County Utilities Standards and Construction Specifications Manual, installed inside the building and constructed to separate, ~~trap, trap~~ and hold ~~solid, solids~~, oil, and ~~and~~ grease substances from animal or vegetable sources that are present in the discharge from users of the county POTW or WWF. The purpose of the oil and grease trap shall be to prevent solids, oil and grease from entering the county POTW or WWF.

Oil and grease trap waste shall mean waste removed from oil and grease interceptors or ~~oil and grease traps~~, at food and/or beverage service facilities and food and/or beverage sales and processing establishments.

Oil and water separator or interceptor shall mean a device designed and constructed to separate, ~~trap, trap~~ and retain oil and grease substances derived from petroleum hydrocarbons that are found in the discharge from users of the county wastewater system. The purpose of the separator is to prevent petroleum hydrocarbons from entering the county wastewater system and to improve the safety of said system for both county personnel and the general public.

Orange County Utilities Standards and Construction Specifications Manual shall mean the document by that title approved by BCC identifying the minimum design standards and specifications, and the review, approval, and acceptable procedures to be used for the construction of water, wastewater, and reclaimed water systems that will be maintained and operated by OCU. The manual applies to private development projects containing utility systems that will be dedicated to the county for operation and maintenance.

Operating permit. Refer to ~~waste~~ "Waste hauler operating."

Outfall shall mean the mouth of a sewer, ~~drain, drain~~ or conduit where an effluent is discharged into the receiving waters.

~~*Overload* shall mean the imposition of any constituent or hydraulic loading on any treatment, collection, transmission or effluent disposal facilities which are a part of the county wastewater system in excess of that facility's designed or legally authorized (approved) capacity.~~

~~*Oversized sewer* shall mean a sewer extension in, through or past a development which, because of anticipated future extensions or other reasons, is of larger diameter pipe than required to serve the immediate development.~~

~~*Parcel* shall mean a lot or premises serviced by a single water meter and served, or eligible to be served, with a connection to the county wastewater system.~~

966 *Pass through* shall mean the discharge of pollutants through
968 the POTW or any other portion of the county wastewater system into
waters of the state or nation in quantities or concentrations that
970 ~~which~~ alone or in combination with a discharge or discharges from
other sources, is a cause of or significantly ~~contributes~~ contribute to
972 a violation of any requirement of any NPDES or FDEP permit,
issued for and applicable to the county wastewater system, including
974 an increase in the magnitude or duration of a violation, or a violation
of any contract, resolution, law, rule, regulation, permit, or approval
976 applicable to the industrial, commercial, or agricultural reuse of
reclaimed water.

978 *Periodic compliance report* or *self-monitoring report* shall
mean a status report summarizing compliance with pretreatment
980 requirements submitted by categorical industrial users to the control
authority at least semiannually pursuant to 40 CFR ~~§ Part~~ 403.12,
982 ~~Chapter I, Subchapter N and rule Chapter~~ 62-625.600, F.A.C., or as
amended.

984 *Permit* shall mean a document issued to the county by
federal ~~or and~~ state regulatory authorities that sets ~~which set out~~
986 provisions or requirements for the disposal or reuse of effluent or
biosolids, or effluent discharges from the county facilities.

988 *Person* shall mean any individual, partnership, or
association, the State of Florida or any agency or institution thereof,
990 the United States or any agency or institution thereof, or any
municipality, political subdivision, public or private ~~co~~partnership,
992 ~~firm, company, association, society, corporation, or other joint stock~~
company, trust, estate, governmental entity and includes any officer
or governing or managing body of the State of Florida, the United
994 States, any agency, any municipality, political subdivision, or public
or private corporation ~~or any other legal entity, or their legal~~
996 ~~representatives, agents or assigns.~~ The masculine gender ~~shall~~
includes the feminine ~~and, and~~ the singular ~~shall includes~~ the plural
998 where appropriate indicated by the context.

1000 *pH* shall mean a measure of the acidity or alkalinity, of a
solution, expressed in standard units as the logarithm (base 10) of
1002 the reciprocal of the concentration of hydrogen ions, in grams per
liter, present in the solution.

1004 *Pharmaceutical* shall mean any drug or dietary supplement
for use by humans or other animals; any electronic nicotine delivery
1006 system (e.g., electronic cigarette or vaping pen); or any liquid
nicotine (e-liquid) packaged for retail sale for use in electronic
1008 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

010 drugs as defined by 21 CFR § 203.3(y); over-the-counter drugs;
1012 homeopathic drugs; compounded drugs; investigational new drugs;
pharmaceuticals remaining in non-empty containers; personal
1014 protective equipment contaminated with pharmaceuticals; and
clean-up material from spills of pharmaceuticals. This definition
does not include dental amalgam or sharps.

1016 *Pollutant* shall mean constituent(s) or foreign substance(s)
1018 that degrade the quality of the water so as to impair or adversely
1020 affect the usefulness or function of the water or pose a hazard to
1022 public health or the environment. Constituent(s) or foreign
1024 substance(s) that are present in water as a result of discharging into
1026 said water or waters with the following wastes, but is not limited to:
dredged spoil, solid waste, incinerator residue, filter backwash,
wastewater, garbage, wastewater biosolids ~~bio-solids~~, munitions,
medical wastes, chemical wastes, biological materials, radioactive
materials, heat, wrecked or discarded equipment, rock, sand, dirt, or
~~or~~ municipal, agricultural and industrial wastes. Examples of
pollutants include pH, temperature, TSS, turbidity, color, CBOD,
COD, toxicity, odors, metals, and ~~and~~ organics. Refer to
contaminant.

1030 *Pollution* shall mean the man-made or man-induced
1032 alteration of the chemical, physical, biological, and radiological
1034 integrity of water that degrades the natural quality of the
environment; offends the senses of sight, taste, or smell; or causes a
health hazard.

1036 ~~*Pollution control facility.* Refer to “Water reclamation~~
~~facility.”~~

1038 *Pollution prevention* shall mean the use of materials,
1040 processes, or ~~or~~ operation and maintenance practices to reduce or
1042 eliminate the generation or creation of pollutants at the source before
1044 the constituents can enter the waste stream ~~wastestream~~. Pollution
prevention includes, but is not limited to, equipment modifications,
process or operating alterations, reformulation or redesign of
products, substitution or raw materials, and improvements in
housekeeping, maintenance, personnel training, or inventory
control.

1046 *Pollution prevention plan* shall mean a plan prepared by the
1048 user to minimize the likelihood of introducing pollutants in the
process wastewater or other types of discharges from its ~~their~~
facility.

1050 *Pretreatment* shall mean the reduction of the amount of
1052 pollutants, the elimination of pollutants, or the alteration of the
nature of pollutant properties in wastewater prior to, or in lieu of,
introducing such pollutants into the county POTW or WWF. The

reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard (~~rule Chapter 62-625.410, F.A.C.~~) and 40 CFR § ~~Part 403.5, Chapter I, Subchapter N,~~ unless allowed by an applicable pretreatment standard. Appropriate pretreatment technology includes control equipment, such as equalization tanks of facilities, for protection against surges or slug loading that might interfere with or otherwise be incompatible with the county WWF. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or flows from another regulated process, the discharge from the equalization facility must meet an adjusted pretreatment limit using the combined ~~waste stream-wastestream~~ formula.

Pretreatment facilities shall mean the equipment, structures and processes that are configured together for the treatment of user ~~waste streams-wastestreams~~ prior to discharge to the county wastewater system.

Pretreatment program shall mean the program that is administered and enforced by the control authority in compliance with 40 CFR § 403.8 and as approved by the approval authority (FDEP) in accordance with ~~rule F.A.C. ch. 62-625.500, F.A.C.~~

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

Pretreatment standards shall mean any regulation containing pollutant discharge limits, as established in ~~F.S. ch. 403, F.S., that which~~ applies to industrial users, and includes the prohibited discharge standards, categorical standards and local limits.

~~*Private sewage or wastewater system* shall mean a sewage collecting, treating, and disposal facility that is installed, maintained and owned by persons other than the county; and which may be connected to the county wastewater system.~~

Private wastewater collection system shall mean a wastewater collection system installed, maintained, operated, and owned by persons other than the county; and ~~that which~~ may be connected to the county wastewater system.

~~*Private wastewater disposal system* shall mean a wastewater treatment and disposal facility maintained and owned by persons other than the county; and is not connected to the county wastewater system.~~

096 *Process wastewater* shall mean any water which, during
1098 manufacturing or processing, comes into direct contact with or
results from the production of or use of any raw material,
intermediate product, finished product, byproduct, or waste product.

1100 *Prohibited discharge standards* or *prohibited discharges*
1102 shall mean the absolute prohibition against the discharge of specific
substances or wastes due to their noncompatible characteristics and
1104 deleterious effects on the county wastewater system. Prohibited
discharge standards are in section 37-735 of this article.

1106 ~~*Properly shredded garbage* shall mean the wastes from the~~
~~preparation, cooking and dispensing of food that have been shredded~~
~~to such a degree that all particles will be carried freely under the~~
1108 ~~flow conditions normally prevailing in public sewers, with no~~
~~particle greater than one-half (1/2) inch (0.125 centimeters) in any~~
1110 ~~dimension. The installation and operation of any garbage grinder~~
~~equipped with a motor of three-fourths (3/4) horsepower or greater~~
1112 ~~shall be subject to the review and approval by the county.~~

1114 *Property owner* or *owner* shall mean the title holder of
record for the premises being served or proposed to be served by the
county wastewater system.

1116 ~~*Proprietary information* shall mean information about a~~
~~commercial chemical, product, or process which is considered to be~~
1118 ~~confidential business information or a trade secret by an industrial~~
~~user because if divulged, the information could put the industrial~~
1120 ~~user at an unfair competitive disadvantage with competitors in the~~
~~same industry.~~

1122 *Public sewer* shall mean a sanitary sewer, other than a
building lateral sewer, that is owned or controlled by the county.

1124 *Publicly owned treatment works (POTW)* shall mean a
treatment works as defined by ~~Section~~ section 212 of the Act (Title
1126 33 USC, Section 1292) ~~that which~~ is owned by the county. This
definition includes the county POTW or WWF and any devices or
1128 systems that are used for collection, conveyance, storage, treatment,
reuse, reclamation, effluent transmission, or ~~or~~ disposal of
1130 wastewater or industrial wastes of a liquid nature. Facilities include
any public sewers, pump stations, treatment plants, WRFs, storage
1132 tanks, effluent transmission and disposal facilities, and reclaimed
water system and facilities, but do; ~~but does~~ not include pipes,
1134 sewers, or ~~or~~ other conveyances not connected to a facility providing
treatment.

1136 *Pump station* or *lift station* shall mean the facility containing
pumps and appurtenances that conveys wastewater through the
1138 collection system to the treatment works.

1140 *Quality assurance* shall refer to a
1142 management/administrative check on procedures and practices used
1144 during sampling and analysis that ~~ensures~~~~ensure~~ the accuracy,
1146 precision, reproducibility, ~~and~~~~and~~ representativeness of the
1148 reported data.

1144 *Receiving waters* shall mean the body of water or water
1146 course (canal, ditch, lake, river, stream or wetland) that receives the
1148 discharge from the POTW or is formed by the waters from such
1150 discharge.

1148 *Reclaimed water* shall mean highly water ~~or~~ treated
1150 wastewater ~~that, which, as a result of treatment of wastes,~~ is suitable
1152 for direct, nonpotable beneficial reuses or a controlled use by public,
1154 agricultural, commercial, resident, industrial, or institutional
1156 projects or development, and meets the requirements of chapter
1158 62-610, F.A.C that would not occur otherwise.

1154 ~~*Regulated wastestream* shall mean an industrial process~~
1156 ~~wastestream regulated by a national categorical pretreatment~~
1158 ~~standard.~~

1158 *Removal* shall mean a reduction in the amount of a pollutant
1160 in the WRF's effluent or alteration of the nature of a pollutant during
1162 treatment at the WRF. The reduction or alteration can be achieved
1164 by physical, chemical, or biological means and may be the result of
1166 specifically designed capabilities at the WRF or may be incidental
1168 to the operation of the treatment system. Dilution shall not be
1170 considered removal.

1164 *Representative sample* shall mean a sample collected from a
1166 waste stream~~wastestream~~ that is as nearly identical as possible in
1168 composition to the larger volume of the flow stream that is being
1170 discharged to the county wastewater system during a normal
1172 operating day.

1170 *Residuals* shall mean the solid, semisolid, ~~or~~~~or~~ liquid
1172 residues that are generated during the treatment of wastes or
1174 wastewater in a pretreatment or treatment facility. Typically,
1176 residuals~~residuals~~ do not include grit, screenings, ~~or~~~~or~~ incinerator
1178 ash. Refer to biosolids or sludge.

1174 *Reverse distributor* shall mean any person that receives and
1176 accumulates prescription pharmaceuticals that are potentially
1178 creditable hazardous waste pharmaceuticals for the purpose of
1180 facilitating or verifying manufacturer credit. Any person, including
1182 forward distributors, third-party logistics providers, and
1184 pharmaceutical manufacturers, that processes prescription
1186 pharmaceuticals for the facilitation or verification of manufacturer
1188 credit is considered a reverse distributor

1182 ~~*Sanitary fixtures* shall mean any toilets or sinks, either fixed~~
~~or mobile, used for the disposal of human body wastes.~~

1184 *Sanitary sewer* shall mean a pipe that ~~which~~ carries sewage
and ~~that to which~~ storm, surface, ~~and~~ and ground waters are not
1186 intentionally admitted.

~~*Search warrant* shall mean a document issued by a judge that~~
1188 ~~authorizes government entry into private premises either to observe~~
~~compliance with applicable laws (ordinances) or to gather evidence~~
1190 ~~of noncompliance.~~

Self-monitoring shall mean sampling and analyses
1192 performed by the user or the control authority of regulated discharge
at the expense of the industrial user to ensure compliance with the
1194 permit or other regulatory requirements as set forth in 40 CFR § Part
403.12(b) and (g), ~~Chapter I, Subchapter N and rule Chapter 62-~~
1196 ~~625.600, F.A.C.~~

Septage shall mean the sludge or solids produced in
1198 individual on-site wastewater treatment systems, such as septic
tanks and cesspools.

1200 *Septic tank* shall mean a watertight receptacle subsurface
~~impervious tank designed to temporarily retain sewage on site or~~
1202 ~~similar waterborne wastes together with:~~

(1) ~~— A sewer line constructed to promote separation of~~
1204 ~~solid and liquid components of wastewater, to provide limited~~
~~digestion of organic matter, to store solids, and to allow clarified~~
1206 ~~liquid to discharge for further treatment and disposal in a soil~~
~~absorption system, with solid pipe, with joints sealed, connecting~~
1208 ~~the impervious tank with a plumbing stub out; and~~

(2) ~~— A subsurface system of piping to drain the clarified~~
1210 ~~discharge from the tank and distribute it underground to be absorbed~~
~~or filtered.~~

1212 *Septic tank wastes* shall mean any ~~material or~~ sewage from
holding tanks, such as vessels, chemical toilets, campers, trailers,
1214 ~~mobile homes, cesspools and septic tanks, or individual on-site~~
~~wastewater treatment systems.~~

1216 ~~*Septicity* shall mean the condition resulting from biological~~
~~degradation of organic materials in waste waters in the absence of~~
1218 ~~free oxygen, either in solution or in the environment, usually~~
~~resulting in production of hydrogen sulfide and odors.~~

1220 *Settleable solids* shall mean that matter in wastewater not
staying in suspension during a preselected settling period, such as
1222 one (1)-hour, but either settles to the bottom or floats to the top.

1224 *Severe property damage* shall mean substantial physical
1226 damage to property, the user's treatment facilities so as to render
1228 them inoperable, ~~or~~ substantial and permanent loss of natural
resources ~~that~~ which can reasonably be expected to occur in the
absence of a bypass. Severe property damage shall not mean
economic loss due to delays in production.

1230 *Sewage* shall mean a combination of the water-carried
1232 wastes from residences, business buildings, institutions and
industrial establishments, together with such ground, surface, and
stormwaters, ~~and storm waters~~, and infiltration and inflow as, ~~as~~
may be present. Refer to wastewater.

1234 ~~*Sewage treatment plant.* Refer to "Wastewater treatment~~
~~plant" or "Water reclamation facility."~~

1236 *Sewer* shall mean a pipe or conduit for conveying sewage or
wastewater.

1238 ~~*Sewer, branch* shall mean a public sewer with a lateral sewer~~
~~tributary to it, and which discharges into a trunk sewer of the county~~
1240 ~~wastewater collection system.~~

1242 *Sewer, lateral* shall mean a public sewer that ~~which~~ has only
building sewers and connections tributary to it, and that ~~which~~
1244 discharges into a branch sewer of the county wastewater collection
system.

1246 ~~*Sewer, trunk* shall mean a principal or primary public sewer~~
~~line with branch and lateral sewers tributary to it.~~

1248 ~~*Sewerage system or works* shall mean any processes,~~
~~systems, equipment and facilities for the collection, storage,~~
~~treatment, recycling and reclamation of domestic and industrial~~
1250 ~~wastewaters. Facilities, systems and equipment include interceptor~~
~~sewers, outfalls, collection systems, pump stations, power systems;~~
1252 ~~and appurtenances, extensions, improvements, remodeling,~~
~~additions and alterations thereof; elements essential to provide a~~
1254 ~~reliable supply of reclaimed water or effluent and residuals in~~
~~compliance with applicable permits, such as treatment units,~~
1256 ~~treatment processes, telemetry, central systems and manpower; any~~
~~works, including land, that is an integral part of the treatment~~
1258 ~~process or facilities or is used in combination for the ultimate~~
~~disposal or recycling of residuals resulting from such treatment; and~~
1260 ~~ancillary facilities, such as emergency power generation, monitoring~~
~~equipment, storm water systems and life safety support equipment.~~
1262 ~~Refer to POTW.~~

1264 ~~*Shall* shall be infers "mandatory" or "must". *May* shall be~~
~~infers "allowed" or "permissible". permissive or discretionary.~~

1266 *Significant commercial user* shall mean any commercial user
of the county wastewater system ~~that which~~ has:

1268 (1) A discharge flow of ~~ten thousand (10,000)~~ gallons or
more per day during any day of any calendar year; ~~or~~

1270 (2) A discharge containing one ~~(1)~~ or more of the
compatible pollutants; or

1272 (3) A discharge ~~that which~~ has been found by the
director or FDEP to potentially have a significant impact, either
1274 singly or in combination with other contributing users, on the county
wastewater system.

1276 *Significant industrial user (SIU)* shall mean any industrial
user of the county POTW or WWF ~~that which~~ meets one ~~(1)~~ or more
of the following criteria:

1278 (1) Discharges a flow of ~~twenty five thousand (25,000)~~
1280 gallons or more per day, during any day, during any calendar year,
to the county wastewater system, excluding sanitary and domestic
1282 wastes, noncontact cooling water, ~~condensate, storm water and~~
boiler blowdown wastes; ~~or~~

1284 (2) Contributes a process waste stream ~~that which~~ makes
up more than five ~~(5)~~ percent or more of the average dry weather
1286 hydraulic or organic design capacity (allowable pollutant loading)
of a county wastewater treatment plant receiving the indirect
discharge; ~~or~~

1288 (3) ~~Is subject Subject~~ to a national categorical
pretreatment standard as described in 40 CFR, ~~Subchapter N, Parts~~
1290 405 ~~through 471-471~~ and as adopted by reference in ~~chapter Chapter~~
62-660, F.A.C.; ~~or~~

1292 (4) Discharges one ~~(1)~~ or more of the federally defined
"priority pollutants"; or toxic pollutants, as defined pursuant to
1294 ~~Section section~~ 307 of the Act, Florida Statutes or in any applicable
local, state, ~~or or~~ federal rules; ~~or~~

1296 (5) ~~Is found Found~~ by the county, EPA, ~~or or~~ FDEP to
have a significant impact, either singly or in combination with other
1298 contributing industries, on the county collection system, the quality
of sludge, the quality of the reclaimed water or effluent, or air
1300 emissions generated by the county wastewater system; ~~or~~

1302 (6) ~~Is designated Designated~~ as such by the director on
the basis that it has a reasonable potential for adversely affecting the
operation of the county POTW or WWF or violating any
1304 pretreatment standard or requirement in accordance with rule
~~Chapter 62-625.500, F.A.C.~~

(7) Upon a finding by the director or the county that a user meeting the criteria above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the county may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR § 403.8(f)(6) and rule Chapter 62-625.410, F.A.C., determine that such user should not be considered a significant industrial user.

Significant noncompliance (SNC) shall mean a nonresidential user whose violation meets one ~~(1)~~ or more of the following criteria as defined in 40 CFR ~~§ Part~~ 403.8(f)(4)(2)(viii), ~~Chapter I, Subchapter N~~ and rule Chapter 62-625.500(8), F.A.C.:

(1) Chronic violations of wastewater discharge limits;~~or~~

(2) Technical review criteria ~~(TRC)~~ for violations;~~or~~

(3) Any other discharge violation of a pretreatment standard, limit, or ~~or~~ requirement as defined by 40 CFR ~~§ Part~~ 403.3(1), ~~Chapter I, Subchapter N~~ (daily maximum, long-term average, instantaneous limit, or narrative standard) that the control authority or the director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of county personnel or the general public;~~or~~

(4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the director exercising emergency authority to halt or prevent such a discharge;~~or~~

(5) Failure to meet, within ~~ninety (90)~~ days of the scheduled date, a compliance schedule milestone ~~milestones~~ contained in an industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;~~or~~

(6) Failure to provide, within ~~within thirty (30)~~ 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, as required by and authorized by this article;~~or~~

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s) that ~~which~~ the director determines will adversely affect the operation or implementation of the local pretreatment program.

1348 *Silver-rich solution* shall mean a solution containing
sufficient silver that cost-effective recovery of the constituent could
1350 be performed. Silver-rich solutions shall include fixers, bleach-
fixers, low-flow washes, and other functionally similar solutions.

1352 *Silver test paper* shall mean a test paper coated with an
analytical reagent ~~that~~ ~~which~~ reacts by changing color in
1354 relationship to the amount of silver in the solution. A reference color
code allows determination of the approximate concentration of
1356 silver in the solution; or an equivalent test determining this
concentration.

1358 *Sludge* shall mean the accumulated solids or residuals that
separate from liquids or water during chemical treatment,
1360 coagulation, flocculation, sedimentation, flotation, ~~or~~ ~~or~~ biological
oxidation of wastes or wastewater at a pretreatment or treatment
facility. Refer to biosolids or residuals.

1362 *Slug (accidental) discharge control plan* shall mean detailed
plans showing facilities and operating procedures to provide control
1364 of slug (accidental) discharges.

1366 *Slug discharge* or *slug* shall mean any discharge of a
nonroutine or episodic nature, such that the concentration of any
1368 given constituent in the flow or the volume of the flow exceeds more
than five (5) times the average 24-hour ~~twenty-four hour~~
1370 concentration for that constituent or quantity of flow during normal
operation. Furthermore, such discharge could cause a violation of
1372 the prohibited discharge standards or local limits set forth in this
article, ~~or~~ to the extent that the discharge interferes with the
1374 operation of the collection system or treatment works ~~or~~ ~~or~~ the reuse
or disposal of the effluent or residuals.

1376 ~~*Slug (accidental) discharge control plan* shall mean detailed~~
~~plans showing facilities and operating procedures to provide control~~
~~of slug (accidental) discharges.~~

1378 *Source control or reduction* shall mean control of the
introduction or reducing the amount of pollutants that enter a waste
1380 stream ~~wastestream~~ at the point of production or their origins. Refer
to pollution prevention.

1382 *Spill containment plan (SCP)* shall mean detailed plans,
prepared by the user, showing facilities and operating procedures to
1384 prevent and to provide protection from spills, including
containment, rapid response, ~~and~~ ~~and~~ clean-up.

1386 *Spill prevention (accidental discharge) and control plan*
shall mean a plan prepared by a user to minimize the likelihood of a
1388 spill and to expedite control and clean-up ~~cleanup~~ activities should
a spill occur. Refer to pollution prevention plan.

1390 *Split sample* shall mean a portion of a collected sample given
1392 to the industry or to another agency for the purpose of verifying or
comparing laboratory results.

1394 *Standard methods* shall mean the current edition of
"Standard Methods for the Examination of Water and Wastewater,"
1396 as published jointly from time to time by the American Public
Health Association, Water Environment Federation, ~~and~~ and
1398 American Water Works Association. The reference is a
compendium of generally recognized and approved analytical
protocols for constituents in domestic and industrial wastewaters.

1400 *State* shall mean the State of Florida.

1402 *Stormwater* shall mean any flow that occurs during or
following any form of natural precipitation, and resulting therefrom.

1404 *Stormwater system or storm drain* (~~sometimes termed or~~
"storm sewer") shall mean a collection system or sewer ~~that which~~
1406 conveys storm and surface waters and drainage ~~but, but~~ excludes
sewage and industrial wastes, other than noncontact cooling water,
to a treatment/disposal facility.

1408 *Surcharge* shall mean a charge to a user for the discharge of
1410 abnormally high strength, compatible pollutants to the county
wastewater system above the standards or criteria set forth in this
1412 article. The charge is based on the loading of a ~~particular~~ pollutant
in pounds ~~and; and~~ and is levied in addition to the regular wastewater
service charges or fees.

1414 ~~*Surcharging of the sanitary sewer* shall mean the sewer is~~
1416 ~~receiving more wastewater or sewage than its full flowing hydraulic~~
~~capacity which results in manhole water levels above the top of the~~
~~sewer pipe.~~

1418 *Surface water(s) ~~waters~~* shall mean any water course,
1420 stream, river, lake, lagoon, or other geological feature that contains
water on the surface of the earth, whether contained in bounds
created naturally, artificially, ~~or or~~ diffused.

1422 *Suspended solids or total suspended solids (TSS)* shall mean
1424 the matter that either floats on the surface of, or is in suspension in
water, wastewater, ~~or or~~ other liquids, and ~~that which~~ is removable
by various filtering and settling techniques in accordance with EPA
1426 protocols or Standard Methods, current edition.

1428 *Technical review criteria (TRC)* shall mean violations in
which ~~thirty three~~ (33) percent or more of all of the wastewater
1430 measurements taken for the same pollutant parameter during any
consecutive six-month period equals or exceeds the product of the
1432 numeric pretreatment standard, limit, ~~or requirement, or requirement~~
including instantaneous limits, as defined by 40 CFR ~~§ Part~~

1434 403.3(1), ~~Chapter I, Subchapter N~~, multiplied by the applicable
1436 TRC: (TRC = 1.4 for BOD, TSS, total oil and grease, ~~and and~~ 1.2
for all other pollutants except pH), in accordance with 40 CFR ~~§ Part~~
403.8(f)(2)(viii)(B), ~~Chapter I, Subchapter N and chapter~~ Chapter
62-625, F.A.C.

1438 ~~Time proportional composite sample shall mean a mixture~~
of discrete, equal volume, grab samples taken at different times at
1440 the same location. The time interval is proportional to the flow
volume or rate.

1442 ~~Total dissolved solids (TDS) shall mean the portion of solids~~
that passes through a filter of 2.0 micrometers (or smaller) nominal
1444 pore size under specified conditions as measured by the procedures
in EPA's "Methods for the Chemical Analysis of Water and
1446 Wastes", or "Standard Methods", current edition.

1448 ~~Total kjeldahl nitrogen (TKN) shall mean the analytical~~
quantity of organic nitrogen and ammonia that is determined
together and is equal to the sum of the concentration of ammonia
1450 and organically bound nitrogen in the tri-negative oxidation state in
accordance with protocols in EPA's "Methods for the Chemical
1452 Analysis of Water and Wastes", current edition.

1454 ~~Total metals (TM) shall mean the sum of the concentration~~
of copper, nickel, total chromium, ~~and and~~ zinc. If the concentration
of a pollutant is below the detection limit, then one-half ($\frac{1}{2}$) of that
1456 value shall be used in this determination.

1458 ~~Total nitrogen (TN) shall mean the sum of the concentrations~~
of the various forms of nitrogen, including the components of TKN,
nitrite, ~~and and~~ nitrates as measured by the procedures in EPA's
1460 "Methods for the Chemical Analysis of Water and Wastes", current
edition.

1462 ~~Total phosphorus (TP) shall mean the sum of the~~
concentrations of the various forms of phosphorus, including
orthophosphate, condensed phosphates, ~~and and~~ organically bound
1464 phosphorus as measured by the procedures in EPA's "Methods for
the Chemical Analysis of Water and Wastes" or "Standard
1466 Methods", current edition.

1468 ~~Total recoverable petroleum hydrocarbons (TRPH) shall~~
mean the quantity of those substances as determined by EPA
Method 418.1 or as amended by EPA; that is, organic compounds
1470 ~~that contain~~ containing less than twenty (20) carbon atoms and are
extractable into an organic liquid.
1472

1474 ~~Total toxic organics (TTO) shall mean the sum of all~~
quantifiable concentrations greater than 0.01 milligrams per liter of
specific toxic organics listed in 40 CFR Part 413.02(i), Chapter I,

Subchapter N and 40 CFR Part 122, (Appendix D, Table II, III, IV, and V), Chapter I, Subchapter N, as amended from time to time, as measured by procedures in “Methods for the Chemical Analysis of Water and Wastes” or “Standard Methods”, current edition, or with other approved EPA protocols.

~~Toxic organics management plan (TOMP) shall mean a strategy for keeping track of all solvents delivered to a site, their storage, use and disposal. This includes keeping spent solvents segregated from process wastewaters to maximize the value of the recoverable solvents, to avoid contamination of other segregated wastes, and to prevent the discharge of toxic organics to the county’s POTW or WWF or the environment. The plan should address the control of spills and leaks and also ensure that there is no deliberate dumping of solvents.~~

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(s) of section 307(a) of the Clean Water Act, Section 307(a), as amended from time to time, or other federal or state acts.

~~Toxicant shall mean a substance that kills or injures an organism through its chemical or physical action or by alteration of its environment. Examples include cyanides, phenols, pesticides and heavy metals.~~

Transporter shall mean a user or hauler who conveys wastes from the site of generation in a tank truck or rail car to an approved facility or location for treatment, disposal, or ~~or~~ reuse (recycling). The transporter is responsible for complying with applicable federal, state, and ~~and~~ local regulations regarding transportation of the produced wastes.

~~Turbidity shall mean a condition in water or wastewater caused by the presence of suspended matter, resulting in the scattering and absorption of light rays. Also, a measure of fine suspended matter in liquids; usually reported in arbitrary turbidity units determined by measurements of light diffraction.~~

~~Twenty four hour flow proportional composite sample shall mean a mixture of discrete sample aliquots that are collected during a twenty four hour period in which the portions are proportional to the flow, taken at constant time intervals, and combined to form a representative sample.~~

Under-the-sink oil and grease trap shall mean a device that is designed for a flow of less than fifty (50) gallons per minute (gpm) that is installed inside the building beneath or in close proximity to the sink or other facilities likely to discharge oil and grease from

1520 animal or vegetable sources in an attempt to separate, trap, ~~or~~
1521 store these ~~fat-soluble~~ ~~fat-soluble~~ substances and prevent their entry
1522 into the collection system.

1522 *Unpolluted water* shall mean water to which no constituent
1523 has been added, either intentionally or accidentally, ~~that~~ ~~which~~
1524 would render such water unacceptable to any person having
1525 jurisdiction thereof for disposal to ~~storm~~, ~~storm~~ or natural drainages
1526 ~~or~~, ~~or~~ directly to surface waters.

1527 ~~*Unregulated wastestream* shall mean a wastestream that is~~
1528 ~~neither regulated by a national categorical pretreatment standard nor~~
1529 ~~considered a dilute wastestream.~~

1530 *Upset* shall mean an exceptional incident in which there is
1531 unintentional and temporary noncompliance with applicable
1532 national categorical pretreatment standards because of factors
1533 beyond the reasonable control of the user. An upset does not include
1534 temporary noncompliance to the extent caused by, but not limited
1535 to, operational error, improperly designed or inadequate treatment
1536 facilities, lack of preventive maintenance, ~~or~~ ~~or~~ careless or improper
1537 operation as described in 40 CFR § 403.16(a) and rule Chapter 62-
1538 625.840, F.A.C.

1539 *User* shall mean a source of indirect discharge to the
1540 county's WWF; that is, any person who contributes, causes, ~~or~~ ~~or~~
1541 permits the contribution of sewage or wastewater into the county's
1542 POTW or WWF. Notwithstanding the language in this definition,
1543 waste haulers shall be included under the definitions for "user" and
1544 "transporter."

1545 *Waste hauler.* Refer to transporter ~~"Transporter"~~ and user.
1546 ~~"User."~~

1547 *Waste hauler operating permit* shall mean the permit issued
1548 to waste haulers for the disposal of hauled waste to the WRF and/or
1549 service (remove wastes from or maintain) of oil and grease
1550 interceptors, oil and grease traps, pump stations, oil and water
1551 separators, or sand interceptors/traps that discharge to the county's
1552 POTW or WWF, as set forth in section 37-739 of this article.

1553 *Waste minimization* shall mean the reduction of pollutants or
1554 wastes after their generation and prior to discharge. Refer to
1555 pollution prevention and source control.

1556 *Wastewater* shall mean a combination of the water-carried
1557 wastes from residences, commercial buildings, institutions,
1558 industrial establishments, and other customers of the liquid and
1559 water-carried industrial or domestic wastes from dwellings,
1560 commercial buildings, industrial facilities, mobile sources,
treatment facilities, and institutions or other sources, together with

1562 ~~any ground water, surface water and storm water that may be~~
1564 ~~present, whether treated or untreated, which are discharged to or~~
~~permitted to enter the county wastewater system. Refer to sewage.~~

1566 *Wastewater constituents and characteristics* shall mean the
individual chemical, physical, bacteriological, and radiological
1568 parameters, including volume, ~~and~~ flow rate, ~~and~~ and such other
parameters that serve to define, classify or measure the contents,
quality, quantity, ~~and~~ and strength of wastewater.

1570 *Wastewater Discharge and Industrial Pretreatment*
1572 *Standards Technical Manual* shall mean the document prepared by
the county, and periodically modified by the director as needed, that
1574 provides guidance in the implementation of and compliance with
this article.

1576 *Wastewater facility (WWF)* shall mean any or all of the
following: the entire county sewerage system or POTW; ~~the, the~~
1578 county's wastewater treatment plant or WRF, the county's reuse and
disposal system, including any sewers that convey wastewater to the
1580 county's wastewater treatment plant or WRF, to the county POTW
or WWF from persons outside the county utility service area ~~Orange~~
~~County POTW or WWF~~ who are, by contract or agreement with the
1582 county, users of the county POTW or WWF and as defined in rule
~~Chapter~~ 62-625.200(24), F.A.C.

1584 *Wastewater treatment plant* shall mean an arrangement of
devices, equipment, processes and structures for treating domestic
1586 and industrial wastes by removing pollutants from the flow stream.
~~flowstream~~. Refer to water reclamation facility.

1588 ~~*Watercourse* shall mean an artificially created or naturally~~
~~occurring geological feature (channel) in which a flow of surface~~
1590 ~~water occurs, either continuously or intermittently.~~

1592 ~~*Water management division director* shall mean the director~~
~~of the water management division within the EPA, Region IV—~~
~~Atlanta, or that person's delegated representative.~~

1594 *Water reclamation facility (WRF)* shall mean that portion of
the county wastewater system that ~~which~~ is designed to provide
1596 treatment of sewage or wastewater (domestic and industrial wastes)
to a level such that the discharge meets the criteria and, ~~and~~ state
1598 and local standards for reuse or recycling.

1600 *Waters of the state* shall mean any surface or ground water
located within the boundaries of the state as defined in F.S.
1602 § 403.031, or chapter ~~Chapter~~ 62-302, F.A.C., or elsewhere in
chapter ~~Chapter~~ 62, F.A.C.

{(b) Abbreviations and undefined terms.}

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

~~BCC - Board of county commissioners~~
BMP - Best management ~~plan or~~ practice
BMPP - Best management practices plan
BMR - Baseline monitoring report
BOD - Biochemical oxygen demand
°C - Degrees Celsius or centigrade
CBOD - Carbonaceous biochemical oxygen demand
CFR - Code of Federal Regulations
COD - Chemical oxygen demand
CIU - Categorical industrial user
DO - Dissolved oxygen
EPA - U.S. Environmental Protection Agency
ERC - Equivalent residential connection
ERU - Equivalent residential unit
°F - Degrees Fahrenheit
F.A.C. - Florida Administrative Code
FDEP - Florida Department of Environmental Protection
FDOH - Florida Department of Health
F.S. - Florida Statutes
gpd - gallons per day
L - Liter
LEL - Lower explosive limit
MAS - Maintenance access structure
mg/L - milligrams per liter
MGD - million gallons per day
MSDS - Material safety data sheet
NAICS - North American Industry Classification System
NOSNC - Notice of significant noncompliance
NOV - Notice of violation

1638 NPDES - National Pollutant Discharge Elimination System

O&G - Oil and grease

1640 O&M – Operation and maintenance

OGPP - Oil and Grease Prevention Program

1642 POTW - Publicly owned treatment works

PPM - Parts per million

1644 RCRA - Resource Conservation and Recovery Act

SIU - Significant industrial user

1646 SNC - Significant noncompliance

SWDA - Solid Waste Disposal Act

1648 TDS - Total dissolved solids

TKN - Total kjeldahl nitrogen

1650 TN - Total nitrogen

TOMP - Toxic Organics Management Plan

1652 TRPH - Total recoverable petroleum hydrocarbons

TSS - Total suspended solids

1654 TTO - Total toxic organics

U.S.C. - United States Code

1656 WRF - Water reclamation facility

WWF - Wastewater facility

1658 (2) Terms not otherwise defined herein shall be as set forth in Title 40 CFR, ~~chapter~~ Chapter 62, F.A.C., or as adopted in the latest edition of “Standard Methods for the Examination of Water and ~~Wastewater~~ Waste water” published by American Public Health Association, the American Water Works Association, and ~~and~~ the Water Environment Federation; the Manual of Practices as researched and published by the Water Environment Federation, American Society of Civil Engineers (ASCE) and the American Society of Testing Materials (ASTM); applicable building and plumbing codes; and the guidance manuals ~~Guidance Manuals~~ and protocols that have been prepared and published by ~~the U.S. Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (FDEP).~~

Sec. 37-704. Administration.

1672 (a) Except as otherwise provided herein, the director of utilities or the director’s designee shall administer, implement, and

1674 ~~and~~ enforce the provisions of this article. Any powers granted to or
1676 duties imposed upon the director may be delegated by the director
to other county personnel.

1678 (b) Notwithstanding any provisions or sections of this
1680 article to the contrary, the county reserves the absolute right, to deny
1682 or condition new or increased contributions of pollutants, or changes
1684 in the nature of pollutants, to the county wastewater system by
1686 industrial users where such contributions do not meet applicable
pretreatment standards and requirements, ~~or~~ where such
contributions would cause the county wastewater system to violate
any state, FDEP, NPDES, ~~NPDES~~ or federal permit ~~permits~~ or
diminish the county's ability to reclaim and reuse the discharge from
the county's treatment facilities.

1688 (c) No statement in this article shall be construed as
1690 preventing any special agreement or arrangement between the
1692 county and any industrial concern whereby an industrial waste of
1694 unusual strength or character may be accepted by the county for
1696 treatment, subject to prior approval by the county and special
payment therefore, ~~by~~ by the industrial concern; provided, however,
that at no time will the county be asked to accept or must the county
accept such discharges that, in the director's or county's sole
judgment would violate any federal, state, ~~or~~ local pretreatment
standards.

Sec. 37-705. Right of entry and easement access.

1698 (a) The director and other duly authorized personnel or
1700 staff of the county bearing proper credentials and identification shall
1702 have the right to enter the premises of any user without prior notice
1704 for the purposes of inspection, observation, measurement, sampling,
1706 and ~~and~~ testing in full accordance with the provisions of this article.
This inspection, observation, measurement, sampling, and ~~and~~
testing by the director or other duly authorized county personnel or
staff is hereby made a condition to the issuance of all industrial
wastewater discharge permits granted hereunder.

1708 (b) Duly authorized personnel or staff of the county
1710 bearing proper credentials and identification shall be permitted to
1712 enter all private properties through which the county holds a duly
1714 negotiated easement, or which property holds an industrial
1716 wastewater discharge permit, or to which the county provides
wastewater treatment services, for the purposes of, but not limited
to, inspection, observation, gauging, measurement, sampling, repair,
and ~~and~~ maintenance of any portion of the sewage works lying
within the easement. Any subsequent work, if any, within the
easement, shall be done in full accordance with the terms of the duly
negotiated easement pertaining to the private property involved.

1718 **Sec. 37-706. Confidential information.**

1720 Pursuant to the requirements set forth in ~~F.S.~~ ch. 119, F.S.
1722 (the "Public Records Act", as may be amended from time to time),
1724 information and data on a user obtained from reports, surveys,
1726 industrial wastewater discharge permit applications, waste hauler
1728 operating permit applications, industrial wastewater discharge
1730 permits, ~~and and~~ monitoring programs, waste hauler operating
1732 permits, information from the director's inspection and sampling
1734 activities, ~~and and~~ waste disposal manifests, shall be available to the
1736 public without restriction, unless the user specifically requests, and
1738 is able to demonstrate to the satisfaction of the director, that the
1740 release of such information would divulge information, processes,
1742 or methods of production entitled to protection as trade secrets under
1744 applicable federal or state laws. Any such request must be asserted
1746 at the time of submission of the information or data. When requested
1748 and demonstrated by the user furnishing a report that such
1750 information should be held confidential, the portions of a report that
~~which~~ might disclose trade secrets or secret processes shall not be
made available for inspection by the public for a reasonable period
~~of time~~, during that ~~which~~ time the user may seek a judicial
determination that any such information is exempt from disclosure
pursuant to Florida's Public Records Act. Notwithstanding the
foregoing, any such information shall be made available
immediately upon request to governmental agencies for uses related
to this article, the county NPDES program, county pretreatment
program, county ~~oil and grease prevention program (OGPP)~~, county
surcharge program, ~~or or~~ in enforcement proceedings and judicial
review involving the person furnishing the report. Wastewater
constituents and characteristics, and other "effluent data" as defined
by 40 CFR ~~§ Part~~ 2.302, ~~Chapter I, Subchapter A~~, shall not be
recognized as confidential information and will be made available
to the public without restriction.

1750 **Sec. 37-707. Safety rules; liability of county for property damage.**

1752 ~~Safety rules.~~ While performing the necessary work on
1754 private properties referenced in section 37-705, duly authorized
1756 county personnel or staff shall observe all safety rules applicable to
the premises as established by the person in charge thereof and, if
the property is unattended, shall leave the property as secure as when
county officials arrived to perform the necessary work.

1758 **Sec. 37-708. Enactment of rules and regulations.**

1760 The ~~BCC board of county commissioners~~ may enact
reasonable rules and regulations, including the creation of advisory
boards and commissions, to implement and carry out the provisions

of this article, including a hearing examiner to hear appeals from determinations of the director or staff. Any rules and regulations pertaining to public and private sewer regulations of the county that ~~which the BCC board of county commissioners~~ may have created or enacted prior to the effective date of this article, by county resolution or otherwise, that are not in conflict with this ordinance are hereby declared to be unaffected by the adoption of this ordinance and remain in effect until specifically amended or repealed.

Sec. 37-709. Fees.

(a) This article shall authorize establishment or enactment of reasonable fees for the reimbursement of costs by users of the county WWF for the implementation of the programs established herein. The applicable charges or fees may be adopted by county resolution adopted by the BCC ~~board of county commissioners~~ from time to time in accordance with applicable law.

(b) Charges and fees that the BCC ~~board of county commissioners~~ may adopt by county resolution, include, but may not be limited to:

(1) Fees for reimbursement of costs for implementation and enforcement of the county's pretreatment program, surcharge program, OGPP, hauled wastewater program, and BMP ~~best management~~ programs by designated users;

(2) Fees for compliance monitoring, facility inspections, responding to accidental or slug discharges, and ~~and~~ surveillance activities;

(3) Fees for reviewing BMPs, pollution prevention plans, slug (accidental) discharge control plans, spill prevention and control plans, waste minimization plans, or ~~or~~ facility construction plans;

(4) Fees for permit applications, including reviews;

(5) Fees for permit issuance or renewal;

(6) Fees for filing appeals;

(7) Fees for sample collection and laboratory analyses;

(8) Fees or surcharges for treatment of abnormally high strength compatible wastes;

(9) Fees for acceptance and treatment of hauled wastes;

(10) Fees for consistent removal by the county of pollutants otherwise subject to federal pretreatment standards; and

(11) Other fees as the county may deem necessary to carry out the requirements contained in this article. The fees above relate solely to the matters covered by this article and are separate from all other fees, fines, and penalties chargeable by the county.

~~The These~~ fees authorized here are separate and in addition to all other fees, fines, penalties, ~~or~~ or uniform wastewater rate schedules as adopted by the ~~BCC board of county commissioners~~ in other rate resolutions and ordinances.

Secs. 37-710—37-720. Reserved.

Section 3. Amendments to Article XX, Chapter 37, Division 2, Private Wastewater Collection Systems Connected to the County's WWF. Article XX, Chapter 37, Division 2, of the Orange County Code is amended to read as follows:

DIVISION 2

PRIVATE WASTEWATER COLLECTION SYSTEMS CONNECTED TO THE COUNTY'S WWF

Sec. 37-721. Private wastewater collection systems connected to the county's WWF.

(a) Any construction, reconstruction, enlargement, modification, ~~or~~ or improvement of a private wastewater collection system that is or is intended to be connected to the county's wastewater system shall be in accordance with article I ~~and~~, article XX, of this chapter, and all other applicable provisions of this chapter.

(b) All discharges to the county's wastewater system shall be in accordance with all provisions of this article.

(c) The property owner shall operate and maintain the private wastewater collection system in a sanitary and effective manner at all times, and at no expense to the county.

(d) A private wastewater collection system shall be maintained, at no cost to the county, so as to preclude the entrance of excessive amounts of infiltration and inflow. Should it be determined by the director that excessive amounts of infiltration/inflow are entering the county wastewater system from a private wastewater collection system, the owner shall be responsible for determining the cause(s) and for making all necessary repairs to the system, at no cost to the county and to the

1842 director's satisfaction. All work shall be done by a contractor
1844 experienced in sewer rehabilitation work. Additional integrity tests
1846 shall be performed by the owner at no cost to the county as deemed
1848 necessary by the director to certify the integrity and operation of the
1850 private wastewater collection system. No person shall make
1852 connection of roof ~~downspouts, downspouts~~, exterior foundation
drains, areaway drains, or other sources of surface water runoff or
groundwater to a building drain or sewer lateral ~~that-which~~ in turn
is connected directly or indirectly to the county wastewater system,
unless such connection has been approved previously in writing by
the director.

1854 (e) The county shall have the right to inspect all private
1856 wastewater collection systems and appurtenances, and to cause
1858 discontinuance of county wastewater service if the private
wastewater collection system is not maintained in a sanitary and
effective operating condition or if the county wastewater system
may be harmed thereby.

1860 (f) The owner of a private wastewater collection system
1862 shall be responsible for notifying ~~the Florida Department of~~
~~Environmental Protection~~ FDEP within the required time frames if
~~in the event that~~ a sewage overflow or spill occurs within the
owner's private wastewater collection system. The owner of a
1864 private wastewater collection system shall be responsible for
1866 notifying the Orange County Environmental Protection Division
and the Orange County Utilities Department within 24-hours
~~twenty-four (24) hours~~ from the time the sewage overflow or spill
1868 was first identified from the owner's private wastewater collection
system. The owner shall take whatever measures are necessary to
1870 protect the public health and the environment from contamination
due to the sewage overflow. The owner shall clean-up ~~clean-up~~
1872 overflows or spills as soon as possible after discovery in accordance
1874 with all applicable local and state regulations, and at no cost to the
county.

Secs. 37-722—37-734. Reserved.

Section 4. Amendments to Article XX, Chapter 37, Division 3, Pretreatment of

1878 ***Wastewater.*** Article XX, Chapter 37, Division 3, of the Orange County Code is amended to read
as follows:

DIVISION 3

PRETREATMENT OF WASTEWATER

Sec. 37-735. Prohibited discharge standards.

(a) This section establishes limitations and prohibitions on the quantity and quality of sewage or wastewater ~~that which~~ may be lawfully discharged into the county WWF or any of its ~~publicly~~ publicly owned treatment works. Pretreatment of some sewage discharges may be required to achieve the goals established by this article and the Act. The specific limitations set forth herein, and other prohibitions and limitations of this article, are subject to change as necessary to enable the county to provide efficient wastewater treatment, to protect the public health and the environment, and to enable the county to meet the requirements contained in the pretreatment regulations, ~~and~~ and various federal and state permits.

(1) General prohibitions.

a. Industrial users shall not input any pollutant to a wastewater treatment facility that can cause pass through or interference, pursuant to rule ~~No user shall introduce or cause to be introduced into the county wastewater system any pollutant or wastewater which causes pass through, process interference or facility upset in accordance with Chapter 62-625.400(1)(a) and (3)(a), F.A.C.~~ The general prohibitions shall apply to all users of the county wastewater system whether ~~or not~~ they are subject to categorical pretreatment standards or any other federal, state, or ~~or~~ local pretreatment standards or requirements.

b. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated or noncontact cooling water, swimming pool drainage, or ~~or~~ unpolluted industrial process waters to any sanitary sewer. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface water runoff or groundwater to a building drain or sewer lateral ~~that which~~ in turn is connected directly or indirectly to the county wastewater system, unless such connection has been approved previously in writing by the director. Users shall properly maintain building drains, wastewater laterals, and ~~and~~ mains located on private property to prevent the discharge of any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated or noncontact cooling water, swimming pool drainage, or ~~or~~ unpolluted industrial process waters to any sanitary sewer. Commercial swimming pool filter backwash discharge may be discharged to the sanitary sewer upon director

1924 approval and sufficient pretreatment as needed to meet county local limits.

1926 c. No person shall discharge into any
1928 stormwater system or natural outlet within the county any sanitary
sewage, industrial wastes, ~~or~~ other polluted waters, except where
suitable treatment has been provided in accordance with the
provisions of this article.

1930 d. Stormwater, other unpolluted
1932 drainage, noncontact (uncontaminated) cooling water, ~~or~~ other
unpolluted waters may be discharged to a specifically designated
1934 stormwater system or natural outlet with prior written approval of
the director, and in accordance with applicable county ordinances
and other local and state regulations.

1936 (2) *Specific prohibitions.* No person or user shall
1938 discharge or cause to be discharged substances, materials, waters, ~~or~~
~~or~~ wastes if it appears likely, in the opinion of the director, that such
1940 wastes can harm any component of the county WWF, ~~or~~ ~~or~~ have an
adverse effect on the receiving stream, effluent disposal facilities,
1942 reclaimed water systems, sludge facilities; or can otherwise
endanger life, limb, public property, ~~or~~ ~~or~~ constitute a nuisance in
accordance with ~~rule~~ ~~Chapter~~ 62-625.400, F.A.C. In forming his ~~or~~
1944 ~~her~~ opinion as to the acceptability of these wastes, the director will
give consideration to such factors as the quantities of subject wastes;
1946 quantities of subject wastes in relation to the flows and velocities in
the sewers; ~~materials,~~ ~~materials~~ of construction or current condition
1948 or age of the sewers; ~~nature,~~ ~~nature~~ of the sewage treatment
processes; ~~capacity,~~ ~~capacity~~ of the wastewater treatment plant;
1950 ~~degree,~~ ~~degree~~ of treatability of the wastes by the county WWF; ~~and,~~
~~and~~ other pertinent factors. Specific prohibited wastes or substances
1952 ~~that which~~ shall not be discharged, introduced, ~~or~~ ~~or~~ contributed by
a user to the county WWF include:

1954 a. Any liquids, solids, ~~or~~ ~~or~~ wastes ~~that,~~
1956 ~~which,~~ by reason of their nature or quantity are, or may be, either
alone or in combination with other substances, sufficient to cause a
1958 fire or explosion or be injurious in any other way to the county
wastewater system or to the operation of said system. At no time
shall two (2)-successive readings on an explosion hazard meter at
1960 the point of discharge into the system, or at any point in the county
collection system, be more than five (5)-percent, nor any single
1962 reading over ~~ten~~ (10) percent of the ~~lower explosive limit (LEL)~~ as
calibrated using propane for ~~one hundred~~ (100) percent of the meter.

1964 b. Pollutants ~~that which~~ create a fire or
1966 explosion hazard in the county WWF, either singly or in
combination with other substances, with a closed-cup flashpoint of

1968 less than ~~one hundred forty (140) degrees Fahrenheit (°F) or sixty (60) degrees Celsius (°C)~~ using the test method set forth in 40 CFR § Part 261.21, Chapter I, Subchapter I, Subpart C, or as amended.

1970 c. Pollutants in a concentration or
1972 quantity, either singly or in combination with other wastes, ~~that~~
~~which~~ produce in the county wastewater system toxic gases, vapors,
1974 or fumes, ~~such as naphtha or fumes; such as, naphtha,~~ benzene,
toluene, xylene, ethers, alcohols, solvents, ketones, aldehydes,
1976 peroxides, chlorates, perchlorates, bromates, carbides, hydrides, ~~and~~
~~sulfides; and sulfides,~~ that singly or in combination with other
1978 substances, ~~create~~ create a fire or other hazards to the county
wastewater system; ~~or, or~~ can cause ~~causes~~ acute worker health and
safety problems.

1980 d. Any solid or viscous substances in
1982 quantities or of such size ~~that~~ which may cause obstruction to the
flow in a sewer or other interference with the proper operation of the
1984 wastewater treatment facilities, including, but not limited to:
greases; garbage; animal guts or tissues; paunch manure; bones;
hair; hides; flesh materials; entrails; whole blood; feathers; spent
lime; grit; gravel; stone or marble dust; ashes; cinders; sand; metal;
glass; straw; shavings; grass clippings; rags; spent grains; spent
hops; wastepaper; ground paper products; wood; plastics; tar,
asphalt residues; residues from refining or processing of fuel;
lubricating oil; car wash recirculation sludge; mud or glass
grinding(s); polishing wastes; and paper or plastic dishes, cups, or
containers, either whole or ground by a garbage grinder—greases,
garbage, animal guts or tissues, paunch manure, bones, hair, hides,
flesh materials, entrails, whole blood, feathers, spent lime, grit,
gravel, stone or marble dust, ashes, cinders, sand, metal, glass,
straw, shavings, grass clippings, rags, spent grains, spent hops,
wastepaper, ground paper products, wood, plastics, tar, asphalt
residues, residues from refining, or processing of fuel, lubricating
oil, car wash recirculation sludge, mud or glass grinding(s),
polishing wastes, paper or plastic dishes, cups, containers, either
whole or ground by a garbage grinder.

2002 e. Any wastewater having a pH lower
2004 than the county's lower pH local limit specified in and established
by county resolution, or higher than the county's upper pH local
2006 limit specified in and established by county resolution, or otherwise
capable of causing corrosive damage to structures or equipment, or
2008 creating safety or health hazards to county personnel or the general
public.

2010 f. Any sewage or wastewater containing
toxic pollutants in sufficient quantity, either singly, ~~or~~ or in
combination, ~~with~~ with other pollutants, to injure or interfere with

any wastewater treatment process; ~~constitute, constitute~~ a hazard to humans or animals; ~~create, create~~ a toxic effect in the receiving waters of the county wastewater system, reclaimed water, ~~or or~~ system; ~~or or~~ to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to ~~Section section~~ 307(a) of the Act, or as amended.

g. Any noxious or malodorous liquids, gases, ~~or or~~ solids ~~that which~~, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

h. Any substances ~~that which~~ may cause the discharge from any county treatment facility or any other product of the county wastewater system, such as residues, screenings, sludges, or scums, to be unsuitable for reclamation and reuse, or to interfere with the reclamation and reuse program(s). In no case shall a substance be discharged to the county wastewater system ~~that causes which cause~~ the county wastewater system to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under ~~Section section~~ 405 of the Act; ~~and~~ any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the ~~Solid Waste Disposal Act (SWDA)~~, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method that the county may employ.

i. Any substance ~~that which~~ will cause the county wastewater system to violate its NPDES, FDEP, ~~or or~~ other applicable permits, the receiving water quality standards, reclaimed water quality requirements, or ~~violate~~ an agreement for delivery and reuse of reclaimed water.

j. Any pollutants or wastewaters ~~that which~~ impart excessive discoloration that ~~cannot can not~~ be removed sufficiently in the treatment process to prevent violation of applicable standards for effluent disposal or reuse; ~~such such~~ as, but not limited to, dye wastes and vegetable tanning solutions.

k. Any sewage or wastewater having a temperature ~~that which~~ will inhibit biological activity at the county treatment facility resulting in interference; but in no case shall the user discharge wastes in such quantities that the temperature of the influent at the headworks shall be in excess of ~~one hundred degrees Fahrenheit (100° F)~~. No user shall discharge into any public sanitary sewer wastes with a temperature in excess of ~~one hundred forty~~

degrees Fahrenheit (140° F), unless a higher temperature is allowed
in the industrial wastewater discharge permit.

l. Any waters or wastes containing fats, wax, grease, vegetable oils, products of mineral oil origin, or petroleum-based-based oils and greases, whether emulsified or not, in excess of the total oil and grease local limit established by county resolution or containing substances ~~that~~ which may solidify or become viscous at temperatures between ~~thirty-two (32°F)~~ and ~~one hundred (100) degrees Fahrenheit (°F)~~. Exceedances of the total oil and grease county local limit established by county resolution shall be considered as a violation, and the user may be subject to enforcement action and ~~high-strength-strength~~ surcharges.

m. Any garbage that has not been properly shredded.

n. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.

o. Any waters or wastes containing phenols or other tastes or odor-producing-producing substances, ~~in~~ in such concentrations ~~that~~ that after treatment of the composite sewage, the discharge from the county wastewater system fails to meet the requirements of the federal, state, ~~or~~ or other public agencies with jurisdiction for such discharge to the waters of the state or nation.

p. Any radioactive wastes or isotopes, except in compliance with applicable federal and state regulations, and the limits that may be established by the director.

q. Any pollutants, including oxygen-demanding-demanding pollutants, such as CBOD and COD, released at a flow rate and/or pollutant concentration, either singly or in combination or by interaction with other pollutants, ~~that~~ which will cause pass through or interference to the county wastewater system. In no case shall a slug load be discharged to the county's wastewater system.

r. Inert suspended solids, such as, but not limited to, Fuller's earth, spent lime, lime slurries and residues, and stone or marble dust; or dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate.

s. Wastes or compatible pollutants, such as CBOD, TKN, TP, COD, TSS, ~~or~~ or chlorine-demanding-demanding compounds, ~~in~~ in such quantities or volumes of flow, such as slug discharges, as to constitute a significant loading on the county's wastewater treatment facilities.

098 t. Any waters or wastes containing
2100 products of mineral oil origin, or petroleum products, such as oil,
2102 gasoline, diesel fuel, aviation fuel, kerosene, cutting oil, mineral
spirits, ~~or~~ other petroleum hydrocarbon products, in quantities
that will cause interference, pass through, ~~or~~ facility upset.

2104 u. Transported or hauled wastewater or
wastes, except at discharge locations so designated by the director
in accordance with the provisions of this article.

2106 v. Medical, biological, pharmaceutical,
2108 or biohazardous wastes, except as specifically approved by the
director in writing or an industrial wastewater discharge permit.

2110 w. Biosolids, sludges, screenings, ~~or~~
2112 other residues, including, but not limited to, car wash sludge, catch
basin residual, lint trap solids, ~~and~~ and other similar waste from
pretreatment or other industrial waste facilities.

2114 x. Any waters, wastes, ~~or~~ pollutants
2116 singly or in conjunction with other sources that may cause the
discharge from the county's wastewater treatment facilities to fail a
toxicity test.

2118 y. Detergents, surface active agents, ~~or~~
~~or~~ other nonbiodegradable substances ~~that~~ ~~which~~ can cause
excessive foaming in the county wastewater system.

2120 z. Stormwater, surface water,
2122 groundwater, well water, roof drainage, subsurface drainage,
swimming pool drainage, commercial swimming pool filter
2124 ~~backwash~~ ~~back wash~~ discharge without director approval and
sufficient pretreatment as needed to meet county local limits,
2126 condensate, boiler ~~blowdown~~ ~~blow down~~, noncontact cooling
water, and other unpolluted or uncontaminated water, unless
2128 specifically authorized in writing by the director prior to
commencement of the discharge.

2130 aa. Any enzyme degreasers, chemical
degreasers, emulsifiers, or unauthorized biological microbial
degreasers.

2132 bb. All healthcare facilities, including
2134 very small quantity generators operating under 40 CFR § 262.14 in
lieu of this subpart, and reverse distributors are prohibited from
2136 discharging hazardous waste pharmaceuticals to a sewer system that
passes through to a publicly owned treatment works. Healthcare
2138 facilities and reverse distributors remain subject to the prohibitions
in 40 CFR § 403.5(b)(1).

2140 (3) When the director determines that a user is
contributing to any portion of the county wastewater system any of

the above enumerated prohibited substances in such amounts as to cause pass through, a violation of any applicable permit or contract, or otherwise interfere with the operation of the system, the director shall:

a. Advise the user of the impact of the contribution on the county wastewater system; and

b. Develop effluent (discharge) limitations for such user to correct the interference with or impacts to the county wastewater system.

(4) Pollutants, substances, ~~or~~ wastewater prohibited in this section shall not be processed or stored in such a manner that could be discharged to the county wastewater system.

(5) Users shall notify and obtain written approval from the director, the ~~Environmental Protection Agency (EPA)~~ regional waste management division director and state hazardous waste authorities for discharges to the county WWF, if disposed in another manner, the discharges would be classified as a hazardous waste. Notification by the user shall comply with 40 CFR ~~§ Part~~ 403.12, ~~Chapter I, Subchapter N and rule Chapter~~ 62-625.600, F.A.C., or as amended.

Sec. 37-736. Federal categorical pretreatment standards.

(a) ~~Industrial~~ Certain industrial users that are now ~~or~~ or hereafter, ~~shall become~~ subject to current federal categorical pretreatment standards promulgated by EPA ~~currently in effect~~ shall be subject to; ~~or~~ any other federally approved limits ~~that which~~ that may come into effect in the future. The federal categorical pretreatment standards specify quantities or concentrations of pollutants or pollutant properties ~~that which~~ that may be discharged into the county WWF in accordance with ~~chapter Chapter~~ 62-625, F.A.C. All industrial users subject to a federal categorical pretreatment standard shall comply with all requirements of such standard, and shall also comply with any additional or more stringent limitations referenced in this article and as established by county resolution, compliance with federal categorical pretreatment standards, or for existing sources subject to such standards or for existing sources ~~that which~~ that hereafter become subject to such standards, shall be within three (3) years following promulgation of said standards, unless a shorter compliance is specified in the standard or as required by the county.

(b) Compliance with national pretreatment standards for new sources shall be required upon promulgation of the standard.

(c) The federal categorical pretreatment standards found in 40 CFR ~~Chapter I, Subchapter N, Parts 403 through 471, 471~~ and ~~that which~~ that have been incorporated by reference in chapter

184 ~~Chapter 62-660, F.A.C., or chapter Chapter 62-625, F.A.C., or as~~
2186 ~~amended are;~~ ~~are~~ hereby adopted and incorporated herein by
reference.

2188 (d) All federal categorical pretreatment requirements
2190 found in 40 CFR ~~Parts 403 through 407, Parts 403—471, Chapter I,~~
~~Subchapter N;~~ that are more stringent than the requirements defined
or incorporated by reference in ~~chapter Chapter~~ 62-660, F.A.C., or
~~chapter Chapter~~ 62-625, F.A.C., ~~or as amended~~ are hereby adopted.

2192 (e) Where a federal categorical pretreatment standard is
2194 expressed only in terms of either the mass or the concentration of a
pollutant in wastewater, the director may impose equivalent
2196 concentration or mass limits in accordance with 40 CFR § 403.6(c),
~~Chapter I, Subchapter N and rule Chapter~~ 62-625.410(4), F.A.C., or
as amended.

2198 (f) When wastewater subject to a federal categorical
2200 pretreatment standard is mixed with wastewater not regulated by the
same standard, the director shall determine the applicable alternative
2202 limit using the combined ~~waste stream-wastestream~~ formula in 40
CFR ~~§ Part~~ 403.6(e), ~~Chapter I and Subchapter N and rule Chapter~~
62-625.410(6), F.A.C., or as amended.

2204 (g) A user may obtain a variance from a federal
2206 categorical pretreatment standard if the user can prove, pursuant to
the procedural and substantive provisions in 40 CFR ~~§ Part~~ 403.13,
2208 ~~Chapter I, Subchapter N and rule Chapter~~ 62-625.700, F.A.C., or as
amended, that factors relating to its discharge are fundamentally
2210 different from the factors considered by EPA when developing the
federal categorical pretreatment standard.

2212 (h) A user may obtain a net gross adjustment to a federal
categorical standard in accordance with 40 CFR ~~§ Part~~ 403.15,
~~Chapter I, Subchapter N and rule Chapter~~ 62-625.820, F.A.C.

2214 **Sec. 37-737. County local limits.**

2216 (a) *Intent.* The county's local limits are established ~~by~~
~~county resolution~~ to protect its ~~WRF-WWF~~ against pass through and
2218 interference, ~~and;~~ ~~and~~ to comply with the federal and state
pretreatment regulations in 40 CFR Part 403, ~~Chapter I, Subchapter~~
~~N and chapter Chapter~~ 62-625, F.A.C., respectively, and the
2220 requirements in applicable NPDES and FDEP permits for the county
~~WRF-WWF~~, and the terms and conditions in agreements for the
2222 reuse of reclaimed water and residuals.

2224 (b) ~~No person shall discharge wastewater to the county~~
~~WWF containing pollutants in excess of pretreatment standards and~~
~~requirements, or the local limit established by county resolution and~~
2226 ~~developed using standard procedures, calculations, and methods~~

2228 acceptable to FDEP to protect against pass through, interference,
2230 protection of county POTW or WWF employees, and adverse
2232 effects on wastewater residuals disposal. No industrial user shall
2234 discharge process waste streams, unregulated waste streams, or
2236 dilute waste streams in excess of the concentration set forth by
pretreatment standards, county local limits or pretreatment
requirements. The pretreatment standards, county local limits
established by county resolution and pretreatment requirements
shall be included as permit conditions and attached to each industrial
wastewater discharge permit issued.

(be) County local limits shall be established by county
2238 resolution and the table of local limits currently set forth within this
2240 article will be repealed on the effective date of the initial such
2242 resolution which establishes the new local limits. The established
2244 county local limits are subject to change and shall be modified as
2246 needed based on regulatory requirements and standards, WRF
2248 operation, performance and processes, the industrial user base,
2250 potable water quality, and and domestic wastewater characteristics.
2252 Modifications to the established county local limits must be
2254 reviewed and approved by FDEP prior to implementation. The
2256 director shall inform the regulated community of all proposed
changes to the county's local limits by means of a public workshop
or direct written correspondence to all permitted significant
industrial users (SIUs), prior to making changes to said changes to
the county's local limits and related local limits resolution.
Implementation shall be effective thirty (30) days from notice of
acceptance of the modified limits by FDEP and upon BCC board of
county commissioner's approval of county local limits by county
resolution. Permitted SIUs shall also be issued an addendum to their
industrial wastewater discharge permit containing the new county
local limits.

(c) A copy of the approved local limits is available upon
2258 request at Orange County Utilities Water Reclamation Division,
2260 Environmental Compliance Section, and a copy of the resolution
2262 adopting or modifying the local limits is available from the clerk of
the BCC.

(d) Program requirements are outlined under separate
2264 cover of the Wastewater Discharge and Industrial Pretreatment
Standards Technical Manual.

(d) No person shall discharge wastewater to the county
2266 POTW or WWF containing pollutants in excess of the county's local
2268 limits as established by county resolution, pretreatment standard or
2270 requirement; unless the industrial wastewater discharge permit for
the user provides, as a special permit condition, a higher interim
maximum uniform concentration limit in conjunction with a

requirement that the user construct a pretreatment facility or institute changes in its operation and maintenance procedures to reduce the concentration of pollutants to levels not to exceed the county's local limits established by county resolution within a fixed period of time or in accordance with a compliance schedule.

(e) Significant industrial users (SIUs) and non-significant CIUs ("SIUs") shall be subject to the numerical county local limits established by county resolution and the receiving city or jurisdictional utility's local limits established by city ordinance, city resolution, or state regulation (for users discharging wastewater to the county's wastewater service area but discharging to a county WWF not owned or operated by the county).

(f) ~~At the discretion of the director, any nonresidential user may be required to develop and fully implement a best management plan (BMP) for specific constituents, and to participate in the related county best management program. All SIUs shall develop and fully implement a best management practices plan (BMPP) if required to comply with applicable general pretreatment standards in 40 CFR Part 403, Chapter I, Subchapter N, categorical pretreatment standards, county local limits, and state and local law. This requirement may be in addition to the county local limits set forth in this section. Significant industrial [users] shall comply with the county local limits established by county resolution, with the exception in which the director specifically requires a user to develop, implement and comply with a BMPP as a condition of the industrial wastewater discharge permit.~~

(g) ~~Technically defensible county local limits, such as those established by county resolution, may be added or amended from time to time based on the results of treatment plant monitoring, water quality requirements, field investigation of industrial users, and/or any other factors which the director deems of significance with respect to the proper and safe operation of the county WWF and necessary for compliance with applicable permits and effluent disposal or reclaimed water standards or agreements.~~

(h) ~~Additional county local limits may be imposed by the director for groundwater remediation facilities as set forth in section 37-756 of this article.~~

(i) ~~The county's local limits apply at the point where the wastewater is discharged into the county WWF. All concentrations for metallic substances are for total recoverable metal, unless indicated otherwise. Requirements for sample collection and analysis are set forth in section 37-747(j) and (k).~~

(j) ~~For the purposes of pH monitoring, an exceedence shall be defined as an excursion outside of the county local limit for~~

pH established by county resolution that persists for more than fifteen (15) consecutive minutes in a calendar day. However, if only one (1) grab sample is collected for pH monitoring within a fifteen-minute consecutive period, the one (1) grab sample will be deemed representative for the entire fifteen minute consecutive period. If multiple samples are collected for pH monitoring within a fifteen-minute consecutive period, all samples results must exceed the local limit for the samples to be defined as one (1) exceedence for the fifteen minute consecutive period.

(k) — The director may impose mass limitations in addition to, or in place of, the concentration-based limitations established by county resolution. At the discretion of the director, and on a case-by-case basis, additional discharge limits may be placed in the industrial wastewater discharge permit for any user.

(l) — If the federal categorical pretreatment standards apply to a user's discharge, the director may apply the local pollution limits established by county resolution or the average of four (4) consecutive monitoring events in the federal categorical pretreatment standards set forth in 40 CFR, Chapter I, Subchapter N, Parts 405 through 471, whichever is more stringent, in the user's industrial wastewater discharge permit (if applicable).

(m) — At the discretion of the control authority, and subject to the requirements in 40 Part CFR 403.7, Chapter I, Subchapter N and Chapter 62-625.420, F.A.C., and FDEP and EPA approval, removal credits may be granted to reflect removal performance by the county wastewater facilities for pollutants specified in the categorical pretreatment standards. The county may grant removal credits equal to or, at its discretion, less than the user's consistent removal rate. Removal credits shall be approved by FDEP and EPA prior to granting by the control authority. Removal credits shall be given only for indicator or surrogate pollutants in a categorical pretreatment standard if the categorical pretreatment standard so specifies. If a removal credit is granted to a user, then the county shall calculate the revised discharge limits in accordance with Chapter 62-625.420, F.A.C.

(n) — State requirements and limitations on discharges from nonresidential users to the county WWF shall apply in any case where they are more stringent than federal requirements or limitations, or those contained in this article.

(o) — The county reserves the right to establish by county resolution or ordinance more stringent limitations or requirements for discharges to the county WWF, if deemed necessary to comply with the objectives stated in this article.

Sec. 37-738. 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 national categorical pretreatment standards, local pollutant limits, other pretreatment standards, discharge limitations, or requirements, including, but not limited to, more stringent local pollutant limits developed in accordance with 40 CFR § 403.5(c) and ~~rules Chapter 62-625.400(3) and (4), F.A.C., as it may be amended from time to time, unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.~~

Sec. 37-739. Hauled wastewater program.

(a) ~~Intent.~~—The county hereby establishes a hauled wastewater program and a waste hauler operating permit requirement. The county may include such provisions, terms, and ~~and~~ conditions in the waste hauler operating permit as it may determine reasonable and necessary pursuant to this ordinance and applicable local, state, and ~~and~~ federal wastewater standards. No such permit shall be issued until all fees, including, but not limited to, county septage receiving station disposal deposits, permit application fees, annual vehicle registration fees, appeals processing charges, and ~~and~~ permit transfer fees are paid to the county in accordance with county rate resolutions and ordinances. Program requirements are outlined under separate cover in the Wastewater Discharge and Industrial Pretreatment Standards Technical Manual. ~~The application, issuance, duration, modification, enforcement, and revocation of such permits shall be controlled by the following provisions:~~

~~(b) — Waste hauler operating permit requirements. It is unlawful to discharge hauled waste to the county's POTW or WWF, the county's septage receiving station or areas approved by the director without obtaining a waste hauler operating permit from the director prior to the beginning of such discharge. It is unlawful to service (remove wastes from or perform maintenance activities on) a oil and grease interceptor, oil and grease trap, pump station, oil and water separator, or sand interceptor/trap that discharges to the county's POTW or WWF without obtaining a waste hauler operating permit from the director. Any violations of the terms and conditions of the county issued waste hauler operating permit or policies and procedures established for hauled waste disposal shall be deemed a violation of this article and shall subject the waste hauler to the sanctions set out in this article. Obtaining a waste hauler operating permit does not relieve a permittee of its~~

obligations to comply with all federal and state requirements and limitations or any other requirements and limitations of federal, state, and local laws. It shall be unlawful for a domestic waste hauler, industrial waste hauler or person to discharge or cause to be discharged to the county WWF any trucked or hauled wastes, pollutants, solids or substances without prior written authorization from the director and payment of applicable fees and charges in accordance with the provisions of this article and the rate schedules adopted by the board of county commissioners. The director may require waste haulers hauling industrial wastewater to obtain an industrial wastewater discharge permit as necessary to carry out the purposes of this article.

(c) — Under no circumstances shall hazardous wastes, as defined in 40 CFR Part 261, Chapter I, Subchapter I or Title 10 of Code of State Regulation (CSR) Division 25 Chapter 4.261, or as amended, be trucked, hauled or transported to a county wastewater facilities for treatment and disposal.

(d) — Only authorized waste transporters or haulers shall be allowed to discharge hauled wastes to the county WWF. Transporters and haulers shall obtain a waste hauler operating permit and where applicable, an industrial wastewater discharge permit, and other applicable state and local permits prior to being allowed to discharge hauled wastes to the county WWF. The director shall incorporate conditions in the waste hauler operating permit and where applicable, the industrial wastewater discharge permit as reasonably deemed necessary to prevent pass through or interference with the operation of county facilities, and to insure compliance with all applicable state and federal permits and the provisions of this article. The director may prohibit the discharge of hauled wastes to achieve the objectives of the pretreatment program.

(e) — Haulers may discharge loads to the county WWF only at locations and during specific operating hours as designated in the waste hauler operating permit, the industrial wastewater discharge permit, where applicable, or by the director. Waste hauler operating permits for individual vehicles to use such facilities shall be issued by the county. No load may be discharged without prior written consent of the director. Samples of each hauled load may be collected by the director to ensure compliance with the provisions of this article. The director may require the hauler to provide a waste analysis of any load prior to discharge. Under emergency conditions, the director may designate alternative locations and operating hours, or suspend the acceptance of hauled wastes at county wastewater facilities.

(f) — Haulers that serve oil and grease interceptors, oil and oil and grease traps, pump stations, oil and water separators, or sand

interceptors/traps that discharge to the county's WWF and/or haulers that discharge wastes directly to the county's WWF, the county's septage receiving station or areas approved by the director shall provide the director with a waste disposal manifest for every load. This form shall include, at a minimum, all information as identified in section 37-739(w)(4) of this article. The waste disposal manifest shall identify the type of waste, and any known or suspected constituents of the wastes.

(g) — For every occurrence when hauled waste is rejected by the director, the waste hauler must submit a completed waste disposal manifest within one (1) week from the waste rejection date, to the director, and the waste disposal manifest shall be prepared in accordance with section 37-739(w)(4) and section 37-739(w)(5) of this article.

(h) — The director may rescind the authorization for a transporter or hauler to discharge hauled wastes to the county POTW or WWF for the following:

(1) — Violations of the provisions of the hauled waste operating permit, the industrial wastewater discharge permit, this article or other county ordinances;

(2) — Failure to obey the orders of county personnel or staff;

(3) — Failure to comply with operating procedures at county facilities;

(4) — Failure to pay the assessed charges, fees and surcharges;

(5) — Failure to obtain the requisite state or local permit(s) or licensure(s); or

(6) — Failure to submit a waste disposal manifest or failure to complete a waste disposal manifest that does not include the information identified in section 37-739(w)(4) and section 37-734(w)(5) of this article; or

(7) — Failure to comply with any applicable federal, state or local regulations, or the provisions set forth in the waste hauler operating permit, the industrial wastewater discharge permit.

(i) — The director has the right to refuse hauled wastes based on a review of the waste hauler operating permit, the industrial wastewater discharge permit, the waste disposal manifest, monitoring results, previous performance, county records and the observations of county personnel on duty. Hauled wastes shall be rejected if:

2492 (1) ~~Prior written approval has not been granted;~~
 2494 (2) ~~The hauler does not have a valid waste hauler~~
 operating permit or industrial wastewater discharge permit;
 2496 (3) ~~Delinquent in paying past charges/fees;~~
 2498 (4) ~~The wastes could cause operational and~~
 maintenance problems, be detrimental to the health and safety of
 county personnel; or
 2500 (5) ~~Create pass-through conditions or cause~~
 violations of all applicable permits or other regulations.

(j) ~~The director may rescind the authorization for a~~
 2502 transporter or hauler to service (pump out or maintain) oil and grease
 2504 interceptors, oil and grease traps, pump stations, oil and water
 separators, or sand interceptors/ traps that discharge to the county's
 WWF for the following:

(1) ~~Violations of the provisions of the waste~~
 2506 hauler operating permit, the industrial wastewater discharge permit,
 2508 this article or other county ordinances;

(2) ~~Failure to pay the assessed charges, fees and~~
 2510 surcharges;

(3) ~~Failure to obtain the requisite state or local~~
 2512 permit(s) or licensure(s); or

(4) ~~Failure to comply with any applicable~~
 2514 federal, state or local regulations, or the provisions set forth in the
 2516 waste hauler operating permit and the industrial wastewater
 discharge permit, where applicable.

(k) ~~The hauler shall pay a fee for discharging hauled~~
 2518 wastes to the county WWF in accordance with the rate schedules
 2520 adopted by the board of county commissioners. A surcharge may be
 2522 assessed for abnormally high strength compatible wastes. The
 director retains the right to bill the original source of the hauled
 wastes for all applicable fees and surcharges.

(l) ~~The hauler shall pay a charge associated with~~
 2524 applying for a waste hauler operating permit and/or an industrial
 2526 wastewater discharge permit, in accordance with the rate schedules
 adopted by the board of county commissioners.

(m) ~~The hauler shall pay a charge associated with the~~
 2528 registration of all vehicles used to transport wastes for discharge to
 2530 county wastewater facilities and/or wastes received from oil and
 grease traps, oil and grease interceptors, pump stations, oil and water
 separators, sand traps/interceptors that discharge to the county's

WWF, in accordance with the rate schedules adopted by the board of county commissioners.

(n) — The hauler shall pay a charge associated with the late submittal of applications required to obtain a waste hauler operating permit and/or an industrial wastewater discharge permit, in accordance with the rate schedules adopted by the board of county commissioners.

(o) — The hauler shall pay a fee associated with the transfer of a waste hauler operating permit and/or an industrial wastewater discharge permit (where applicable), in accordance with the rate schedules adopted by the board of county commissioners.

(p) — The hauler shall pay a fee associated with the county's processing of each appeal requested by the hauler. Appeal charges apply to appeal requests pertaining to waste hauler operating permit requirements, industrial wastewater discharge permit requirements, article requirements, a notice of violation (NOV), a notice of significant noncompliance (NOSNC), consent orders, or notice of termination of utility services, in accordance with the rate schedules adopted by the board of county commissioners.

(q) — The original source of the hauled wastes and the transporter (hauler) may be assessed the costs related to resolving upsets at county treatment facilities, including any fines or penalties for violations of federal or state permit conditions or agreements for the reuse of reclaimed water or residuals, the costs for clean-up of application sites for residuals, and damages to the county POTW or WWF. Furthermore, the county shall have the right to initiate enforcement action against said offenders and to seek administrative and judicial remedies as set forth in this article. The director may require a hauler to post a performance bond or carry liability insurance as conditions for granting authorization to discharge hauled wastes to the county WWF.

(r) — Waste hauler operating permitting: existing sources. Any current waste hauler (business or sole proprietor established and doing business at the time of this article's approval by the board of county commissioners) servicing oil and grease interceptors, oil and grease traps, pump stations, oil and water separators, or sand interceptors/traps that discharge to the county's WWF or haulers proposing to discharge wastes directly to the county's POTW or WWF, the county's septage receiving station or areas approved by the director must apply for a waste hauler operating permit within sixty (60) days of this article revision approval date. All waste hauler operating permit applications must be completed in accordance with section 37-739(t) and section 37-739(u) of this article. Prior to

requesting a waste hauler operating permit application, the waste hauler must establish a billing account with the director and comply with the requirements associated with establishing a billing account, which may include the submission of information and deposits by the waste hauler.

(s) — ~~Waste hauler operating permitting: new sources. Any new waste hauler (business or sole proprietor established after the date of this article's approval by the board of county commissioners) servicing oil and grease interceptors, oil and grease traps, pump stations, oil and water separators, or sand interceptors/traps that discharge to the county's WWF or haulers proposing to discharge wastes directly to the county's POTW or WWF, the county's septage receiving station or areas approved by the director must apply for a waste hauler operating permit within sixty (60) days of company establishment. All waste hauler operating permit applications must be completed in accordance with section 37-739(t) and section 37-749(u) of this article.~~

(t) — ~~Waste hauler operating permit application contents. In order to be considered for a waste hauler operating permit, all waste haulers required to obtain a waste hauler operating permit must submit the information specified on a permit application in the form prescribed by the director, and accompanied by the application fee. In support of the application, the waste hauler shall submit, in terms appropriate for evaluation, the following information at minimum:~~

(1) — ~~Hauler name, address, and location, (if different from the facility address);~~

(2) — ~~Business name, address, telephone number and fax number;~~

(3) — ~~Vehicle storage location(s);~~

(4) — ~~The specific waste types to be disposed;~~

(5) — ~~Designated facility contact;~~

(6) — ~~Identify all environmental permits and/or licenses held, including type, issuing body, and applicable expiration date; and~~

(7) — ~~Waste hauling vehicle information for every vehicle to be utilized for the transport and disposal of hauled waste in the county, including vehicle make/model, year, registration number, vehicle license tag number, Florida Department of Health (FDOH) issued hauled waste transporter license decal number or county decal number (where applicable), and waste disposal capacity (in gallons).~~

518 (u) ~~Application signatories and certification. All waste~~
2620 ~~hauler discharge permit applications must contain the following~~
~~certification statement and be signed by an authorized representative~~
~~of the waste hauler:~~

2622 ~~"I certify under the penalty of law that this document and all~~
2624 ~~attachments were prepared under my direction or supervision. The~~
~~information submitted is, to the best of my knowledge and belief,~~
2626 ~~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."~~

2628 (v) ~~Waste hauler operating permit decisions. Upon~~
2630 ~~receipt of a complete waste hauler operating permit application, the~~
~~director may issue a waste hauler operating permit requiring the~~
~~waste hauler to comply with this chapter.~~

2632 (w) ~~Waste hauler operating permit issuance process.~~

2634 (1) ~~All holders of waste hauler operating permits~~
~~shall be subject to all provisions of this article, all other applicable~~
2636 ~~regulations, and user charges and fees established by the county.~~
~~Waste hauler operating permits shall include such conditions as are~~
2638 ~~reasonably deemed necessary by the director to ensure for effective~~
~~tracking of waste; to ensure for the proper disposal of wastes;~~
2640 ~~prevent pass-through or interference; to protect the quality of the~~
~~water body receiving the county POTW's or WWF's effluent; to~~
2642 ~~protect worker health and safety; to facilitate biosolids and effluent~~
~~reuse management and disposal; to protect ambient air quality; and~~
~~to protect against damage to the county POTW or WWF.~~

2644 (2) ~~Waste hauler operating permits must contain~~
~~the following general permit conditions:~~

2646 a. ~~A statement that violation of any~~
2648 ~~permit condition may result in the suspension or revocation of the~~
~~permittee's disposal privileges at the designated waste disposal~~
~~facility;~~

2650 b. ~~A statement that the director reserves~~
2652 ~~the unconditional right to refuse the acceptance of any load or stop~~
~~an unloading operation in progress at any time;~~

e. ~~A listing of acceptable waste types;~~

2654 d. ~~A listing of waste types subject to~~
~~approval by the director on a case-by-case basis before disposal;~~

2656 e. ~~A listing of prohibited waste types;~~

2658 f. ~~A listing of all disposal facilities~~
~~authorized to be used by the waste hauler;~~

g. ~~— The administrative requirement of the waste hauler to obtain a waste hauler operating permit prior to servicing (pump out or maintain) any oil and grease interceptor, oil and grease trap, pump station, oil and water separator, or sand interceptor/trap that discharge to the county's WWF and/or prior to discharging wastewater at the county's septage receiving station, or location approved by the director;~~

h. ~~— The administrative requirement of the waste hauler to register each vehicle with the county, for the transportation of each waste type identified by the waste hauler on the hauled waste operation permit application;~~

i. ~~— The administrative requirement of the waste hauler to obtain a waste hauler operating permit registration vehicle decal from the director for the transportation of domestic or industrial waste;~~

j. ~~— The administrative requirement of the waste hauler to obtain a hauled waste transporter license decal (number) from the FDOH as required for the transportation of domestic septage waste;~~

k. ~~— The administrative requirement of the waste hauler to maintain a current waste hauler account with the director;~~

l. ~~— A statement that the waste hauler must complete and submit to the director prior to discharge, a waste disposal manifest identifying the source of all waste (i.e., origin/location, address, and estimated volume) for each waste load received from users of the county WWF or to be disposed at the county's septage receiving station or designated disposal location;~~

m. ~~— A statement that all vehicles used to haul waste must be equipped with a safe and easily accessible sample point;~~

n. ~~— A statement that analytical data may be required of all waste types subject to approval;~~

(3) ~~— Waste hauler operating permits must contain the following specific permit conditions:~~

a. ~~— A detailed listing of specific acceptable waste types and a statement that the waste hauler may dispose the specific waste types listed;~~

b. ~~— A detailed listing of the specific vehicles (as identified by vehicle make, FDOH hauled waste transporter license decal number [where applicable], license tag, waste hauler operating permit registration vehicle decal number, and~~

total waste storage capacity [in gallons]) authorized to dispose hauled waste;

e. — A statement that the original waste hauler discharge permit must be kept on file in the permanent business office location of the waste hauler;

d. — A statement that each registered waste hauling vehicle shall carry a copy of the waste hauler operating permit at all times;

e. — A statement that the waste hauler shall immediately report any changes in business name, ownership, address, registered vehicles, and disposal facilities used in writing by submitting to the director a waste hauler discharge permit application (with appropriate fee) detailing all reported changes;

f. — A statement that all wastes subject to approval shall not be commingled with other waste;

g. — A statement that in the case of multiple waste sources contained in one (1) vehicle load, any part of the load which is unacceptable, pursuant to the requirements defined in this article or waste hauler operating permit requirements, may render the entire load unacceptable for discharge; and

h. — A statement that the waste hauler shall follow the established procedures and policies regarding the use of the county's septage receiving station.

(4) — Waste hauler operating permits shall require the waste hauler to use a waste disposal manifest or nonhazardous waste disposal manifest identifying the following information at a minimum:

a. — Waste hauler business name and address;

b. — Waste hauler operating license vehicle decal number issued by the director;

e. — County septage receiving station waste hauler account number (where applicable);

d. — Waste hauler operating permit number issued by the director;

e. — Waste pick-up date;

f. — Waste generator name, address (of waste origin), including county of origin, for all waste types excluding portable toilet waste. Waste haulers disposing of portable toilet waste must maintain customer records identifying generator

name and address and shall make this information available to the
director upon request;

g. ~~Estimated waste volume removed (in
gallons);~~

h. ~~Identify the waste type and device
serviced;~~

i. ~~Inspect and identify the condition of
the device, noting all repairs needed to comply with state and local
requirements;~~

j. ~~A signed and dated certification
statement from the waste hauler and customer that the information
provided on the waste disposal manifest or nonhazardous waste
disposal manifest is true, accurate, and complete, that shall also
include the customer's printed name and phone number;~~

k. ~~Waste hauler driver printed name and
dated signature; and~~

l. ~~Waste disposal facility business name
and phone number, date and time the waste was received by the
waste disposal facility, and waste disposal facility operator printed
name and signature.~~

(5) ~~Requirements for waste disposal manifest or
nonhazardous waste disposal manifests. Waste hauler operating
permits shall include the following requirements for waste disposal
manifest or nonhazardous waste disposal manifest completion and
signature requirements as follows:~~

a. ~~Waste haulers, waste generators and
the receiving waste disposal facility shall complete, sign and date a
separate waste disposal manifest or nonhazardous waste disposal
manifest with every waste load removed at each customer (waste
origin) location, excluding portable toilet waste.~~

b. ~~For the instance where waste was
removed at more than one (1) customer location by the waste hauler
and these wastes are contained in one (1) waste hauler vehicle, then
a separate waste disposal manifest must be completed for each
customer (waste origin) location that generated the waste contained
in the vehicle, excluding portable toilet waste. Additionally, each
waste disposal manifest or nonhazardous waste disposal manifest is
required to be completed, signed and dated by the waste hauler,
waste generator and the receiving waste disposal facility.~~

c. ~~For portable toilet waste, the waste
hauler and waste disposal facility are required to date, sign and
provide all information contained in the waste disposal manifest or~~

2784 ~~nonhazardous waste disposal manifest, with the exception of~~
2786 ~~customer name, signature and phone number, provided that this~~
~~information is available upon director request or inspection of waste~~
~~hauler files.~~

2788 ~~(x) — Waste hauler operating permit duration. Permits~~
~~shall be issued for any specified time period, not to exceed two (2)~~
2790 ~~years. Each waste hauler discharge permit will be stated to expire on~~
~~a specific date as set forth in the permit.~~

2792 ~~(y) — Waste hauler operating permit transfer. Waste hauler~~
~~operating permits are issued to a specific waste hauler for a specific~~
2794 ~~operation at a specific location. A waste hauler discharge permit is~~
~~not transferable to another person or business.~~

2796 ~~(z) — Waste hauler operating permit review. Any user may~~
~~petition the control authority to review the conditions of a waste~~
2798 ~~hauler operating permit within thirty (30) days of the user's receipt.~~
~~The petition for review must be received by the control authority~~
~~within the thirty-day time period.~~

2800 ~~(1) — Failure to submit a timely petition shall be~~
~~deemed to be a waiver of the administrative review.~~

2802 ~~(2) — In its petition, the party seeking review must~~
2804 ~~indicate the waste hauler discharge permit conditions objected to,~~
~~the reasons for the objection, and the alternative condition, if any, it~~
~~seeks to place in the waste hauler operating permit.~~

2806 ~~(3) — The effectiveness of the waste hauler operating~~
~~permit shall not be stayed pending the appeal.~~

2808 ~~(4) — Decisions denying review of a waste hauler~~
~~operating permit, denying issuance of a waste hauler operating~~
2810 ~~permit, or denying proposed modifications to a waste hauler~~
2812 ~~operating permit shall be considered for appeal by the customer,~~
~~pursuant to the appeals process described in section 37-749(j).~~

2814 ~~(aa) — Waste hauler operating permit modification. The~~
~~director or permittee may request by written notice a modification~~
2816 ~~of the waste hauler operating permit at any time for good cause~~
~~including, but not limited to the following:~~

2818 ~~(1) — Any new or revised local, state, or federal~~
~~pretreatment standards or requirements;~~

2820 ~~(2) — Alterations or additions to the industrial~~
~~user's operation, processes, acceptable or unacceptable waste types,~~
2822 ~~vehicle make, license tag, waste capacity, waste transporter license~~
~~number, or the county-issued waste hauler operating license vehicle~~
2824 ~~decal number since the time of waste hauler operating permit~~
~~issuance;~~

2826 (3) ~~— A change in the POTW or WWF that requires~~
either a temporary or permanent reduction or elimination of the
authorized waste discharge;

2828 (4) ~~— Information indicating that the permitted~~
discharge poses a threat to the county's POTW or WWF, or persons
2830 or waters of the state;

2832 (5) ~~— Violations of any terms or conditions of the~~
waste hauler operating permit;

2834 (6) ~~— Permittee's misrepresentations or failure to~~
fully disclose all relevant facts in the waste hauler operating permit
application or in any required reporting;

2836 (7) ~~— Discovery of typographical or other errors in~~
the waste hauler operating permit; and

2838 (8) ~~— A transfer of the facility ownership, location,~~
or operation. The filing of a request by the permittee for a waste
2840 hauler operating permit modification does not stay any waste hauler
operating permit condition.

2842 (bb) ~~— Waste hauler operating permit revocation. Waste~~
hauler operating permits may be revoked for any of the following
2844 actions or inactions by the permittee:

2846 (1) ~~— Discharge of industrial wastewater without~~
prior control authority approval;

2848 (2) ~~— Disposing hauled waste at any location not~~
designated or approved by the control authority;

2850 (3) ~~— Misrepresentation or failure to fully disclose~~
all relevant facts in the waste hauler operating permit application;

2852 (4) ~~— Falsifying information provided on waste~~
disposal manifest or nonhazardous waste disposal manifest;

2854 (5) ~~— Tampering with samples collected from~~
waste loads;

2856 (6) ~~— Refusing to allow the control authority timely~~
access to the facility premises and records;

2858 (7) ~~— Failure to meet effluent requirements;~~

2860 (8) ~~— Failure to pay penalties;~~

2862 (9) ~~— Failure to pay waste disposal charges;~~

 (10) ~~— Failure to meet compliance schedules;~~

 (11) ~~— Failure to complete a waste hauler operating~~
permit application;

(12) ~~Violation of any general or specific permit condition or requirement, or any terms of the waste hauler operating permit or this article; and~~

(13) ~~Waste hauler operating permits shall be voidable by the control authority upon non use, cessation of operations, or transfer of business ownership. All waste hauler operating permits are void upon the issuance of a new waste hauler operating permit.~~

(cc) ~~Waste hauler discharge permit reissuance. A user with an expiring waste hauler operating permit may apply for reissuance of its waste hauler operating permit by submitting a complete operating permit application, in accordance with section 37-739(t) and section 37-739(u) of this article prior to the expiration of the user's existing waste hauler operating permit.~~

(dd) ~~Regulation of hauled waste received from outside service area.~~

(1) ~~Any industrial facility discharging industrial waste to the county POTW or WWF by means of a waste hauler may be subject to the requirement of obtaining a discharge permit and regulation by the control authority.~~

(2) ~~Violation of the terms and conditions of the interlocal agreement subjects the discharging jurisdiction or municipality to the sanctions set out in sections 34-749 (Enforcement) through 34-751 (Supplemental enforcement) of this article.~~

Sec. 37-740. Discharge of unpolluted drainage.

~~Stormwater~~ Storm water and all other unpolluted drainage shall be discharged to such facilities that are specifically designed as storm sewers, or to a natural outlet in accordance with applicable county, state, and ~~and~~ federal regulations.

Sec. 37-741. Pretreatment facilities.

(a) Users shall provide, in accordance with rule 62-625.500(2)(a)3.a., Chapter 62-625.500(2)(a)3a, F.A.C., wastewater treatment as necessary to comply with this article and shall comply ~~achieve compliance~~ with all federal categorical pretreatment standards, county local limits established by county resolution, and the prohibitions set out in sections 37-735 through 37-737 of this article within the time limitations specified by EPA, FDEP, the state, or the director, whichever is more stringent. Any facilities necessary for pretreatment compliance shall be provided, operated, and maintained at the user's expense.

(b) If pretreatment is required through the issuance of an industrial wastewater discharge permit, users of the county WWF shall design, construct, operate, and maintain such wastewater pretreatment facilities whenever necessary to reduce or modify the user's wastewater constituency to achieve compliance with the limitations in wastewater strength set forth in section 37-736; ~~to, to~~ meet applicable federal categorical pretreatment standards, and as set forth in section 37-737 and by county local limits established by county resolution; ~~or, or~~ to meet any other wastewater condition or limitation contained in the user's industrial wastewater discharge permit. Plans, specifications, and operating procedures for such wastewater pretreatment facilities shall be prepared by a professional engineer ~~that is~~ registered in the state, and shall be submitted to the director for review in accordance with accepted engineering practices. The director shall review such plans within ~~forty-five~~ (45) days and shall recommend to the user any appropriate changes or approve or reject plans. Prior to beginning construction of such pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the director. Prior to beginning construction, the user shall also secure such building, plumbing, or other permits that may be required by the County Code of Ordinances. The user shall construct such pretreatment facility within the time frame provided in the user's industrial wastewater discharge permit. Following completion of construction, the user shall provide the director with as-built ~~"as-built"~~ drawings to be retained ~~maintained~~ by the director.

(c) An industrial wastewater discharge permit shall be required for pretreatment facilities. Users of the county wastewater system shall be responsible for the design, construction, operation, and ~~and~~ maintenance of the pretreatment facilities. Plans, specifications, and ~~and~~ operating and maintenance procedures shall be prepared under the supervision of a professional engineer registered in the state. Prior to commencement of construction, the user shall obtain the necessary building, plumbing, and ~~and~~ other permits as required by the county.

(d) Construction shall be completed according to the schedule in the industrial wastewater discharge permit. The user shall provide the director with as-built ~~"as-built"~~ or record drawings.

(e) Neither the issuance of permit(s) nor the filing of construction documents (plans, specifications, or ~~or~~ data) shall be construed to indicate that the county or the director in any way asserts, confirms, vouches for or warrants the performance capabilities of any facilities that are constructed pursuant to such plans, specifications, or data. The review of such plans and operating procedures shall in no way relieve the user from the

responsibility of modifying such facilities as necessary to produce a discharge acceptable to the county under the provisions of this article.

(f) Unless otherwise authorized—~~otherwise~~ by the director in writing, subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without ~~thirty~~ (30) days prior notice to the director.

(g) The design, construction, and—~~and~~ installation of pretreatment facilities, or the modification or alteration of such facilities to correct deficiencies, shall be done by the user at no cost to the county.

(h) In case of emergencies, the user shall notify the director immediately by telephone that the pretreatment facilities need repairs and that a bypass may be imminent. Written notification shall be provided to the director within 24-hours ~~twenty-four~~ (24) hours of the emergency situation. Written notification shall contain, at a minimum, the time the emergency occurred; the nature of the emergency; type of repairs necessary; an estimate of the length of time the pretreatment facilities may be out of service—~~out of service~~; and the measures to be taken by the user to prevent future emergency situations or to reduce the down time. The user shall make every effort to minimize the bypass flows and the time needed for the repairs. Providing proper notification shall not relieve the user of any expense, loss, damage, or—~~or~~ other liability that—~~which~~ may be incurred due to the emergency situation.

Sec. 37-742. Additional pretreatment measures.

(a) If any sewage, waters, or wastes are discharged, or are proposed to be discharged to the county WWF, and such waters contain the substances or possess the characteristics referenced in sections 37-735 through 37-737 or as specified in county local limits established by county resolution, and that—~~which~~, in the judgment of the director, may have a deleterious effect upon the county WWF, processes, equipment, receiving waters, or—~~or~~ effluent disposal and reuse systems, or that—~~which~~ otherwise create a hazard to life or constitute a public nuisance, the director may:

- (1) Reject the wastes;
- (2) Require pretreatment of the wastes to an acceptable condition for discharge to the county wastewater system;
- (3) Require payment pursuant to the provisions of this article to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges and fees;
- (4) Require users to control the quantities and rates of discharges;

(5) Require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams ~~wastestreams~~ from industrial waste streams ~~wastestreams~~, and such other conditions as may be necessary to protect the county wastewater system and to determine the user's compliance with the requirements of this article;

(6) Require users with the potential to discharge wastes containing oils, grease, lint, or ~~and~~ sand to install and maintain, at their sole expense, ~~and~~ an approved interceptor or device as necessary for the proper handling of these types of wastewaters;

(7) Require users with the potential to discharge flammable substances; wastes containing TRPHs; or petroleum-based oils and grease to install and maintain, at their sole expense, an approved interceptor or separator and ~~and~~ a combustible gas detection meter; or

(8) Require users to install and maintain, on their property and at their sole expense, suitable facilities for flow equalization. The director may require the user to obtain an industrial wastewater discharge permit.

(b) If the director permits the pretreatment or equalization of waste flows, the design and installation of the facilities and equipment shall be subject to the review and approval of the director, and subject to the requirements of all applicable codes, ordinances, and state and federal laws. Where pretreatment or flow-equalizing facilities are provided for any sewage, waters, or wastes, these facilities shall be maintained continuously in satisfactory and effective operation by the owner or user at its ~~their~~ sole expense.

Sec. 37-743. Accidental discharge/slug control plans and notification procedures.

(a) Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article in accordance with 40 CFR Part 403, ~~Chapter I, Subchapter N and rule 62-625.500(2)(b)6., Chapter 62-625.500(2)(b)6., F.A.C., or as may be amended from time to time.~~ Measures ~~Facilities~~ to prevent accidental discharge of prohibited materials by the facility shall be provided and maintained by the owner or user at its ~~their~~ sole expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the director for review and ~~and~~ shall be approved by the director before construction of the facility. All existing SIUs

SIU or those that connect within ~~two hundred seventy (270)~~ days from the effective date of this article shall complete such a plan within ~~sixty (60)~~ days of connection to the county WWF. No SIU ~~significant industrial user~~ who commences discharge to the county WWF or any portion thereof at least ~~two hundred seventy (270)~~ days after the effective date of this article shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the county and incorporated into the SIU's industrial wastewater discharge permit issued by the county, in accordance with 40 CFR ~~§ Part~~ 403.8(f)(1)(iii)(B)(6), ~~Chapter I, Subchapter N, Chapter~~ chapter 62-625, F.A.C., and all applicable F.A.C. requirements. The accidental discharge/slug control plans for active (permitted) SIUs will be incorporated into the SIU's industrial wastewater discharge permit pursuant to 40 CFR ~~§ Part~~ 403.8, ~~Chapter I, Subchapter N and Chapter~~ chapter 62-625, F.A.C. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to maintain the industrial user's facility as necessary to meet the requirements of this article.

(b) At least once every two ~~(2)~~ years, the director shall evaluate whether each SIU ~~significant industrial user~~ needs an accidental discharge/slug control plan. All SIUs are required to develop, submit (to the director), ~~and~~ and implement an accidental discharge/slug control plan. All accidental discharge/slug control plans must be approved by the director and are subject to modification by the director (if deemed necessary by the director to protect the county's POTW or WWF) prior to plan approval and incorporation into the SIU's industrial wastewater discharge permit (as referenced in section 37-743(a) ~~37-743 (a)~~ of this article. All SIUs are required to implement the plan approved by the director and included in the industrial wastewater discharge permit issued to an SIU (where applicable). The director may require any nonresidential user to develop, submit for approval, and implement such a plan. Alternatively, the director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

(1) Description of discharge practices, including nonroutine batch discharges;

(2) Inventory and description of stored chemicals, products, or ~~or~~ materials on-site;

(3) Procedures for immediately notifying the director of any accidental or slug discharge, as required by sections ~~section~~ 37-743(c) ~~below~~ and 37-747 of this article;

(4) List of contact persons and telephone numbers, including cell phones, beepers, ~~and~~ and facsimile;

(5) Procedures to prevent adverse impact on the county wastewater system by any accidental or slug discharge. Such procedures shall include, but are not limited to, inspection and maintenance of storage areas; ~~handling, handling~~ and transfer of materials; ~~loading, loading~~ and unloading operations; ~~control, control~~ of plant site ~~runoff, run-off~~; worker training; ~~building, building~~ of containment structures or equipment; ~~measures, measures~~ for containing toxic organic pollutants, including solvents; ~~and/or, and/or~~ measures and equipment for emergency response; and

(6) Description of employee training programs to prevent accidental or slug discharges and how to handle such episodic occurrences.

(c) Notification procedures for an accidental or slug discharge shall include:

(1) *Telephone notification.* Any person or user causing or suffering any discharge, whether accidental or not, ~~that~~ ~~which~~ presents or may present an imminent or substantial endangerment to the health and safety of people, to the environment, or ~~that which~~ is likely to cause interference with the operation of the county wastewater system or a portion thereof, shall notify the director immediately by telephone or facsimile in accordance with the industrial wastewater discharge permit.

(2) *Written report.* Within three ~~(3)~~ days following such occurrence, the user shall provide the director with a detailed written report describing the causes of the dangerous discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability ~~that which~~ may be incurred as a result of damage to the county wastewater system or a portion thereof, to the environment, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability ~~that which~~ may be imposed by this ordinance or other applicable laws.

(3) *Notice to employee(s).* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous or accidental/slug discharge. Employer (user) shall keep the notice current at all times and shall ~~ensure~~ ~~insure~~ that all employees who may make such calls or encounter such a dangerous discharge are advised of the emergency notification procedures on a regular basis.

122 **Sec. 37-744. Best management practices programs and plans.**

3124 This provides for the implementation of BMP programs for
3126 contaminants of concern as designated by the director and as defined
by county local limits established by county resolution. Program
requirements are outlined under separate cover of the Wastewater
Discharge and Industrial Pretreatment Standards Technical Manual.

3128 (a) *Purpose and intent.*

3130 (1) *Purpose.* ~~The purposes of this section is to~~
3132 ~~provide for the implementation of best management BMP programs~~
~~for constituents of concern as designated by the director or as~~
~~referenced in section 37-737 and as defined by county local limits~~
3134 ~~established by county resolution. The objectives of the best~~
~~management programs include:~~

3136 a. To minimize the introduction of
wastes containing contaminants ~~constituents~~ of concern into the
county wastewater system;

3138 b. To promote pollution prevention by
generators of wastes containing contaminants ~~constituents~~ of
3140 concern;

3142 c. To require the installation and
maintenance of equipment in order to achieve a level of treatment
appropriate to the size of the generator (user); or proportional to the
3144 volume of discharge or the magnitude of the contribution (loading)
from the generator (user); and

3146 d. To enable the county to comply with
the effluent discharge standards set forth in ~~the~~ FDEP permits for
3148 the county WRFs; the reclaimed water standards in various
agreements; or the requirements and objectives for the pretreatment
3150 program.

3152 (2) *Intent.* The intent of this section is to provide for the
control and regulation of users that discharge wastes containing the
designated contaminants ~~constituents~~ of concern to the county
3154 wastewater system. Implementation of ~~best management~~ BMP
program(s) will allow a reduction in the loadings of the
3156 contaminants ~~constituents~~ of concern to the county wastewater
system.

3158 (b) *General criteria.*

3160 (1) The director may require any nonresidential
user that generates wastes containing contaminants ~~constituents~~ of
3162 concern ~~that which~~ could or does ~~do~~ adversely impact the county
wastewater treatment system to participate in the ~~best management~~
BMP program.

(2) The director may require any nonresidential user to comply with the guidelines set forth in the county ~~best management BMP~~ programs for the ~~contaminants-constituents~~ of concern.

(3) The director may require all nonresidential users that generate waste streams containing contaminants ~~constituents~~ of concern to develop and implement a ~~best management practices plan~~ (BMPP) to reduce the loadings of said ~~contaminants-constituents~~ to the county POTW or WWF and to achieve a specific level of treatment, recovery, ~~or~~ removal as set forth in this article and as specified and established by county resolution.

(4) The BMPP shall contain those elements that are set forth for pollution prevention ~~and best management plans~~ in Chapter 2, Best Management Programs and Plans of the Wastewater Discharge and Industrial Pretreatment Standards Technical Manual, section 37-744 of this article. The director may require the BMPP to contain an accidental discharge/slug control and a spill containment plan.

(5) The specific level of treatment, recovery, ~~or~~ removal shall depend on the volume or loadings of wastes that are generated by the user.

(6) Significant industrial users ~~(SIUs)~~ shall comply with the county's numerical local limit set forth for the specific contaminant ~~constituent~~ of concern referenced and established by county resolution and as referenced to in section 37-737 of this article and are prohibited from using a BMP ~~best management~~ program in lieu of the numerical limit.

(7) Significant industrial users shall obtain an industrial wastewater discharge permit pursuant to section 37-745 of this article that includes BMPPs required to be performed by the SIU to comply with a required categorical pretreatment standard, local limit, and state or local law, or where a local limit was not required to be established for the parameter but a BMPP ~~best management plan~~ (BMP) requirement for the parameter is mandated, as determined by the director or as referenced in county local limits established by county resolution.

(8) The nonresidential user, as required by the director, ~~shall~~ develop and implement the BMPP within ~~sixty~~ (60) days of notification by the director ~~and~~, and shall exercise due diligence in pursuit thereof of the BMPP and maintenance of the treatment or recovery system.

206 (9) The director, at his or her discretion, shall
3208 have the authority to impose the numerical local limit or BMPP for
a contaminant-constituent of concern upon any nonresidential user
3210 contributing wastes containing said contaminant-constituent of
concern to the county POTW or WWF.

3212 (10) Development and implementation of the
BMPP by the user shall be done at the sole expense of the user.

~~(c) — Reporting requirements.~~

3214 ~~(1) — In general, users shall be subject to the~~
reporting requirements set forth in 40 CFR Part 403, Chapter I,
3216 Subchapter N, Chapter 62-625, F.A.C., and section 37-747,
including the report of changed conditions.

3218 ~~(2) — Users in a best management program shall~~
submit the results from compliance monitoring activities in
3220 accordance with the requirements and schedule established by the
county, including the reporting of BMPP compliance status with
3222 requirements and schedules established in 40 CFR Part 403, Chapter
I, Subchapter N, Chapter 62-625, F.A.C., or industrial wastewater
3224 discharge permits.

3226 ~~(3) — The results and other necessary information~~
shall be submitted to the county in the format or on the form(s) as
established by the director and/or in the industrial wastewater
3228 discharge permit.

3230 ~~(4) — All reports submitted to the director shall~~
contain a certification statement and shall be signed in accordance
with 40 CFR Part 403, Chapter I, Subchapter N, Chapter 62-625,
3232 F.A.C., section 37-745 and section 37-747.

~~(d) — Recordkeeping.~~

3234 ~~(1) — The following records and documents shall~~
be retained by the user in a file on site:

- 3236 a. ~~Volume of total process wastewater;~~
b. ~~A log of weekly monitoring results;~~
3238 c. ~~Report of analyses from the~~
commercial laboratory;
3240 d. ~~Operating, service and maintenance~~
logs;
3242 e. ~~Uniform hazardous wastes manifests,~~
if applicable;
3244 f. ~~Record drawings for the treatment or~~
recovery system; and

3246 g. ~~Installation, operation and~~
maintenance procedures.

3248 (2) ~~The files shall be subject to the retention~~
requirements set forth in section 37-747 of this article. The files shall
3250 be available for inspection and review by the director in accordance
with 40 CFR Part 403, Chapter I, Subchapter N, Chapter 62-625,
3252 F.A.C., section 37-747 of this article.

3254 (e) ~~Compliance inspections and monitoring.~~ The
director shall have the right to conduct compliance facility
3256 inspections and random compliance monitoring as set forth in
section 37-748 and section 37-749 of this article. At the discretion
3258 of the director, any user subject to this section may be required to
install a control manhole in accordance with section 37-748 for
compliance monitoring purposes.

3260 (f) ~~Enforcement.~~

3262 (1) ~~Users that fail to comply with the~~
requirements set forth in this section, shall be subject to the
enforcement provisions, including penalties, as set forth in section
3264 37-749 through section 37-751 of this article and the county's
enforcement response plan (ERP).

3266 (2) ~~A notice of violation may be issued to a user~~
for failure to:

3268 a. ~~Submit the user information survey in~~
a time limit set by the county;

3270 b. ~~Develop and implement the best~~
management program;

3272 c. ~~Install the necessary pretreatment~~
equipment or system;

3274 d. ~~Properly maintain the pretreatment~~
equipment or system;

3276 e. ~~Perform the requisite monitoring;~~

f. ~~Properly maintain records onsite; or~~

3278 g. ~~Provide required information to the~~
director, including BMPP compliance status report as required in
3280 industrial wastewater discharge permits.

3282 (g) ~~Pollution prevention and best management practices~~
plans (BMPP).

3284 (1) ~~Intent.~~ The intent of pollution prevention and
best management plans is to prevent or reduce pollution whenever
feasible and in an environmentally safe manner, such as recycling

and source reclamation. BMPPs may be required to be implemented by the user to comply with required categorical pretreatment standards, local limit, and state or local law, or where a local limit was not required to be established for the parameter but a BMP requirement for the parameter is mandated, as determined by the director or as referenced in county local limits established by county resolution. Treatment and disposal, such as discharge to the county WWF, should be considered one (1) of the last options. It is the policy of the county to encourage and support pollution prevention and best management practices whenever and wherever practical.

(2) — *Pollution prevention plans.* The director may require a nonresidential user to develop and submit a pollution prevention plan for approval. The user shall implement the pollution prevention plan on a timely basis once the plan has been approved by the director. The pollution prevention plan shall be developed in accordance with EPA and FDEP guidelines.

(3) — *Best management practices plans.* The director may require a user to develop and submit for approval a best management practices plan to control specific pollutants in the discharge or types of discharges to the county WWF. The director will require the SIU to develop a BMPP and incorporate the BMPP requirements into an industrial wastewater discharge permit to comply with required categorical pretreatment standard, local limit, and state or local law, or where a local limit was not required to be established for the parameter but a BMP requirement for the parameter is mandated, as determined by the director or as referenced in county local limits established by county resolution. The user shall implement the provisions of the best management plan on a timely basis and shall exercise due diligence in pursuit thereof.

(4) — *Plan elements.* The pollution prevention and best management practices plans shall contain at a minimum, but may not be limited to, the following elements:

- a. — Purpose and objective(s);
- b. — Description of strategies to minimize, reduce or prevent the introduction of pollutants into the user's discharge (wastestream);
- c. — Description of best management practices or options, including source control and waste minimization techniques, available to the user;
- d. — Description of best available technologies available for treatment or recovery of the specific constituent of concern;

3330 e. ~~Description of routine preventive maintenance and schedule for said activities;~~

3332 f. ~~Description of spill prevention techniques and response procedures;~~

3334 g. ~~Description of employee training, continuing education programs, technical workshops/seminars. And participation in pollution prevention measures, preventive maintenance, response procedures and activities;~~

3336

3338 h. ~~Description of ongoing programs to comply with plan goals and to improve pollution prevention activities;~~

3340 i. ~~Description of monitoring activities, including sample locations, frequencies, sample collection procedures, analytical protocols and quality assurance procedures;~~

3342

3344 j. ~~Description of recordkeeping and reporting protocols, including forms and logs;~~

3346 k. ~~Description of the overall facility, including site plan, process schematics and plumbing diagrams;~~

3348 l. ~~Description of waste handling, treatment and discharge facilities, including flow diagrams and process schematics;~~

3350 m. ~~List of sources of wastes and locations for their introduction into the discharge (wastestream);~~

3352 n. ~~Inventory of raw materials, chemicals, intermediate products and final products on site;~~

3354 o. ~~List of facility personnel, including organization chart, emergency phone numbers, emergency contact persons, including maintenance or service representatives;~~

3356

3358 p. ~~Description of notification procedures and communication methods;~~

3360 q. ~~Compilation of applicable permits and regulatory contact persons; and~~

3362 r. ~~Schedule for implementation of the pollution prevention plan and any necessary modifications to the user's facilities.~~

3364 (h) ~~Best management practices plan (BMPP) for silver dischargers.~~

3366 (1) ~~Purpose and intent. The purpose of establishing a BMPP for silver dischargers is to prevent or reduce silver pollution discharges to the county's POTW or WWF~~

3368

whenever feasible and in an environmentally safe manner, to meet the following objectives:

a. ~~To minimize the introduction of wastes containing silver into the county's POTW or WWF;~~

b. ~~To promote pollution prevention by generators of wastes containing silver;~~

c. ~~To require the installation and maintenance of equipment to achieve a level of treatment appropriate for the size of the generator (user) or as required to meet pretreatment standards, county local limits and requirements; and~~

d. ~~To enable county WRFs to comply with effluent discharge standards set forth in the FDEP permits and comply with pretreatment program requirements.~~

~~(2) General criteria.~~

a. ~~The county's best management program as well as required best management practices for silver dischargers shall apply to all users of the county POTW or WWF that generate wastes containing silver.~~

b. ~~All users that generate wastes containing silver may be required by the director to comply with the guidelines set forth in the county's best management program for silver dischargers.~~

c. ~~All users that generate wastes containing silver may be required to implement a BMP or best management strategy to achieve a specific level of treatment (silver recovery or removal) as set forth in this section. This specific level of treatment (recovery or removal) shall depend on the volume of wastes that are generated by the user.~~

d. ~~Significant industrial users shall comply with the county's local limit for silver as established by county resolution. SIUs shall obtain an industrial wastewater discharge permit pursuant to section 37-745 of this article.~~

e. ~~All users that generate wastes containing silver may be required by the director to prepare a BMPP. The BMPP shall contain the elements that are listed in section 37-744(g)(4) of this article. An accidental discharge/slug control/spill containment plan shall be included in the BMPP by the user.~~

f. ~~The user, as required by the director, shall develop and implement the BMPP within sixty (60) days of notification by the director; and shall exercise due diligence in pursuit of the BMPP and maintenance of the silver recovery system.~~

3410 g. ~~Preparation and implementation of~~
the BMPP by the user shall be done at the sole expense of the user.

3412 (3) ~~Off site management.~~

3414 a. ~~Nonresidential users that generate~~
wastes containing silver may have these solutions transported by a
certified hazardous waste hauler to an approved off-site facility for
3416 treatment, recovery and disposal.

3418 b. ~~Nonresidential users shall provide~~
containment for their holding tanks and shall maintain them to
prevent spills and leakage.

3420 e. ~~Nonresidential users that exercise this~~
best management strategy shall retain and preserve the uniform
3422 hazardous waste manifests (as required by EPA or other agencies)
and other related documents in a file on-site for a minimum of three
3424 (3) years. The files shall be made available for inspection by the
director.

3426 (4) ~~On site recovery and management.~~

3428 a. ~~Nonresidential users that generate~~
wastes containing silver may be required by the director to obtain a
registration certificate and provide treatment for the wastes prior to
3430 discharge to the county WWF.

3432 b. ~~Pretreatment equipment and~~
treatment (recovery) processes shall be designed to meet the
minimum silver recovery (removal) levels referenced in this section
3434 and as specified in county local limits established by county
resolution. The user may be required by the director to obtain written
3436 approval of the pretreatment equipment and recovery process prior
to installation.

3438 c. ~~Pretreatment equipment shall be~~
operated and maintained continuously [and] property [properly] at
3440 the sole expense of the user.

3442 d. ~~Monitoring taps shall be installed on~~
the process influent and effluent lines for retrieval of representative
composite samples to determine the efficiency of the pretreatment
3444 (recovery) processes.

3446 e. ~~For those nonresidential users that~~
generate and/or discharge wastewater containing silver to the
county's POTW or WWF but the county does not have an
3448 established local limit for silver for the corresponding WRF service
area (as identified and referenced by county resolution), or those
3450 users that are not a SIU, the minimum recovery efficiency for the
pretreatment (recovery) processes shall be based on the volume of

the wastes containing silver that are generated by the user. Minimum recovery efficiencies shall be:

i. — Users that generate an average of two (2) gpd or less of silver rich solutions and one thousand (1,000) gpd or less of total process wastewater shall recover a minimum of ninety (90) [gpd] of the silver from the wastes.

ii. — Users that generate an average of more than two (2) to twenty (20) gpd of silver rich solutions and over one thousand (1,000) to ten thousand (10,000) gpd of total process wastewater shall recover a minimum of ninety-five (95) [gpd] of the silver from the wastes.

iii. — Users that generate an average of more than twenty (20) gpd of silver rich solutions and over ten thousand (10,000) gpd of total process wastewater shall recover a minimum of ninety-nine (99) [gpd] of the silver from the wastes.

iv. — Significant industrial users shall meet the county's numerical local limit established by county resolution and as referenced in section 37-737 as well as the BMP-based categorical pretreatment standards or categorical pretreatment standards (when applicable).

f. — The recovery efficiency of the pretreatment (recovery) processes shall be determined at least once per week using silver test paper. Users that generate more than twenty (20) gpd of silver rich solutions shall determine the recovery efficiency at least once every four (4) months by collecting one (1)

3496 ~~composite sample of the influent and effluent for analysis by a~~
3498 ~~certified commercial laboratory using approved EPA/FDEP or~~
~~FDOH approved analytical methods and protocols.~~

(i) ~~Spill containment plans.~~

3500 (1) ~~The director may require any nonresidential~~
3502 ~~user to develop, submit for approval, and implement a spill~~
3504 ~~containment plan. Alternatively, the director may develop such a~~
3506 ~~plan for any user. The spill containment plan shall contain, at a~~
~~minimum those elements that were listed in section 37-743 for~~
~~accidental discharge/slug control plan and in section 37-744 for~~
~~pollution prevention/best management plans.~~

3508 (2) ~~A user shall develop and implement the~~
~~pollution prevention plan, BMP or spill containment plan within~~
~~sixty (60) days of written notification by the director.~~

3510 **Sec. 37-745. Industrial wastewater discharge permits.**

3512 (a) The county hereby establishes an industrial
3514 wastewater discharge permit. The county may include such
3516 provisions, terms, ~~and~~ and conditions in the industrial wastewater
3518 discharge permit as it may determine reasonable and necessary
3520 pursuant to this ordinance and applicable local, state, ~~and~~ and federal
3522 wastewater standards. No such permit shall be issued until all fees,
including, but not limited to, wastewater capital charges, sewer
connection fees, ~~and~~ and application fees, are paid to the county in
accordance with county rate resolutions and ordinances. The
application, issuance, duration, modification, enforcement, and
revocation of such permits shall be controlled by the following
provisions:

3524 (1) ~~No SIU-significant industrial user or non-~~
~~significant CIU shall discharge into the county wastewater system~~
3526 ~~or to any county wastewater service area that discharges wastewater~~
~~to a receiving city or jurisdictional utility WWF or wastewater~~
3528 ~~system (for users located within the county's wastewater service~~
~~area but discharging wastewater to a WWF not owned or operated~~
~~by the county) without obtaining an industrial wastewater discharge~~
3530 ~~permit from the director. A SIU-significant industrial user or a non-~~
~~significant CIU with a valid industrial wastewater discharge permit~~
3532 ~~(either individual or generic permit), and that which has filed a~~
3534 ~~timely application pursuant to section 37-745(b) of this article, may~~
~~continue to discharge for the time period specified therein.~~

3536 (2) The director may require other nonresidential
users to obtain an industrial wastewater discharge ~~permit~~ permits as
necessary to carry out the purposes of this article.

538 (3) Any violation of the terms and conditions of
3540 an industrial wastewater discharge permit shall be deemed a
violation of this article and subjects the permittee to the enforcement
3542 response and sanctions set forth in ~~sections-section~~ 37-749 through
~~section-37-751~~ of this article and as specified in the county's ERP.
3544 Obtaining an industrial wastewater discharge permit does not relieve
a permittee of its obligation to comply with all federal and state
3546 pretreatment standards or requirements and other applicable federal,
state, ~~and-and~~ local laws.

3548 (b) Existing industrial wastewater dischargers that are
required to obtain an industrial wastewater discharge permit and
were discharging wastes to the county wastewater system prior to
3550 the effective date of this article shall, within ~~sixty~~ (60) days after
said date, apply to the director for an industrial wastewater discharge
3552 permit in accordance with this article.

3554 (c) New industrial wastewater dischargers shall be
required to obtain an industrial wastewater discharge permit prior to
beginning or recommencing the discharge of wastes to the county
3556 POTW or WWF. An application for the industrial wastewater
discharge permit, in accordance with section 37-745(e), shall be
3558 submitted to the director at least ~~one hundred twenty~~ (120) days in
advance of the date ~~that-which~~ any discharge to the county WWF
3560 will begin or recommence.

3562 (d) *Compliance required.* No permit holder shall
discharge industrial sewage or wastewater in excess of the quantity,
3564 rate of discharge, or quality specified in the industrial wastewater
~~discharge-discharger~~ permit. Any user desiring to modify the
3566 conditions in ~~its-their~~ industrial wastewater discharge permit or
~~change-changes~~ the nature of ~~its-their~~ discharge to the county WWF,
3568 including ~~a change-changes~~ that affect required BMPPs, require
BMP required best management program compliance, or affect the
3570 potential for a slug discharge, ~~shall-shall~~ apply for an amendment or
modification to said permit that includes the need for a slug control
3572 plan or BMPP, modification to existing slug control plans or
BMPPs, or other actions to prevent such discharges, pursuant to 40
3574 CFR § 403.8(f)(2)(vi), ~~Chapter I, Subchapter N, Chapter~~ chapter 62-
625, F.A.C., and ~~other-the~~ applicable chapters of the F.A.C.

3576 (e) *Contents of permit applications.* Persons seeking an
industrial wastewater discharge permit shall complete and submit to
3578 the director an application in the form and manner prescribed by the
county. The applicant ~~must-shall~~ submit the following information
where appropriate:

- 3580 (1) Name, address, telephone number, and
3582 facility location of applicant, and owner of the premises ~~that from~~
~~which~~ industrial wastes are intended to be discharged;:-
- 3584 (2) ~~North American Industry Classification~~
~~System~~ (NAICS) code(s) for all facility processes and activities, in
accordance with the latest edition of the NAICS manual;:-
- 3586 (3) Average daily and peak hourly wastewater
3588 flow rates, including daily, monthly, ~~and~~ and seasonal variations, if
any;:-
- 3590 (4) ~~Information, monitoring~~ Monitoring data and
analyses on the nature and characteristics of the wastes and
3592 wastewater that the user proposes to discharge, or currently
discharges to the county WWF. Sample collection and analysis shall
3594 be done in accordance with 40 CFR chapter I, subchapter D, Part
136, Chapter I, Subchapter D and rule 62-625.600(1)(e)5.b., Chapter
3596 62-625.600(1)(e)(b), F.A.C., as amended. Analyses shall be
performed by a FDOH-certified laboratory;:-
- 3598 (5) Schedule of all industrial process waste flows
3600 produced before and after pretreatment, if any, at such premises,
including the daily volume, and wastewater constituents and
characteristics as determined by representative samples and
analyses;:-
- 3602 (6) Estimated time and duration of the
discharge(s) within a ~~twenty (20)~~ percent tolerance;:-
- 3604 (7) Site plans, floor plans, mechanical and
3606 plumbing plans, ~~and~~ and details to show all non-irrigation water
lines and mains, water meter locations, building drains and waste
3608 lines, building sewers, sewer connections, and appurtenances by the
size, location, ~~and~~ and elevation;:-
- 3610 (8) Each product by type, amount, process or
processes, ~~and~~ and rate of production;:-
- 3612 (9) Type and amount of raw materials stored
~~on-site~~ ~~on-site~~ and processed (average and maximum amounts per
day);:-
- 3614 (10) Number and type of employees, and current
hours of operation for the facility;:-
- 3616 (11) Information on the pretreatment facility, if
3618 any, including, but not limited to, type of facility, design criteria,
typical performance data, general O&M ~~operation and maintenance~~
procedures, ~~and~~ and proposed or actual hours of operation for the
3620 pretreatment system;:-

(12) Description of activities, facilities, ~~and~~ and production processes on premises and a list of all raw materials and chemicals stored ~~on-site~~ ~~on-site~~ or used at the facility ~~that~~ ~~which~~ are, or could accidentally or intentionally be, discharged to the county wastewater system;:-

(13) All information required by section ~~37-743~~ ~~37-746(a)(2)~~ of this article;:-

(14) An accidental discharge/slug control plan for the facility that meets the requirements specified in section ~~37-743~~ ~~37-743(b)~~ of this article;:-

(15) The BMP required to be performed by the SIU to comply with required categorical pretreatment standard, local limit, and state or local law; ~~and~~:-

(16) Any other information as may be deemed by the director to be necessary to evaluate the industrial wastewater discharge permit application.

(17) Incomplete or inaccurate applications will not be evaluated or processed by the director and will be returned to the user (applicant) for the necessary revisions, information, ~~or~~ ~~or~~ data.

(f) *Wastewater analysis.* As requested by the director, a user shall submit information for ~~its~~ ~~their~~ facility or a similar facility on the nature, characteristics, ~~and~~ ~~and~~ volume of wastewater discharge to the county wastewater system. The information and monitoring data shall be submitted within ~~forty-five~~ ~~(45)~~ days of the request. The director is authorized to prepare a form for this purpose. The director may periodically require a user to update the information and monitoring data for the facility.

(g) *Signatories and certification.* All industrial wastewater discharge permit applications and user reports as set forth in section 37-747 of this article shall be signed and dated by an authorized representative of the user and contain the following certification statement:

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

3664 violations. Furthermore, I understand that applicable civil and
3666 criminal penalties may apply for any violations of pretreatment
standards, requirements, and/or compliance schedules.”

3668 (h) *Industrial wastewater discharge permit decisions.*
The director will evaluate the data furnished by the applicant and
3670 may require additional information. Such requests by the director
shall be made in writing. A proposed industrial wastewater
3672 discharge permit may be issued within ~~sixty (60)~~ days after all
information and monitoring data has been furnished to and accepted
3674 by the county. The applicant shall then have ~~thirty (30)~~ days to
provide the additional information or data requested by the director.
3676 Within ~~sixty (60)~~ days from the date that the necessary information
and monitoring data was furnished and accepted, the director shall
3678 issue or deny the industrial wastewater discharge permit. Issuance
of a permit shall not relieve the discharger from complying with all
3680 applicable permits, laws, regulations, and ordinances promulgated
by the county or other governmental authorities, including any
3682 county sewer permit and any applicable sewer service allocation or
connection rules. The issuance of an industrial wastewater discharge
3684 permit by the county shall not be construed as a representation by
the county that the discharge permitted therein complies with all of
3686 such permits, laws, rules, regulations, and ordinances. Industrial
wastewater discharge permits are issued solely to govern the
3688 discharge of wastewater into the county WWF and the applicable
receiving stream or effluent disposal system, shall be between the
3690 discharger and the county, ~~and;~~ and shall not be construed to benefit
any ~~third-party. third party.~~ Notwithstanding anything contained
3692 herein to the contrary, no industrial wastewater discharge permit
shall be issued to any person who has not yet obtained a county
3694 wastewater permit pursuant to applicable wastewater service
allocation or connection rules.

3696 (i) *{Denial of application by director.}* The director may
deny any application for an industrial wastewater discharge permit
3698 for failure to meet or comply with the terms and conditions of this
article. Reasons for denial include, but are not limited to, ~~factors~~
~~such as any one (1) or more of the following:~~

- 3700 (1) Incomplete application;
- 3702 (2) Failure to respond to a request for additional
information in a timely manner;
- 3704 (3) Submittal of false or inaccurate information
or data;
- 3706 (4) Pretreatment facilities that are inadequate to
protect the county wastewater system and allow the user’s discharge
to meet the standards set forth in this article;

708 (5) Construction of facilities, installation of
3710 equipment or systems, or the ~~startup-start-up~~ of operations and the
discharge of wastes to the county wastewater system without a
permit;~~or~~

3712 (6) In the opinion of the control authority, the
wastes would be harmful and detrimental to the county wastewater
3714 system, employees, ~~or~~ the public;

3716 (7) The accidental discharge/slug control plan
submitted for the facility does not meet the requirements specified
in section 37-743(b) of this article; ~~or~~

3718 (8) The BMPP submitted by the facility will not
ensure the SIU's compliance with required a categorical
3720 pretreatment standard, county local limit, and state or local law or
does not meet the requirements as specified in ~~section 37-744(g) and~~
3722 ~~(h) of this article~~ Chapter 2 Best Management Program and Plans,
Parts 7 and 8 of the Wastewater Discharge and Industrial
3724 Pretreatment Standards Technical Manual.

3726 (j) ~~{Responsibility to comply.}~~ Denial by the director to
issue an industrial wastewater discharge permit does not relieve the
user of the responsibility to comply with county ordinances, county
3728 resolutions and county rate resolutions, ~~and;~~ ~~and~~ to obtain the
necessary permits. The user retains the right to reapply for an
3730 industrial wastewater discharge permit, appeal the decision of the
director in accordance with this article and other county ordinances,
3732 ~~or~~ ~~or~~ pursue other administrative, judicial, ~~or~~ civil remedies.

3734 (k) Special permits for commercial or industrial users.
The county may require a permit under this section for commercial
3736 or industrial users to regulate the discharge of wastes and
wastewater to a community or intercepting sewer that have the
3738 potential individually or cumulatively to impact the ability of the
county to meet its permit requirements or impact the ability of the
sewer system to any of the county's wastewater treatment plants.
3740 Such wastes and wastewaters include, but are not limited to:

3742 (1) Chloride;

(2) Stormwater, groundwater, rain water, street
3744 drainage, roof runoff, and subsurface drainage;

3746 (3) Unpolluted water, including, but not limited
to, cooling water, process water or blowdown from cooling towers
or evaporative coolers, or swimming pool waters;

(4) Temperature or thermal loads;

3748 (5) Pharmaceuticals; or

(6) Mercury or other toxic chemicals.

3750 **Sec. 37-746. Industrial wastewater discharge permit contents.**

3752 (a) *Duration.* The duration of the industrial wastewater
3754 discharge permit shall be for a specified time period, not to exceed
3756 five ~~(5)~~ years from the stated effective date. An industrial
3758 wastewater discharge permit may be issued for a period less than
five ~~(5)~~ years, at the discretion of the director. If an industrial
wastewater discharge permit is issued for less than five ~~(5)~~ years,
then it may be extended at the discretion of the director ~~if as long as~~
the full five-year interval is not exceeded. A specific expiration date
shall be stated in each industrial wastewater discharge permit.

3760 (b) *Mandatory contents/conditions.* Contents of the
3762 industrial wastewater discharge permit shall include those
3764 conditions as are deemed reasonably necessary by the director to
prevent pass through or interference; protect the quality of the
receiving water body; maintain the suitability of the reclaimed water
for beneficial reuse; protect the health and safety of the general
3766 public and the county's employees; facilitate residuals management,
disposal, ~~or~~ reuse; and prevent or provide for protection against
3768 damage to the county WWF. The industrial wastewater discharge
permits shall contain, but need not be limited to, the following
3770 conditions:

3772 (1) The industrial wastewater discharge permit
duration, ~~that which~~ in no event shall exceed five ~~(5)~~ years;

3774 (2) A statement that the industrial wastewater
discharge permit is nontransferable without prior notification to the
3776 director, in accordance with section 37-746(e) of this article, and
provisions for furnishing the new owner or operator with a copy of
the existing industrial wastewater discharge permit;

3778 (3) Effluent limits based on applicable
3780 pretreatment standards, including categorical pretreatment
standards;

3782 (4) ~~Self-monitoring.~~ ~~Self-monitoring,~~ sampling,
and resampling requirements, including the dictation of the number
of grab samples necessary to assess and assure compliance with
3784 applicable pretreatment standards by SIUs, the dictation that all
sampling performed in a manner be representative of the discharge
3786 conditions of the reporting period, the reporting of all monitoring
results by all SIUs, notification, and recordkeeping requirements
3788 and may include an identification of pollutants to be monitored,
sampling location, sampling frequency, and sample type based on
3790 federal, state, ~~and~~ and local laws;

3792 (5) A statement of applicable civil and criminal
penalties for violation of pretreatment standards and requirements,

and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local laws;

(6) The site-specific accidental discharge/slug control plan that includes spill prevention, spill notification (to include requirements for SIU notification of both the control authority and the receiving county POTW or WWF), ~~and~~ spill handling, ~~and~~ and spill containment procedures for all user waste stream(s) to minimize and ~~/~~prevent the introduction of pollutants into the user's discharge to the county POTW or WWF from accidental, unanticipated, or ~~nonroutine~~ ~~non-routine~~ discharges. The site-specific accidental discharge/slug control plan shall be modified (if necessary) and approved by the director, and meet the requirements specified in 40 CFR ~~§ Part~~ 403.8, ~~Chapter I, Subchapter N, Chapter~~ chapter 62-625, F.A.C., and section 37-743 of this article;

(7) Requirements for the development and implementation of a BMPP for the handling of the user's waste stream(s) and the minimization and ~~/~~prevention strategies for pollutants discharged by the user to the county POTW or WWF, as required to be performed by the SIU to comply with required categorical pretreatment standard, a county local limit established by county resolution, and state or local law, as written to comply with the requirements specified in 40 CFR chapter I, subchapter N, Part 403, Chapter I, Subchapter N, Chapter chapter 62-625, F.A.C., and section 37-744(~~g~~) ~~and (h)~~ of this article;

(8) Requirements for the maintenance of BMPP records and those records that demonstrate compliance with BMPP requirements for all records described in it for the duration specified pursuant to 40 CFR ~~§ Part~~ 403.12(o), ~~Chapter I, Subchapter N and chapter~~ Chapter 62-625, F.A.C.;

(9) Requirements for notification of slug or accidental discharges, slug control plan notification requirements, and the compliance status of required BMPPs; and

(10) Requirements for notification of the county for any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater being introduced into the county POTW or WWF.

(c) *Discretionary contents/conditions.* The industrial wastewater discharge permits may contain, but ~~are~~ is not limited to, the following conditions:

3834 (1) Limits on the average and/or maximum rate
of discharge, time of discharge, and/or requirements for flow
3836 regulation and equalization;

3838 (2) Requirements for the installation of
pretreatment or pollution control technology, or construction of
3840 appropriate containment devices that are designed to reduce,
eliminate, or prevent the introduction of pollutants into the treatment
works;

3842 (3) Development and implementation of source
reduction strategies to reduce the amount of pollutants discharged to
3844 the county WWF;

3846 (4) The unit charge or schedule of user charges
and fees for the management of the wastewater discharged to the
county WWF;

3848 (5) Requirements for installation and
maintenance of inspection and sampling facilities and equipment,
3850 including control manholes;

3852 (6) Requirements for closure activities following
cessation of operations by the user at the facility, including the
notification of the director, proper closure or removal of the
3854 pretreatment facilities, county employees performing a final facility
inspection, ~~and~~ and completion of the applicable forms;

3856 (7) Specifications for monitoring programs ~~that~~
~~which~~ may include sampling locations, installation of a control
3858 manhole, installation of flow monitoring equipment, frequency and
method of sampling flow and wastewater flow metering, location,
3860 frequency and method of pH recording and metering, number, types
and standards for tests, ~~and~~ and reporting schedule;

3862 (8) Prohibition of discharge of certain
wastewater constituents or wastes;

3864 (9) A statement that compliance with the
wastewater discharge permit does not relieve the permittee of
3866 responsibility for compliance with all applicable federal and state
pretreatment standards, including those ~~that~~ ~~which~~ become effective
3868 during the term of the wastewater discharge permit; and

3870 (10) Other conditions as deemed appropriate by
the director to ensure compliance with this article, and state and
federal laws, rules, and regulations.

3872 (d) *Reconsideration.* The applicant may petition the
director in writing to reconsider the terms of a wastewater discharge
3874 permit within ~~thirty~~ (30) days of notice of its issuance.

3876 (1) Failure to submit a timely petition by the
applicant for review shall be deemed to be a waiver of the
applicant's request for reconsideration.

3878 (2) In the applicant's petition, the appealing
3880 party shall identify wastewater provisions in the industrial discharge
3882 permit that are objectionable, the reasons for the objection, and the
alternative condition(s), if any, the applicant seeks to place in the
industrial wastewater discharge permit.

3884 (3) The effectiveness of the industrial
wastewater discharge permit shall not be stayed pending the request
for reconsideration.

3886 (4) The director shall inform the applicant within
3888 ~~thirty~~ (30) days in writing of the decision. If the director fails to act
within ~~thirty~~ (30) days, a request for reconsideration shall be deemed
3890 to be denied. Decisions not to issue, not to modify, or not to
3892 reconsider an application for an industrial wastewater discharge
permit shall be considered final administrative actions for purposes
of review under the provisions set forth in section 37-749(j) herein.

3894 (e) *Modifications.* The director, for good cause, may
modify and change the terms and conditions of any industrial
wastewater discharge permit during its duration, and notify
3896 ~~notifying~~ the permittee in writing thereof, including, ~~but~~ ~~but~~ not
3898 limited to, factors ~~factor~~ such as any one (1) or more of the following
reasons:

3900 (1) To incorporate any new or revised federal,
state, or local pretreatment standards or requirements;

3902 (2) To address significant alterations or additions
to the user's operation, processes, or wastewater volume or
3904 character since the time of industrial wastewater discharge permit
issuance;

3906 (3) A change in the county wastewater system
that requires either a temporary or permanent reduction or
elimination of the authorized discharges;

3908 (4) Information indicating that the permitted
discharge poses a threat to the county wastewater system, county
3910 employees, the general public, the receiving waters and reclaimed
water system of the county wastewater system, or the disposal of
3912 residuals;

3914 (5) Violation of any terms or conditions in the
industrial wastewater discharge permit by the user;

3916 (6) Violation of any terms or conditions of the
county's facility permits that are attributable to the user's discharge;

(7) Misrepresentations or failure to fully disclose all relevant facts in the industrial wastewater discharge permit application or in any required reports;

(8) Revision of or the granting of a variance from categorical pretreatment standards pursuant to 40 CFR § 403.13; ~~or~~

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

(10) To add new or modify existing site-specific accidental discharge/slug control plan requirements for all user waste stream(s) to minimize or ~~prevent~~ the introduction of pollutants into the user's discharge to the county POTW or WWF from accidental, unanticipated, or nonroutine discharges; or

(11) To add a new or modify the existing BMPP for the handling of the user's waste stream(s) and the minimization or ~~prevention~~ of introducing pollutants into the user's discharge to the county POTW or WWF, or as required compliance with required categorical pretreatment standard, local limit, and state or local law.

(f) *Notification of changes.* Permit holders shall be informed of any proposed change(s) in their respective permits at least ~~sixty~~ (60) days prior to the effective date of the change(s). Permit holders shall be allowed a comment period relating to the proposed change(s) in their permits within the first ~~thirty~~ (30) days after issuance of such proposed change(s) by the county. The county shall allow a permit holder (user) a reasonable period ~~of time~~ to comply with the change(s) in the permit made by the county, unless otherwise required by emergency situations or governmental regulations. Nothing in these regulations is intended to preclude the county from taking immediate action to temporarily modify a permit when there is imminent risk of damage to the county wastewater system or to the environment or injury to the health and welfare of the public or county employees. The permit holder may petition the director to reconsider the proposed change(s) by the county or to modify the industrial wastewater discharge permit in accordance with this article.

(g) *Transferability.* The industrial wastewater discharge permits shall not be transferable. Industrial wastewater discharge permits are issued to a specific user for a specific operation with specific waste stream ~~wastestream~~ characteristics. An industrial wastewater discharge permit shall not be assigned or transferred or sold to a new owner, new user, or for different premises, unless approved in writing by the director. The new owner or user shall apply for a new industrial wastewater discharge permit at least ~~one hundred twenty~~ (120) days prior to a change in ownership or transfer of operations to a new user. Application shall be made in accordance

3962 with the provisions of this article. Users with multiple connections
3964 at a single plant or facility may be issued a single permit by the
director with specific effluent limitations and conditions for each
discharge from each separate connection.

3966 (h) *Revocation.* The director may revoke, and the
3968 permittee will be notified in writing thereof, an industrial
wastewater discharge permit as issued pursuant to the provisions of
3970 this article, for good cause as defined by, ~~including, but not limited~~
~~to, factors, including but not limited to, such as~~ any one (1) or more
of the following reasons:

3972 (1) Violation of any pretreatment standard or
requirement or any terms of the industrial wastewater discharge
permit or provisions of this article;

3974 (2) Failure to accurately report the wastewater
3976 constituents and characteristics of the discharge, or the status of
required BMP and/or BMPP compliance status (where applicable);

3978 (3) Failure to provide written notification of
significant changes in operations, wastewater flow volume, or
3980 constituents and characteristics prior to discharge to the county
WWF pursuant to section 37-747(e) of this article or changes at the
3982 facility that affect the potential for a slug discharge by the facility to
the county POTW or WWF;

3984 (4) Refusal to allow reasonable and timely
access to the user's premises and records for inspections or
compliance monitoring;

3986 (5) The user's discharge causes or contributes to
3988 any violation of the conditions in the permits for the county
wastewater system;

3990 (6) A change in any condition that requires either
a temporary or permanent reduction or elimination of the permitted
discharge;

3992 (7) Failure to comply with discharge
3994 requirements in ~~sections~~ section 37-735 through 37-737 of this
article or county local limits established by county resolution;

3996 (8) Failure to complete a wastewater survey or
the industrial wastewater discharge permit application;

3998 (9) Misrepresentation or failure to fully disclose
all relevant facts in the industrial wastewater discharge permit
application;

4000 (10) Falsifying self-monitoring or any other user
reports;

4002 (11) Tampering with monitoring equipment or
compliance samples;

4004 (12) Failure to pay fines or penalties;

(13) Failure to pay wastewater charges or fees;

4006 (14) Failure to provide proper notification to the
director and the county POTW or WWF for slug, accidental
4008 discharges, ~~or~~ bypass flows during emergency situations;

(15) Failure to meet compliance schedules or
4010 comply with consent orders;

(16) Issuance of a new industrial wastewater
4012 discharge permit;

(17) A discharge, ~~that, which~~ in the opinion of the
4014 director, may interfere or be deleterious to the operation or
maintenance of the county wastewater system ~~or~~ threaten human
4016 health or safety; or

(18) Cessation of the discharge or closure of the
4018 facility.

(i) *Reissuance.* Any user with an expiring industrial
4020 wastewater discharge permit shall apply for an industrial wastewater
discharge permit reissuance by submitting a complete permit
4022 application, in accordance with section 37-745 of this article, a
minimum of ~~one hundred twenty (120)~~ days prior to the expiration
4024 of the user's existing industrial wastewater discharge permit. A
request for extending (changing) the expiration date of the industrial
4026 wastewater discharge permit, if issued initially with a duration of
less than five ~~(5)~~ years, may be granted at the discretion of the
4028 director as long as the full five ~~(5)~~ year permit duration is not
exceeded and the extension request is submitted to the director at
4030 least ~~sixty (60)~~ days prior to the current expiration date.

(j) *Void permits.* Industrial wastewater discharge
4032 permits shall be void upon cessation of operations by the user, ~~upon~~
transfer of ownership of the business or facility, or the issuance of a
4034 new industrial wastewater discharge permit to that user.

Sec. 37-747. Reporting requirements.

4036 (a) *Baseline monitoring reports.*

(1) Within either ~~one hundred eighty (180)~~ days
4038 after the effective date of a federal categorical pretreatment
standard, or the final administrative decision on a category
4040 determination under 40 CFR ~~§ Part 403.6, Chapter I, Subchapter N~~
and ~~rule Chapter~~ 62-625.410(2)(d), F.A.C., or as amended,
4042 whichever is later, existing SIU and categorical users currently

4044 discharging to or scheduled to discharge to the county WWF or
4046 discharging to any receiving city or jurisdictional utility WWF or
4048 wastewater system (for users located within the county's wastewater
4050 service area but discharging wastewater to a WWF not owned or
4052 operated by the county) shall submit to the director a report that
4054 which contains the information listed in paragraph (2) below. At
4056 least ninety (90) days prior to commencement of their discharge,
4058 new and existing SIU sources, non-significant CIU sources, and
4060 sources that become categorical users subsequent to the
4062 promulgation of an application categorical standard shall, shall
4064 submit to the director a report that-which contains the information
listed in paragraph (2)-(2), below. A new SIU source or non-
significant source shall report the method of pretreatment it intends
to meet county local limits as identified and established by county
resolution or the city or jurisdictional utility's local limits
(established by city ordinance, city resolution, or state statute for
users located within the county's wastewater service are but
discharging wastewater to a WWF not owned or operated by the
county). A new categorical source shall report the method of
pretreatment it intends to use to meet applicable categorical
standards. All new sources shall provide an estimate of its
anticipated flow and quantity of pollutants to be discharged.

4066 (2) Users described in paragraph (1) above shall
submit, but not be limited to, the following information-~~set forth~~
~~below~~:

4068 a. *Identifying information.* The names
4070 and titles of the authorized representative(s) and contact person(s),
4072 physical and mailing (if different) addresses for the facility,
including the name of the facility operator and owner, telephone and
facsimile numbers, and e-mail address.

4074 b. *Environmental permits.* A list of any
4076 federal, state, ~~and~~ ~~and~~ local environmental control permits held by
or for the facility.

4078 c. *Description of operations.* A brief
4080 description of the nature, average rate of production, and standard
4082 industrial classification code(s) of the operation(s) carried out by the
4084 user. This description should include a site plan and a schematic
process diagram ~~that-which~~ indicates the points of discharge to the
county wastewater system from the regulated processes.

d. *Flow measurements.* Information
showing the measured average and maximum daily flows, in gallons
per day, to the county WWF from regulated process streams and
other waste streams, wastestreams, as necessary, to allow use of the

combined waste stream formula set out in 40 CFR ~~§ Part~~ 403.6, ~~Chapter I, Subchapter N and chapter~~ ~~Chapter~~ 62-625, F.A.C.

e. *Measurements of pollutants.*

1. The categorical pretreatment standards applicable to each regulated process; ~~and~~.

2. ~~The~~ With the exception of non-significant CIUs, the results of all sampling and analysis identifying the nature, characteristics, concentration, and/or mass, where required by the standard or by the director, of regulated pollutants in the discharge from each regulated process (where applicable) and unregulated process shall be reported by SIUs. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 37-747(j) and section 37-747(k) of this article, 40 CFR § Part 403.12, Chapter I, Subchapter N and rule Chapter 62-625.600, F.A.C. Additionally, all categorical industrial users (CIUs) shall collect samples in compliance with the number of grab samples specified by the control authority as needed to assess and ensure compliance with the categorical pretreatment standards and requirements.

f. *Sample collection.* Sampling shall be performed in accordance with procedures set out in section 37-747(j) of this article, 40 CFR ~~§ Part~~ 403.12, ~~Chapter I, Subchapter N and rule~~ ~~Chapter~~ 62-625.600, F.A.C.

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

h. *Annual certification by non-significant categorical industrial users.* A facility determined to be a non-significant categorical industrial user pursuant to 40 CFR § 403.3(v)(2) must annually submit the following certification statement, signed in accordance with the signatory requirements in paragraph (l) of this section. This certification must accompany any alternative report required by the control authority.

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR Part 403, I certify that to the best of my knowledge and belief

4130 during the period from [insert month, day, year] to [insert
4132 month, day, year]: (1) The facility described as [insert
4134 facility name] met the definition of a non-significant
4136 categorical industrial user as described in 40 CFR section
4138 403.3(v)(2); (2) the facility complied with all applicable
pretreatment standards and requirements during this
reporting period; and (3) the facility never discharged more
than 100 gallons of total categorical wastewater on any
given day during this reporting period. This compliance
certification is based upon the following information: [insert
appropriate response]."

4140
4142 i. Compliance schedule. If additional
4144 pretreatment, O&M, BMPs, ~~and/or~~ ~~and/or~~ BMPPs will be required
4146 to meet the pretreatment standards, the shortest schedule by which
4148 the user will provide such additional pretreatment, O&M, BMPs,
4150 ~~and/or~~ ~~and/or~~ BMPPs necessary to bring the facility into compliance
with the pretreatment requirements and this article. The completion
date in the compliance schedule shall not be later than the
compliance date established for the applicable pretreatment
standard. A compliance schedule pursuant to this section must meet
the requirements set out in section 37-747(b) of this article.

4152 j. ~~i.~~ Signature and certification. All
4154 ~~baseline monitoring reports~~ BMRs and BMPP compliance status
reports (where applicable) must be signed and certified in
accordance with section 37-745(g) of this article.

4156 (b) *Compliance schedule progress reports.* The
4158 following conditions shall apply to the compliance schedule
4160 required by section 37-747(a)(2)(i)(h) of this article:

4162 (1) The schedule shall contain progress increments
4164 in the form of dates for the commencement and completion of major
4166 events leading to the construction and operation of additional
pretreatment required for the user to meet the applicable
pretreatment standards. Such events include, but are not limited to,
hiring an engineer, completing preliminary and final plans,
executing contracts for major components, commencing and
completing construction, and beginning and conducting routine
operation.;

4168 (2) No increment referred to in the compliance
schedule above shall exceed nine (9) months.;

4170 (3) The user shall submit a progress report to the
director no later than ~~fourteen~~ (14) days following each date in the
schedule and the final date of compliance. The progress report shall

include, at a minimum, whether ~~or not~~ it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; ~~and~~

(4) In no event shall more than nine ~~(9)~~ months elapse between any such progress reports being submitted to the director.

(c) *Reports on compliance with categorical pretreatment standards deadline.* Within ~~ninety~~ (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the discharge into the county WWF, any user subject to such pretreatment standards and requirements shall submit to the director a report containing the information as described in section 37-747(a)(2) of this article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR ~~§ Part~~ 403.6, ~~Chapter I, Subchapter N and chapter~~ ~~Chapter~~ 62-625, F.A.C., or as amended, this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production or other measure of operation, this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 37-745(g) of this article.

(d) *Periodic compliance reports.* All SIUs, non-significant CIUs, and other users, ~~as~~ as designated by the director, shall submit a periodic compliance report to the control authority to demonstrate compliance with the pretreatment standards and other requirements set forth in this article. The following conditions shall apply:

(1) All SIUs and non-significant CIUs shall, at a frequency determined by the director, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge ~~that which~~ are limited by pretreatment standards, ~~the; the~~ measured or estimated average and maximum daily flows for the reporting period, ~~and; and~~ the BMPP compliance status that includes the reporting on compliance with BMP-based categorical pretreatment standards, ~~or county local limits, or city or jurisdictional utility's~~ local limits (established by city ordinance, city resolution, or state statute for users located within the county's wastewater service area but discharging wastewater to a WWF not owned or operated by the county). All periodic compliance reports must be signed and certified in accordance with section 37-745(g) of this article.

4218 (2) All wastewater samples must be
4220 representative of the user's discharge. Wastewater monitoring and
4222 flow measurement facilities shall be properly operated, clean, and
maintained in good working order at all times. The failure of a user
to keep its monitoring facility in good working order shall not be
grounds for the user to claim that the sample results are not
representative of ~~its~~^{their} discharge.

4224 (3) If a user subject to the reporting requirements
4226 in this section monitors any pollutant more frequently than required
by the director using the procedures prescribed in section 37-747(k)
4228 of this article, then the results of ~~those~~^{this/these} monitoring event(s)
shall be included in the periodic compliance report for that reporting
period.

4230 (e) *Reports of changed conditions.*

4232 (1) Each user shall notify the director of any
planned significant changes to the user's operations or production
4234 system ~~that~~^{which} might alter the nature, characteristics, quality, or
volume of its wastewater at least ~~thirty~~⁽³⁰⁾ days before the change.

4236 (2) The director may require the user to submit
such information as may be deemed necessary to evaluate the
changed condition, including the submission of an industrial
4238 wastewater discharge permit application pursuant to section 37-745
of this article.

4240 (3) The director may issue an industrial
wastewater discharge permit under section 37-746 of this article, ~~or~~
4242 ~~or~~ modify an existing industrial wastewater discharge permit
pursuant to section 37-746~~(e)(d)~~ of this article in response to
4244 changed conditions or anticipated changed conditions.

4246 (4) For purposes of this requirement, significant
changes include, but are not limited to, considerations such as:

- 4248 a. Changes to the sampling outfall(s);
- b. Increase of ~~twenty~~⁽²⁰⁾ percent or
more of the monthly average daily flow;
- 4250 c. Increase of ~~ten~~⁽¹⁰⁾ percent or more
of the annual average daily flow;
- 4252 d. Discharge of any previously
unreported pollutants;
- 4254 e. Changes to the BMP or BMPP as
needed to comply with a pretreatment standard, county local limits
4256 or pretreatment requirement; or

f. Changes that occur at the facility affecting the potential for a slug discharge.

(f) *Reports of potential problems.*

(1) In the case of any discharge that may cause potential problems for the county WWF, including, but not limited to, accidental discharges, discharges of a nonroutine and, episodic nature, a noncustomary batch discharge, or a slug load, ~~that may cause potential problems for the county WWF~~, the user shall immediately telephone and notify the director or designee of the incident. This notification shall include the location of the discharge, type of wastes, concentration and volume of the discharge if, if known, and corrective actions taken by the user. The telephone notification shall be confirmed, signed, and ~~and~~ certified by the authorized representative, either in writing or by e-mail, ~~email~~ within ~~twenty-four (24)~~ 24 hours.

(2) Within five ~~(5)~~ days following such discharge, the user shall, unless such requirement is waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that which may have-be incurred as a result of damage to the county wastewater system, natural resources, or any other damage to person(s) or property; nor shall such notification relieve the user of any fines, penalties, or other liability that which may be imposed pursuant to this article, other county ordinances, or-or state and federal laws. The written report shall be signed and certified by the authorized representative.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (1) above. The user shall ensure that all employees who, who may cause such a discharge to occur or-or are responsible for the clean-up are, ~~are~~ advised of the emergency notification procedures, including telephone numbers.

(g) *Reports from unpermitted users.* All nonresidential users not required to obtain an industrial wastewater discharge permit shall provide appropriate reports to the director as the director may require and in accordance with the requirements set forth in this article, 40 CFR Part 403, ~~Chapter I, Subchapter N and chapter Chapter~~ 62-625, F.A.C.

(h) *Notice of violation/repeat sampling and reporting.* If sampling of the user's industrial discharge indicates a violation of this article or county local limits as specified and established by

county resolution, the user must notify the director within ~~twenty-four (24)~~ 24-hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within ~~thirty (30)~~ days after becoming aware of the violation. The user is not required to resample if the director monitors (collects samples from) the user's facility at least once a month, or if the director samples between the user's initial sampling event and when the user receives the results of that sampling event. However, if the violation is the result of a sample collected for analysis by the director, then the director will be responsible for notifying and informing the user of the parameter exceedance, ~~exceedence~~ and the user shall be responsible for collecting the resample within ~~thirty (30)~~ days of becoming aware of the exceedance ~~exceedence~~.

(i) *Notification of the discharge of hazardous waste.*

(1) Any user who commences the discharge of hazardous waste shall provide written confirmation to the director, the EPA regional waste management division director, the FDEP hazardous waste section, and other applicable federal, state, ~~and~~ ~~and~~ local delegated authorities ~~of~~ ~~of~~ any discharge into the county WWF of a substance ~~that which~~, if otherwise disposed of, would be designated as a hazardous waste pursuant to 40 CFR Part 261, ~~Chapter I, Subchapter I~~. Such notification shall include the name of the hazardous waste as set forth in 40 CFR Part 261, ~~Chapter I, Subchapter I~~, the EPA hazardous waste number, the type of discharge (continuous, batch, or other), identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream ~~wastestream~~ being discharged, and an estimation of the mass of constituents in the waste stream ~~wastestream~~ expected to be discharged during the following ~~twelve (12)~~ months. Notifications shall be provided by the 28th ~~twenty-eighth~~ of the following calendar month of such discharges. Any notification pursuant to this paragraph shall be submitted at least once for each hazardous waste discharged. Notifications of changed conditions shall be submitted in accordance with section 37-747(e) of this article. The notification requirement in this section does not apply to those pollutants already reported by users subject to federal categorical pretreatment standards under the self-monitoring requirements of sections 37-747(a) and 37-747(d) of this article. Refer to chapter 62-730, F.A.C.

(2) Dischargers are exempt from the requirements of paragraph (1) ~~above~~, ~~above~~, during a calendar month in which they discharge hazardous wastes for any given event or calendar day in a calendar month of no more than one ~~(1)~~

kilogram. However, acute hazardous wastes as specified in chapter 62-730, F.A.C., 40 CFR 261.30(d) and 261.33(e) in any quantity during a calendar month shall be subject to the requirements in paragraph (1) above.

(3) 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 shall provide written notification to the director, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities, including FDEP, of the discharge of such substance within ~~thirty~~ (30) days of the effective date of such regulations.

(4) 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 its ~~their~~ hazardous wastes generated to the degree the director has determined to be economically practical. Furthermore, the director may require the user to develop and implement a pollution prevention plan, an accidental slug discharge and spill containment plan, or ~~or~~ a BMPP ~~best management plan~~.

(5) Section 37-747(i) does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued thereunder, or any applicable federal and state law.

(j) *Sample collection.*

(1) Except as indicated in ~~(2)-(2)~~, below, the user shall collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the director may authorize the use of time proportional sampling or a minimum of four ~~(4)~~-grab samples at appropriate intervals where the user demonstrates that this method will provide a representative sample of the waste stream ~~wastestream~~ being discharged to the county wastewater system.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques and shall be composited together for analysis in accordance with 40 CFR Part 136. A minimum of four ~~(4)~~-grab samples shall be collected.

(3) Measurements, tests, and ~~and~~ analysis of the characteristics and quality of waters and wastes to which reference is made in this article shall be performed in accordance with 40 CFR Part 136, ~~Chapter I, Subchapter D,~~ 40 CFR Part 403, ~~Chapter I, Subchapter N,~~ Chapter ~~chapter~~ 62-160, F.A.C., and rule

4390 ~~62-625.600(1)(e)6., Chapter 62-625.600(1)(e)(6), F.A.C., or as~~
4392 amended; and shall be determined at the control manhole for the
4394 user, or upon suitable samples taken at the control manhole. In the
4396 event that no control manhole is available, the control manhole shall
4398 be considered, and designated as such, to be the nearest downstream
manhole in the county's collection system to the point at which the
building sewer lateral for the user is connected to the county WWF.
Sampling shall be carried out to reflect the effect of constituents
upon the county WWF and to determine the existence of hazards to
health, safety, ~~and~~ and welfare.

4400 (4) Required reports shall be based upon data
4402 obtained through sampling and analysis performed during the period
4404 covered by the report and that this shall be representative of
4406 conditions occurring during the reporting period. The director will
4408 indicate the frequency of monitoring necessary to assess and assure
4410 compliance by the industrial user with applicable pretreatment
standards and requirements. Required reports shall contain the
results of sampling and analysis of the discharge, including the flow
and the nature and concentration, or production and mass where
requested by the director, of pollutants contained therein that are
limited by the applicable pretreatment standards. All laboratory
analytical reports prepared by the industrial user of the county shall
comply with rule 62-160.340, F.A.C.

4412 (k) *Sample analysis.*

4414 (1) All analysis of pollutants, including protocols
4416 and detection limits used for characterization of wastewater and
4418 wastes or for determining the water quality of the discharge to the
county WWF, shall be performed in accordance with the techniques
and requirements set forth in 40 CFR Part 136, ~~Chapter I,~~
~~Subchapter D, chapter Chapter~~ 62-160, F.A.C., and rule
4420 62-625.600(1)(e)6., Chapter 62-625.600(1)(e)(6), F.A.C., or as
4422 amended, unless otherwise specified in an applicable categorical
4424 pretreatment standard. If the references cited herein do not contain
4426 applicable analytical protocols for the pollutant in question, the
analysis shall be performed in accordance with procedures approved
by EPA or FDEP. The director shall be given written notice of the
analytical protocols employed by the industrial user to demonstrate
compliance with the permit conditions and provisions of this article.

4428 (2) Annual costs for activities required pursuant
4430 to section 37-748 shall be recovered, at the option of the county,
4432 through fees charged to the respective nonresidential users. Fees
may be assessed for each scheduled, unscheduled, or demand
monitoring ~~visit~~ visits. Direct costs that are incurred by the county
or its authorized agent for sampling, inspecting, and laboratory
analysis, adjusted to reflect administrative, legal, ~~and~~ and other

indirect costs, necessary for implementation and enforcement of the provisions of this article may be billed to the respective user. All self-monitoring costs incurred by any user, including, but not limited to, the cost of sampling, laboratory analysis, and reporting, shall be borne solely by the respective user.

(l) *Electronic reporting.* The director may allow or require reports, including monitoring information, to be submitted on electronic media or electronically using the Internet. In such cases, the user shall acquire the necessary software as approved by the director, at ~~its~~^{their} own expense. The director may require an original report, signed and certified, using conventional methods in addition to the electronic format.

(m) *Submittal date.* Written reports will be deemed to have been submitted on the date postmarked by the United States Postal Service. For reports ~~that~~^{which} are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report by the director shall govern. Reports submitted electronically via the Internet shall be the date of receipt by the director.

(n) *Recordkeeping.*

(1) Users subject to the reporting requirements of this ~~ordinance~~^{article} shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, ~~and~~^{and} any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements and documentation associated with BMPs. Records shall include the date; ~~exact~~^{exact} place, method, and time of sampling; ~~the~~^{and the} name of the person(s) taking the samples; the dates ~~the~~ analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. Records shall be retained, preserved, and available at the user's facility for a period of at least three years. This period shall be automatically extended for the duration of any unresolved litigation or enforcement activity concerning the user or the county, or where the user has been specifically notified of a longer retention period by the director. Refer to chapter 62-160, F.A.C.

~~(2) Records shall be retained, preserved and available at the user's facility for a period of at least three (3) years. This period shall be automatically extended for the duration of any unresolved litigation or enforcement activity concerning the user or the county, or where the user has been specifically notified of a longer retention period by the director.~~

4478 (2)(3) All records pertaining to matters that ~~which~~
4480 are the subject of any enforcement or litigation activities brought by
the county pursuant hereto shall be retained and preserved by the
of limitation with respect to any and all appeals shall have expired.

4482 (3)(4) The director shall have the right to inspect the
4484 records and related documents. The records shall be made available
by the user, subject to the provisions of this article, for inspection by
the director.

4486 **Sec. 37-748. Compliance monitoring.**

(a) *Right of entry: Inspection and monitoring.*

4488 (1) The director shall have the right to enter the
4490 premises of any user to determine whether the user is complying
with all requirements of this article and any industrial wastewater
4492 discharge permit or order issued hereunder. Users shall allow the
director ready access to all parts of the premises for the purposes of
inspection, sampling, records examination and copying, and the
4494 performance of any additional duties related to this article.

4496 (2) Where a user has security measures in place
~~that force which~~ require proper identification and clearance before
entry into its premises, the user shall make necessary arrangements
4498 with its security guards so that, upon presentation of suitable
identification, the director, the director's designee, or ~~or~~ duly
4500 authorized county personnel shall be permitted to enter without
delay for the purposes of determining compliance with this article
4502 or performing specific responsibilities.

4504 (3) The director shall have the right to set up on
the user's property, or require installation of, such devices as are
necessary to conduct sampling, measure flow ~~measurement~~ of the
4506 user's discharge to the county wastewater system, or observe the
user's operations and discharge.

4508 (4) The director may require the user to install
monitoring equipment as necessary to assess the characteristics and
4510 quantity of the discharge to the county wastewater system. The
facility's sampling and monitoring equipment shall be maintained at
4512 all times in a safe and proper operating condition by the user at its
own sole expense. All devices used to measure wastewater flow and
4514 quality (characteristics) shall be calibrated at least annually to
ensure their accuracy.

4516 (5) Any temporary or permanent obstructions to
safe and easy access to the facility to be inspected and/or sampled
4518 shall be promptly removed by the user at the written or verbal
request of the director and shall not be replaced. The costs of

clearing such access shall be borne by the user. Unreasonable delays in allowing the director access to the user's premises shall be a violation of this article. The director has the right to remove obstructions and to recover the costs from the user in emergency situations as deemed necessary by the director.

(6) While performing the necessary work on private properties referred to in this section or this article, the director or duly authorized county employees shall observe all safety rules applicable to the premises established by the company. The company, to the extent allowed by law, shall be held harmless for injury or death to the county employee(s), or for intentional and/or negligent acts solely caused by the county employee(s). To the extent provided by law, the county shall indemnify the company against loss or damage to its property by county employees and against liability claims and demands for personal injury or property damage asserted against the company and arising out of monitoring activities as the result of negligent acts solely caused by the county employee(s).

(b) *Control manhole.* The director may require the owner of any property serviced by a building sewer carrying (or reasonably believed to be carrying) waters and wastes containing prohibited substances, industrial or other nondomestic wastes in concentrations or quantities exceeding the local limits, federal categorical pretreatment standards, or ~~or~~ surcharge standards to, ~~to~~ install a suitable control manhole together with such necessary flow meters, samples, and ~~and~~ other appurtenances in the building sewer to facilitate observation, sampling, and ~~and~~ measurement of the wastes. The control manhole, when required, shall be accessible, safely located, and ~~shall be~~ constructed in accordance with plans approved by the director. The control manhole shall be installed by the owner at the owner's sole expense, and ~~shall be~~ maintained by the owner so as to be safe and accessible at all times and at the owner's sole expense.

(c) *Search or inspection warrants.* If the director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance ~~article~~, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the county that is designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety, and ~~and~~ welfare of the community or county personnel, then the director may seek issuance of a search or inspection warrant (depending upon what the circumstances support) from a judge of a competent court of jurisdiction.

Sec. 37-749. Enforcement procedures.

(a) *General.* The following are the procedures set out along with the county's ~~enforcement response plan~~ (ERP), approved by county resolution. These procedures are the framework for enforcement, provided to ensure consistent enforcement against all respondents, to provide them with notice and a fair hearing, and ~~and~~ to maximize due process for all similarly situated respondents and ~~and~~ eliminate any likelihood for unjust discrimination. The subsections set forth below underlie and provide the source to which the county's ERP shall be cross-referenced. Both enforcement officials and respondents should refer to these article subsections for the underlying law, for purposes of interpretation of the more articulated and detailed county ERP, and for determination of the county's intent. The various provisions of this article ~~that which~~ might be violated are ~~quite broad and, extremely technical, and and arcane.~~ ~~Therefore,~~ the county's ERP is intended to provide the practical reference manual for an enforcement official or respondent for the correct enforcement procedure in a given case, in support of, but not in conflict with, the sections below. Thus, the primary and fundamental rules are as follows:

(1) Any person found to be violating any provision of this article, county local limits as specified and established by county resolution, and any of the orders, rules, regulations, and permits issued hereunder, shall be served by the county with written notice via personal delivery by an authorized county employee or registered or ~~/~~certified mail (return receipt requested), by publication, or by other legally permissible means ~~that, that~~ states the nature of the violation and provides ~~providing~~ a reasonable time limit for the satisfactory correction of the violation. The offender must shall permanently cease all violations within the ~~period of time~~ stated in such notice.

(2) If the discharge from any user causes a deposit, obstruction, process upset, or ~~or~~ damage to the county WWF or a portion thereof, then the director shall cause the deposit or obstruction to be promptly removed, or cause the damage to be promptly repaired, at the sole cost of the person or user causing such deposit, obstruction, or damage to the county WWF.

(3) The remedies provided in this article shall not be exclusive, and the county may seek whatever other remedies are authorized by statute, at law or in equity, against any person or user violating the provisions of this article.

(4) In addition to any fine or penalty levied under this article or the county's ERP, the county may, where the circumstances of the particular case so dictate, but in any event in

the sole discretion of the county, seek injunctive relief to prohibit the user from discharging any wastewater into the county WWF or, or to provide such other affirmative relief as may be appropriate.

(5) Notwithstanding any other fine or penalty as detailed in this article or the county's ERP, any person or user who violates any provision of this article may also ~~may~~ be subject to the provisions of other county ordinances.

(b) *Notification of violation.* When the director finds that a user has violated, or continues to violate, any provision of this article, an industrial wastewater discharge permit, waste hauler operating permit, ~~or~~ order issued hereunder, or any other pretreatment standard or requirement, the director may serve upon that user a written notice of violation informing the user that said user has violated the provisions of this article, including, but not limited to, pretreatment standards for industrial users. Aside from emergent circumstances more specifically set forth elsewhere herein ~~and~~, and in the county's ERP, the respondent user shall reply to the director ~~as follows: within~~ Within the period (in days) specified by the control authority, ten (10) days of the receipt of the notice of violation with an, an explanation of the circumstances of the violation and submit a plan for the satisfactory correction and prevention thereof that includes any, to include specific required actions identified by the director, shall be submitted by the user to the director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Further, if emergent circumstances require a more expedited response, immediate action, ~~or~~ both (~~or~~, (~~or~~ the specific nature of the violation require such, as shown in the county's ERP) ~~by~~, by the respondent, nothing herein shall restrict the director from requiring by special notice, an appropriate, reasonable, but shorter period for response. Failure by a person to respond within the time frames set forth herein, shall be a basis for the director taking immediate action on the violation(s). Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. Requirements for a response to a notice of violation in less than ~~thirty (30)~~ days from the date of service of the notice shall not affect the time frame for waiver of requests for hearing or appeal of the notice, which shall be ~~thirty (30)~~ days from service, unless an obvious and unmistakable notice of a lesser time is placed in the notice.

(c) *Consent orders.* The director may enter into consent orders, accept written assurances of voluntary compliance, or other similar documents establishing a legally enforceable agreement between the county and the user that is designed to restore the user

responsible for the noncompliance to compliant status. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the compliance orders and cease and desist orders issued pursuant to sections 37-749(e) and 37-749(f), respectively, of this article and the county's ERP, adopted by resolution, and ~~and~~ shall be judicially enforceable.

(d) *Show cause order; show cause meeting.*

(1) The director may order a user who has violated, or continues to violate, any ~~any~~ provision of this article, an industrial wastewater discharge permit, a waste hauler operating permit, or any order issued hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why the proposed enforcement action should not be taken. Notice in the show cause order shall be served on the user specifying the time for the show cause meeting, the proposed enforcement action, the reasons for such action, and a statement directing the user to show cause why the proposed enforcement action should not be taken. The show cause order and notice of the meeting shall be served personally or by registered or ~~/~~certified mail (return receipt requested) or by any other lawful means at, ~~at~~ least ~~ten~~ ~~(10)~~ days prior to the meeting. Such notice may be served upon any authorized representative of the user.

(2) A show cause meeting shall not preclude, or be a prerequisite for, taking any other action against the user.

(e) *Compliance orders.* When the director finds that a user has violated, or continues to violate, any provision of this article, an industrial wastewater discharge permit, waste hauler operating permit, or ~~or~~ order issued hereunder, or any other pretreatment standard or requirement, the director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified period ~~of time~~. If the user does not come into compliance within the time period provided, wastewater service may be discontinued by the director, unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also ~~may~~ contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a

compliance order shall not preclude, ~~or~~ be a prerequisite for, taking any other action against the user.

(f) *Cease and desist orders.*

(1) When the director finds that a user has violated, or continues to violate, any provision of this article, an industrial wastewater discharge permit, waste hauler operating permit, ~~or~~ order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director may issue an order to the user directing it to cease and desist all such discharges and/or violations and directing the user to:

a. Immediately comply with all requirements; and

b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

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

(g) *Fines and penalties assessed by the county.*

(1) When the director finds that a user has violated, or continues to violate, any provision of this article, an industrial wastewater discharge permit, or waste hauler operating permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may fine such user in an amount described in the county's ERP, with the minimum fine amount of ~~one thousand dollars (\$1,000.00)~~ per violation, per day to be assessed by the county, pursuant to 40 CFR ~~§ Part~~ 403.8(f)(1), ~~Chapter I, Subchapter N, F.S. § section 125.69, F.S. and rule 62-625.500(2)(a)5.a., Chapter 62-625.500(2)(A)5.a., F.A.C., and~~ shall not exceed the limits per day set forth below in this section. Such fines shall be assessed on a per violation, per day basis, but shall not require a separate inspection each day of the continued violation for the purpose of ascertaining compliance or continued violation. Instead, after a notice of the violation, it shall be the burden of the respondent to abate the violation ~~and, and~~ call for an inspection by the appropriate county code enforcement compliance officer to confirm compliance, ~~and in the meantime, the~~ The violation will be considered as ongoing until the official files a notice with the director or other appropriate official that the violation has been abated. In the case of any continuing violation not having been shown to have been abated, including, ~~but~~ not

4742 limited to, monthly or other long-term average local limits, State of
4744 Florida standards, ~~and/or~~ ~~and/or~~ federal categorical pretreatment
standards, fines shall be assessed for each day during the period of
violation.

4746 (2) Penalties may be assessed for each
occurrence, each ~~24-hour~~ ~~twenty-four-hour~~ period, ~~and~~ ~~and~~ for each
4748 prohibited discharge ~~exceedance~~ ~~exceedence~~ of a federal categorical
pretreatment standard, state standard, ~~or~~ county local limit
4750 referenced or set forth in sections 37-735 through 37-737 of this
article, ~~or~~ county local limit established by county resolution, or
other performance and discharge standards elsewhere in this article.

4752 (3) Unpaid charges, fines, and penalties shall,
after ~~thirty~~ (30) calendar days, be considered delinquent and shall be
4754 assessed interest ~~that~~ ~~which~~ shall accrue at a rate determined by the
director. A lien against the user's property shall be sought for unpaid
4756 charges, fines, and penalties.

4758 (4) Users desiring to dispute the amount of such
fines must file a written request for the director to reconsider the fine
along with full payment of the fine amount within ~~ten~~ (10) days of
4760 being notified of the fine. The request must include a non-refundable
violation appeals process charge in accordance with section 37-709,
4762 and fees established by county resolution. Where a request has
merit, the director may convene a meeting on the matter. In the event
4764 the user's request for reconsideration is successful, the payment of
the applicable portion of the fine, together with any interest accruing
4766 thereto, shall be returned to the user. The director may seek
reimbursement of all prosecutorial costs, ~~including~~ ~~including~~, but
4768 not limited to, the costs of preparing enforcement actions (~~such~~, ~~such~~
as notices and orders) ~~laboratory~~, ~~laboratory~~ costs, consultant's fees,
4770 ~~and~~ sampling and inspection expenses, and assess these costs
directly to the user. The provisions of this section shall apply only
4772 to the amount of such fine ~~and~~, ~~and~~ shall not substitute for the appeal
provisions related to the correctness, appropriateness, accuracy, ~~or~~
4774 ~~or~~ legality of the underlying charge itself.

4776 (5) Imposition of a fine shall not preclude, or be
a prerequisite for, taking any other action against the user.

4778 (6) The county's ERP shall be established in
accordance with ~~rule~~ ~~Section~~ 62-625.500, F.A.C., and will be,
4780 procedurally ~~established~~, ~~established~~ by way of resolution. The
penalty tables and provisions set out currently in this article will be
repealed on the date the initial resolution establishing the new ERP
4782 goes into effect. The county's ERP shall, ~~at~~ ~~contain~~ ~~at~~ a minimum
~~identify methods~~; ~~methods~~ of investigating noncompliance, ~~identify~~
4784 personnel responsible for enforcement, ~~describe~~ ~~the~~ types of

4786 escalating enforcement responses, time frame for responses,
4788 enforcement tools, tracking, ~~and~~ follow-up, and an enforcement
4790 response guide inclusive of the penalty matrix. The county's ERP
4792 shall be established at a public hearing at which ~~all the~~ users and ~~all~~
4794 others who are interested shall have an opportunity to be heard
4796 concerning the proposed county ERP. Notice of such public hearing
4798 setting forth the proposed schedule or schedules of the county's ERP
4800 shall be given by one ~~(1)~~ publication in a newspaper published in
4802 the county at least ~~ten~~ (10) days before the date fixed in such notice
4804 for the hearing, ~~that which~~ may be adjourned from time to time.
4806 After such hearing, such schedule or schedules shall be kept on file
4808 in the office of the director and shall be open ~~at all times~~ to public
4810 inspection. The county's ERP may be revised from time to time in
the same manner as the county's ERP was originally established. In
addition to the administrative fines and penalties established by the
county within the county's ERP, additional enforcement action may
be imposed by the director in accordance with sections 37-749
through 37-751 of this article. In the meantime, prior to the
establishment of such county ERP, the director and his or her
delegates may enforce this article under the general provisions
herein, using reasonable provisions for providing notice, affording
~~according~~ due process, ~~and~~ ~~and~~ allowing full opportunity to the
respondents to be heard and defend, where necessary. Currently,
utilized penalty tables and other mechanisms necessary to avoid the
possibility of arbitrary imposition or unfair or disproportionate
penalties shall continue until the county's ERP has been finalized.

(h) *Emergency suspensions.*

4812 (1) The director may immediately suspend a
4814 user's discharge, after written or ~~/~~verbal notice to the user, whenever
4816 such suspension is necessary to stop an actual or threatened
4818 discharge ~~that which~~ reasonably appears to present or cause an
4820 imminent or substantial endangerment to the county wastewater
4822 system, environment, or to the health, safety, or welfare of the
4824 general public or county personnel. The director also may
immediately suspend a user's discharge, after written or ~~/~~verbal
notice and an opportunity for the user to respond, that threatens to
interfere with the operation of the county wastewater system or, ~~or~~
~~that which~~ presents, or may present, an endangerment to the
environment or the health and safety of the general public or county
personnel.

4826 (2) Any user notified to suspend ~~of a suspension~~
4828 of its discharge must ~~shall~~ immediately stop or eliminate its
contribution to the county wastewater system. In the event of a
user's failure to immediately comply voluntarily with the
suspension order, the director may take such steps as deemed

necessary, including immediate severance of the sewer connection or public water supply, to prevent or minimize damage to the county wastewater system, the environment, or endangerment to any individuals. The director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless the termination proceedings in section 37-749(i) of this article have been initiated against the user.

(3) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment to the county wastewater system, the environment, general public, ~~or~~ county personnel 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 meeting or termination hearing under sections 37-749(d) or 37-749(i) of this article.

(4) Nothing in this section shall be interpreted as requiring a meeting or a hearing prior to any emergency suspension pursuant to this section or the county's ERP.

(i) *Termination of discharge.*

(1) In addition to the provisions of section 37-747(f) of this article, any user who violates any of the following conditions is subject to discharge termination:

a. Violation of industrial wastewater discharge permit or waste haulers operating permit conditions;

b. Failure to accurately report the wastewater constituents, flow volumes, ~~and~~ characteristics of its discharge;

c. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

d. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

e. Violation of the discharge standards ~~in sections 37-735 through 37-737 or section 37-756~~ of this article ~~or~~, or county local limits established by county resolution.

(2) In situations that do not constitute an immediate danger to the WWF or the public health, ~~then~~ the user shall receive written notification of the proposed termination of its discharge and shall be offered an opportunity to show cause under section 37-749(d) of this article as to why the proposed termination

of discharge should not be taken. Exercise of this option by the director shall not be a bar to, or a prerequisite for, taking any other action against the user.

(3) The county reserves the right, at the discretion of the director, to either plug the sewer lateral to terminate the discharge or to sever water service to prevent discharges to the county wastewater system. Other appropriate regulatory agencies may be notified by the director of the enforcement action(s) taken by the county.

(j) *Appeals.* Persons aggrieved as a result of the enforcement proceedings set out herein, or by certain other determinations made by the director, shall have an opportunity to have their grievances heard by a neutral ~~third-party~~ third party:

(1) *Hearing examiner.* There is hereby created for the purposes of this article the position of hearing examiner. Accordingly, the ~~BCC board of county commissioners~~ shall appoint, by county resolution, such hearing examiner for these duties, who shall be a member in good standing of the Florida Bar. The hearing examiner shall conduct the hearings in accordance with the rules and regulations set forth herein ~~and~~ and in the supplement set out in the county's ERP. The examiner's compensation, the methodology for calling up hearings before said examiner, the maximum and minimum number of hours proposed for such examiner to sit in session and prepare opinions and orders, the number of hearings per year, the hiring process to obtain the services of such examiner, shall all be determined in a county resolution approved by the ~~BCC, board of county commissioners~~ except that the term for the hearing examiner must not be less than one ~~(1)~~ year, and the examiner may not be removed during that term but for good cause shown.

(2) *Appeal procedure.* Any person or user may appeal the enforcement decision, article interpretation, regulatory determination, ~~or~~ or order of the director defined herein ~~to the,~~ to the, ~~to that~~ hearing examiner established above. This appeals process will be accomplished through an administrative hearing, under the procedures more specifically set forth in the county's ERP. The appeal shall relate to the following decisions about which the user is alleged to be in violation:

- a. An industrial wastewater discharge permit;
- b. A waste hauler operating permit;
- c. An enforcement order issued hereunder;

- 4914 d. Any pretreatment standard or
requirement;
- 4916 e. To review a show cause order issued
under this ordinance;
- 4918 f. Denial of a variance under this
ordinance; or
- 4920 g. Any provision of this article except as
follows:
- 4922 i. The appeal-~~appeals~~ procedure
4924 referenced in this section
article does not include
4926 appeals pursuant to division 2
of this article relating to septic
4928 tanks or package or interim
treatment plants ~~since an~~
~~appeals mechanism for these~~
4930 ~~issues is provided for~~
~~elsewhere in this chapter; and~~
- 4932 ii. The appeal-~~appeals~~ procedure
4934 referenced in this section is
are not applicable to appeals
4936 related to county surcharge
program billing issues;
4938 ~~pursuant to section 37-755(h)~~
~~of this article.~~

4940 Only a user directly affected by the decision or enforcement order
or interpretation has standing to bring such an appeal.

4942 ~~(3) The appeals hearing examiner shall not hear~~
appeals pursuant to division 2 of this article relating to septic tanks
4944 ~~or package or interim treatment plants since an appeals mechanism~~
~~for these issues is provided for elsewhere in this ordinance. Billing~~
issues, pursuant to section 37-755(h), ~~are not appealable under this~~
4946 ~~section.~~

4948 ~~(3)4~~ An appeal, as ~~as~~ authorized by this section,
shall ~~shall~~ be instituted by filing a notice of appeal with the director
within ~~ten~~ (10) days after the date of issuance of the written decision,
4950 interpretation, or ~~or~~ order of the director. The notice of appeal shall
be filed with the director and, ~~and~~ shall include the decision,
4952 interpretation, or ~~or~~ order being appealed and the grounds for the
appeal. The decision of the director shall be complied with until the
4954 director's decision is altered, amended, or ~~or~~ reversed by the hearing
examiner ~~on appeals~~ or a court.

4956 (45) After the date that the notice of appeal is filed
4958 with the director, the director shall schedule a hearing date before
the hearing examiner for the purpose of considering the appeal,
4960 based upon the grounds set forth in the notice of appeal and this
ordinance. The hearing may be continued by the clerk or chairperson
4962 of the appeals board on their own motion, or at the request of the
director or the appealing party. A notice of the hearing scheduled to
4964 consider the appeal shall be provided to the person filing the appeal,
by hand delivery or ~~by~~ certified mail, ~~setting~~ setting forth the time
4966 and place of the hearing and providing notification that, should any
person decide to appeal the decision of the hearing examiner, a
4968 verbatim record may be necessary, and the appellant ~~must~~ shall
make arrangements for securing such a transcript. The hearing
4970 notice shall include, but not be limited to, the information required
in the county's ERP, ~~and the following:~~

4972 (56) *Hearing on appeal.* All ~~of~~ the requirements
necessary for due process ~~and, and necessary~~ for determination and
4974 disposition of the appeal, including, but not limited to, verification
of jurisdiction, consideration of evidence, testimony (which shall be
4976 under oath), argument presented, and affirmance, modification, or
~~or~~ reversal of the decision, interpretation, or ~~or~~ order of the director,
4978 shall be made by the hearing examiner. Any such decision shall be
in writing, setting forth findings of fact and conclusions. Neither the
Florida Evidence Code nor the Florida Rules of Civil Procedure
4980 shall apply, but the hearing shall otherwise comply with the
requirements of due process. Refer to the county's ERP for more
4982 detailed rules and procedures for the hearing on appeal.

4984 (67) The BCC ~~board of county commissioners~~
shall provide clerical and administrative personnel as may be
reasonably required.

4986 (78) The order by the hearing officer must include
a statement that any person aggrieved by the order who was a party
4988 before the hearing officer may appeal, in accordance with the
procedures shown in this chapter ~~and, and~~ in the county's ERP.

4990 (89) If an order is recorded in the public records
pursuant to this section, the hearing officer may issue an order
4992 setting aside or withdrawing it for, ~~for~~ good cause shown, recording
it in the public records.

4994 (940) A hearing is not required to issue an order
withdrawing or setting aside such order.

4996 (1044) The director or the appealing party may
challenge the hearing officer's decision hereunder by filing a
4998 petition for writ of certiorari in the circuit court of the county within
~~thirty~~ (30) days of the forum's written decision.

(1142) Refusals to comply or appeal or both combined may be dealt with by the director as shown herein and as shown in the county's ERP.

Sec. 37-750. Judicial enforcement.

(a) *Injunctive relief.* In addition to any other remedies available to the county, when the director finds that a person or user has violated, or continues to violate, any provision of this article, an industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the county may petition a court of competent jurisdiction for the issuance of a temporary or permanent injunction, as appropriate, ~~that which~~ restrains or compels the specific performance of the industrial wastewater discharge permit, waste hauler operation permit, enforcement order, or other requirement imposed by this article on the activities of the user. The director may also seek ~~such~~ other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(b) *Civil penalties assessed by court of law.*

(1) A person or user who has violated, or continues to violate, any provision of this article, an industrial wastewater discharge permit or order issued hereunder, ~~or any other~~ pretreatment standard or requirement, or waste hauler operating permit, shall be liable to the county for a maximum civil penalty permitted under the county's ERP, ~~as as~~ described in section 37-749 of this article, of ~~two thousand dollars (\$2,000.00)~~ per violation (per pollutant), per day, for as long as the violation continues, but not less than ~~one thousand dollars (\$1,000.00)~~ per violation (and where applicable, per pollutant), per day, plus actual damages incurred by the county per violation. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The director may recover court costs ~~and, and~~ other expenses associated with enforcement activities, including sampling, monitoring, ~~and and~~ laboratory expenses, and the cost of any actual damages incurred by the county.

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

(4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user, including the imposition of penalties under section 37-749(g) of this article and as defined in the county's ERP.

(c) *Criminal prosecution.*

(1) A person or user who willfully or knowingly violates any provision of this article, an industrial wastewater discharge permit, an enforcement order issued hereunder, a waste hauler operating permit, or any other pretreatment standard or requirement shall, upon conviction, be punished by a fine not less than ~~one thousand dollars (\$1,000.00)~~ per violation, per day, pursuant to rule 62-625.500(2)(a)5.a., ~~per Chapter 62-625.500(2)(A)5.a.~~, F.A.C., and shall not exceed the maximum fine amount of ~~two thousand dollars (\$2,000.00)~~ per violation, per day, or imprisonment in the county jail for a term not exceeding ~~sixty (60)~~ days, or both by such fine and imprisonment, per F.S. § 125.69.

(2) A person or user who willfully or knowingly introduces any substance into the county WWF ~~that which~~ causes personal injury or property damage shall, upon conviction, be punished by a fine not less than ~~one thousand dollars (\$1,000.00)~~ per violation, per day, pursuant to rule 62-625.500(2)(a)5.a., ~~per Chapter 62-625.500(2)(A)5.a.~~, F.A.C., and shall not exceed the maximum fine amount of ~~two thousand dollars (\$2,000.00)~~ per violation, per day, or imprisonment in the county jail for a term not exceeding ~~sixty (60)~~ days, or both by such fine and imprisonment, per F.S. § 125.69. The penalty shall be in addition to any other cause of action for personal injury or property damage available under state or federal law.

(3) A person or user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, the industrial wastewater discharge permit, waste hauler operating permit, enforcement order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine not less than ~~one thousand dollars (\$1,000.00)~~ per violation, per day, pursuant to rule 62-625.500(2)(a)5.a., ~~per Chapter 62-625.500(2)(A)5.a.~~, F.A.C., and shall not exceed the maximum fine amount of ~~two thousand dollars (\$2,000.00)~~ per violation, per day, or by imprisonment in the county jail for a term not exceeding ~~sixty (60)~~ days, or both such fine and imprisonment, per F.S. § 125.69.

(4) With respect to violations of this article that are continuous with respect to time, each day the violation continues

is a separate offense. As such, a person or user can, upon conviction, be punished by a fine not less than ~~one thousand dollars~~ (\$1,000.00) per violation, per day, pursuant to rule 62-625.500(2)(a)5.a., per Chapter 62-625.500(2)(A)5.a., F.A.C., and shall not exceed the maximum fine amount of ~~two thousand dollars~~ (\$2,000.00) per violation, per day, or by imprisonment in the county jail for a term not exceeding ~~sixty~~ (60) days, or both such fine and imprisonment, per F.S. § 125.69.

(d) *Remedies nonexclusive.* The remedies provided for in this article are not exclusive. The director may take any, all, or any combination of the actions outlined in this article against a noncompliant user. Enforcement of pretreatment violations shall generally be in accordance with the county's ERP. However, the county may take other action against any user or waste hauler when the circumstances warrant, as ~~as~~ authorized by the county charter or code of ordinances, or state or federal law. Further, the director is hereby authorized to take more than one ~~(1)~~ enforcement action authorized herein against any noncompliant person, user, or ~~or~~ waste hauler.

Sec. 37-751. Supplemental enforcement.

(a) *Performance bonds.* The director may decline to issue or reissue an industrial wastewater discharge permit or waste hauler operating permit to any user who has failed to comply with any provision of this article, a previous industrial wastewater discharge permit or waste hauler operating permit, ~~or~~ ~~an~~ enforcement order issued hereunder, or any other pretreatment standard or requirement, unless the ~~such~~ user first files a satisfactory bond, payable to the county, in a sum not to exceed a value determined by the director to be necessary to achieve consistent compliance.

(b) *Liability insurance.* The director may decline to issue or reissue an industrial wastewater discharge permit to any user who has failed to comply with any provision of this article, a previous industrial wastewater discharge permit or waste hauler operating permit, ~~or~~ ~~an~~ enforcement order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained and maintains for the duration of any permit financial assurances sufficient to restore or repair damage to the county WWF that may be caused by its discharge.

(c) *Water supply severance.* Whenever a user has violated or continues to violate any provision of this article, an industrial wastewater discharge permit, waste hauler operating permit, ~~or~~ ~~an~~ enforcement order issued hereunder, or any other pretreatment standard or requirement, water service to the user may

5132 be severed by the director. Service shall recommence, at the user's
5134 expense, only after the user has satisfactorily demonstrated to the
5136 director its ability to comply with this article, the industrial
5138 wastewater discharge permit or waste hauler operating permit, or
5140 enforcement order; ~~paid~~, ~~paid~~ in full the fines and civil penalties
assessed for the violation(s); ~~and~~ ~~and~~ paid in full any outstanding
invoices for wastewater services. The control authority shall not be
responsible for any damages incurred by a user caused by, or related
to, the water supply being severed.

5142 (d) *Public nuisances.* A violation of any provision of this
5144 article, an industrial wastewater discharge permit, a waste hauler
5146 operating permit, ~~or~~ enforcement order issued hereunder, or any
other pretreatment standard or requirement is hereby declared a
public nuisance, and the county shall be entitled to receive from the
violator any costs incurred in removing, abating, or remedying said
nuisance.

5148 (e) *Contractor listing.* Users ~~that~~ ~~which~~ have not
5150 achieved compliance with applicable pretreatment standards and
5152 requirements or waste hauler operating permit requirements are not
5154 eligible to receive a contractual award for the sale of goods or
5156 services to the county. Existing contracts for the sale of goods or
services to the county held by a user found to be in significant
noncompliance with pretreatment standards or requirements or
waste hauler operating permit requirements may be terminated at the
discretion of the county.

5158 (f) *Letter of credit.* The director may decline to issue or
5160 reissue an industrial wastewater discharge permit or waste hauler
5162 operating permit to any user who has failed to comply with any
5164 provision of this article, a previous industrial wastewater discharge
permit or waste hauler operating permit, ~~or~~ an enforcement order
issued hereunder, or any other pretreatment standard or requirement,
unless such user first files a satisfactory letter of credit payable to
the county, in a sum not to exceed a value determined by the director
to be necessary to achieve consistent compliance.

5166 **Sec. 37-752. Affirmative defenses to discharge violations.**

(a) *Upset.*

5168 (1) For the purpose of this section, ~~upset~~ ~~“upset”~~
5170 means an incident in which there is unintentional and temporary
5172 noncompliance with county local limits ~~and/or~~ ~~and/or~~ categorical
5174 pretreatment standards because of factors beyond the reasonable
control of the user. An upset does not include noncompliance to the
extent caused by operational error, improperly designed treatment
facilities, inadequate treatment facilities, lack of preventive
maintenance, or careless or improper operation. An upset shall

176 constitute an affirmative defense to an action brought for
5178 noncompliance with categorical pretreatment standards if the
requirements of paragraph (2) ~~below are, below, are~~ met.

5180 (2) A user who wishes to establish the
affirmative defense of upset ~~must~~ shall demonstrate, through
5182 properly signed, contemporaneous operating logs ~~or, or~~ other
relevant evidence that:

5184 a. An upset occurred and the user can
identify the cause(s) of the upset;

5186 b. The facility was at the time being
operated in a prudent and workman-like manner and in compliance
with applicable O&M ~~operation and maintenance~~ procedures; and

5188 c. The user has submitted the following
information to the director within ~~twenty-four (24)~~ 24-hours of
5190 becoming aware of the upset. If the information is provided orally,
a written report shall be provided within five ~~(5)~~ days in accordance
5192 ~~accordance~~ with the notification procedures in section 37-747(f).
Information shall include, but may not be limited to:

5194 1. A description of the indirect
discharge and the cause of noncompliance;

5196 2. The period of noncompliance,
including exact dates and times or, if not corrected, the anticipated
5198 time the noncompliance is expected to continue; and

5200 3. Steps being taken and/or
planned to reduce, eliminate, and prevent recurrence of the
noncompliance and the causes for the upset conditions.

5202 (3) In any enforcement proceeding, the user
seeking to establish the occurrence of an upset shall bear the burden
5204 of proof.

5206 (4) Users shall have the opportunity for a judicial
determination on any claim of upset ~~only~~ in an enforcement action
brought for noncompliance with categorical pretreatment standards.

5208 (5) Users shall control production of all
discharges to the extent necessary to maintain compliance with
5210 categorical pretreatment standards upon reduction, loss, or failure of
its treatment facility, until the facility is restored or an alternative
5212 method of treatment is provided. This requirement applies in the
situation where, among other things, the primary source of power of
5214 the treatment facility is reduced, lost, or fails.

5216 (b) *Prohibited discharge standards.* A user shall have an
affirmative defense to an enforcement action brought against it for
noncompliance with the general prohibitions in section 37-735(a)(1)

of this article or the specific prohibitions in section 37-735(a)(2) of this article ~~if~~ 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 at county wastewater facilities, 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~~ ~~and~~ during ~~the~~ the pass through or interference; or

(2) No local limit exists, but the discharge did not change substantially in nature, volume, ~~or~~ constituents from the user's prior discharge when the county WWF was regularly in compliance with its applicable state and federal permits, NPDES permits, ~~and~~ ~~in~~ ~~and~~ in the case of interference, was in compliance with applicable sludge disposal or reuse requirements or reuse agreements.

(c) *Bypass.*

(1) For purposes of this section, ~~bypass~~ ~~"bypass"~~ means the intentional diversion of waste streams from any portion of an industrial user's treatment facility or vehicles used to haul waste. ~~Severe property damage~~ ~~"Severe property damage"~~ means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage shall not include economic loss caused by delays in production. A user may allow any bypass to occur ~~that~~ ~~which~~ does not cause pretreatment standards or requirements to be violated, but only ~~for~~ ~~for~~ essential maintenance to assure efficient and proper operation. These bypasses are not subject to the provision of paragraphs (2) and (3) below of this section.

(2) Industrial users shall notify the director immediately upon knowledge of the need for a bypass in cases where the industrial user does not know of the need for a bypass 10 days prior. If a user knows in advance of the need for a bypass, the user shall submit written notice to the director at least ten (10) days before the scheduled or anticipated date of the bypass. In the case of emergencies or unscheduled events, written notice shall be provided to the director or early as possible.

(3) A user shall submit oral notice to the director of an unanticipated bypass that exceeds applicable pretreatment standards within ~~twenty-four (24)~~ 24-hours from the time it becomes aware of the bypass. A written submission shall be provided within ~~five (5)~~ days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and

causes, ~~the~~; the duration of the bypass, ~~including~~ (including exact dates and times ~~and~~, and, if the bypass has not been corrected, the anticipated time it is expected to ~~continue~~), ~~continue~~; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The director may waive the written report on a case-by-case basis if the oral report has been received within ~~twenty-four (24)~~ 24-hours ~~or~~; or the user submitted a facsimile with the requisite information within ~~twenty-four (24)~~ 24-hours of the bypass.

(4) Bypass is prohibited, and the director may take an enforcement action against a user for a bypass, unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass ~~that, which~~ occurred during normal periods of equipment downtime or preventive maintenance;

c. Emergency situations existed, ~~and~~ and the user immediately notified the director of the bypass as required in paragraph (c)(3) of this section; ~~or and~~

d. The user submitted notices as required under paragraph (c)(3) of this section.

(5) The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the ~~three (3)~~ conditions listed in paragraph (c)(4)(a) of this section.

Sec. 37-753. Publication of users in significant noncompliance.

(a) The director shall publish annually, in a daily newspaper of general circulation in the county, a list of all nonresidential users and waste haulers ~~that, which~~, during the previous ~~twelve (12)~~ months, were in significant noncompliance with applicable pretreatment standards and requirements or those requirements as specified in this article. The term significant noncompliance shall mean:

(1) Chronic violations of wastewater discharge limits;

(2) Technical review criteria (TRC) violations;

(3) Any other discharge violation that the director believes has caused, alone or in combination with other

5304 discharges, interference or pass through, including endangering the
5305 health of county personnel or the general public;

5306 (4) Any discharge of pollutants that has caused
5307 imminent endangerment to the public or to the environment, or has
5308 resulted in the director's exercise of emergency authority to halt or
5309 prevent such a discharge;

5310 (5) Failure to meet ~~within, within ninety~~ (90)
5311 days of the scheduled date, a compliance schedule milestone
5312 contained in the industrial wastewater discharge permit, waste
5313 hauler operating permit, or enforcement order for starting
5314 construction, completing construction, or attaining final
5315 compliance;

5316 (6) Failure to provide within ~~thirty~~ (30) days
5317 after the due date, any required reports, including ~~BMRs~~ ~~baseline~~
5318 ~~monitoring reports~~, reports on compliance with federal categorical
5319 pretreatment standard deadlines, periodic self-monitoring reports,
5320 and reports on compliance with compliance schedules;

5321 (7) Failure to provide waste acceptance sampling
5322 results and information to the director prior to the discharge of
5323 hauled waste to the county POTW or WWF;

5324 (8) Failure to accurately report noncompliance;
5325 or

5326 (9) Any other violation(s) ~~that which~~ the director
5327 determines will adversely affect the operation or implementation of
5328 the local pretreatment program.

5329 **Sec. 37-754. County oil and grease prevention program**
5330 **(OGPP).**

5331 (a) *Purpose.* The purpose of this section is to provide for
5332 the implementation of the county's oil and grease prevention
5333 program (OGPP). The objective of the county's OGPP is to
5334 minimize the introduction of ~~fat-soluble~~ ~~fat-soluble~~ wastes,
5335 including petroleum-based hydrocarbons, into the county WWF.

5336 (b) *{Limits established.}* Pursuant to the county's
5337 resolution establishing county local limits, the county has
5338 established a local limit for total oils and grease, including dispersed
5339 ~~petroleum-based~~ ~~petroleum-based~~ hydrocarbons for all
5340 nonresidential users discharging wastewater to the county POTW or
5341 WWF, users in the county's OGPP, ~~and as well as~~ the county's
5342 pretreatment program. Program requirements are outlined under
5343 separate cover of the Wastewater Discharge and Industrial
5344 Pretreatment Standards Technical Manual.

5345 (c) *General criteria.*

346 (1) The discharge by any nonresidential user to
5348 the county WWF of certain liquids or wastes may be prohibited or
limited pursuant to the provisions of this article.

5350 (2) Wastes that ~~which~~ contain oils and grease
may be discharged to the county WWF in accordance to the
conditions set forth in this article.

5352 (3) Wastes containing oil and grease, inert solids,
5354 ~~or~~ ~~or~~ solids originating from foods or beverages, ~~beverages~~
including materials processed through garbage grinders, shall be
5356 directed to the county-approved oil and grease interceptor or oil and
grease trap.

5358 (4) Wastes containing residual or trace amounts
of petroleum-based ~~petroleum-based~~ oils and greases shall be
directed to the county-approved oil and water ~~water~~ separator.

5360 (5) Sanitary facilities and other similar fixtures
5362 shall not be connected to the oil and grease interceptor/trap or, ~~or~~ of the
oil and water ~~water~~ separator.

5364 (6) Liquid wastes shall be discharged to the oil
and grease interceptor/trap or, ~~or~~ oil and water ~~water~~ separator
5366 through the inlet pipe only and in accordance with the design and
operating ~~operating~~ specifications for the device.

5368 (7) Oil and grease interceptors/traps and oil and
water ~~water~~ separators shall be installed in accordance with the
5370 county building codes, ~~in accordance with~~ Florida Building Code,
and county-approved plans and specifications created to implement
5372 this ordinance, and development review requirements and in a
location that ~~which~~ provides easy and safe access at all times for
5374 inspections, cleaning, and ~~and~~ proper maintenance, such as routine
pumping. Oil and grease interceptors and oil and water ~~water~~
5376 separators shall not be located inside of a structure. The director
shall approve the location of the oil and grease interceptor/trap or oil
and water and water ~~water~~ separator prior to installation.

5378 (8) Nonresidential establishments (users) that
5380 prepare, process, or ~~or~~ serve food, beverages, or ~~or~~ food/beverage
products shall install an oil and grease interceptor. Nonresidential
5382 establishments that have the potential to discharge wastes containing
petroleum-based ~~petroleum-based~~ oil and grease, such as
5384 commercial laundries (laundries that clean uniforms, rags, rugs, or
~~or~~ mats that are stained with petroleum-based oils or ~~laundries~~ that
5386 use oils to remove stains), car washes, and ~~and~~ automotive-related
facilities, shall have an oil and water ~~water~~ separator. Other
5388 nonresidential users may be required by the director to install an oil
and grease interceptor and/or an oil and water ~~water~~ separator, as

appropriate, for the proper handling of wastes containing oils and greases in excess of the limit established in this article.

(9) Other types of food manufacturing or food preparation enterprises, such as, but not limited to, commissaries, commercial kitchens, ~~and~~ and caterers, shall install an oil and grease interceptor. Oil and grease interceptors shall be sized on an individual case-by-case basis, in accordance with the Florida Building Code and county building codes, ~~and in accordance with~~ county-approved plans and specifications. A control manhole or inspection box for monitoring purposes may be required and shall be installed as approved by the director.

(10) Multi-family dwellings, such as triplexes, quadruplexes, townhouses, condominiums, apartment buildings, apartment complexes, ~~or~~ or other areas of intensified dwelling ~~that~~ ~~which~~ are found by the director to be contributing oil and grease in quantities sufficient to cause main line stoppage ~~or pump, pump~~ station malfunctions ~~or to, or~~ necessitate increased maintenance on the collection system ~~may, may~~ be directed to cease discharging oil and grease in excess of the limit herein to the county WWF, ~~and~~ may be required to remove oil and grease from the private collection system that directly or indirectly discharges to the county's collection system, and may be required to install, ~~at~~ ~~at~~ cost to the user, ~~an~~ ~~an~~ oil and grease interceptor, ~~and/or~~ and/or individual oil and grease traps, ~~and/or~~ ~~and/or~~ an oil and water separator. Such users shall be required to maintain oil and grease interceptors/traps and/or oil and water separators, properly dispose of wastes from related devices, provide for proper waste disposal manifesting and reporting in accordance with this article, pay fees related to county OGPP participation, and be subject to county inspection and monitoring. All maintenance of oil and grease management devices, including proper waste disposal, shall be performed by the user at the user's sole expense. These users may also be required to participate in public education activities. The capacity of the oil and grease interceptor and/or oil and water separator shall be evaluated on a case-by-case basis. A control manhole or inspection box for monitoring purposes may be required and shall be installed by utility system user, as approved by the director. The county shall have the right to inspect all private wastewater collection systems and appurtenances, and to cause discontinuance of sewer service if the private wastewater collection system is not maintained in a sanitary and effective operating condition or if the public sewer facilities may be harmed thereby.

(11) Dischargers with private pump stations that discharge oil and grease to a private sewer or public sewer connected to the county's POTW or WWF ~~that, which~~ are found by the director

to be contributing oil and grease in quantities sufficient to cause main line stoppage, ~~or pump station malfunctions or to, or~~ necessitate increased maintenance on the collection system ~~may,~~ may be directed to cease discharging oil and grease in excess of the limit herein to the county POTW or WWF and shall be required to participate in the county's OGPP, pay county OGPP fees, and ~~be required to~~ provide for the proper maintenance and emergency notification signage of all pump stations privately maintained, as specified in the Wastewater Discharge and Industrial Pretreatment Standards Technical Manual. ~~follows:~~

a. ~~Remove all floatable and settleable solids from private pump station wet wells, clean the wet well walls and all associated equipment (floats, etc.), and properly complete a waste disposal manifest and dispose of the wastes removed at least every one hundred eighty (180) days, or more frequently as needed to prevent the discharge of grease into the county's POTW or WWF.~~

b. ~~The owner of a private pump station shall operate and maintain the private pump stations in proper working order (including the control panel and all other electrical and mechanical components) and properly secure the private pump station. The owner of a private pump station shall provide the director verification of the experienced staff directly employed by the owner experienced in the operations, maintenance, and repairs of the pump stations for review, or a copy of the contract with a reputable person or firm experienced in the operations, maintenance, and repairs of pump stations for review prior to committing to contract for service. The owner shall provide proof to the director that the owner's designated pump station maintenance staff or contractor possesses a minimum of two (2) years of experience in pump station operations and maintenance to include pump and electrical maintenance experience. The pump station owner shall provide the designated facility private pump station staff or contractor with sufficient access to all equipment as needed to pull and service pump station pumps and other related equipment and components, as well as access needed for pumping and removing pump station waste. The designated facility private pump station staff or contractor must be able to respond to and provide contracted pump station services twenty four (24) hours a day, seven (7) days a week and respond to the site within two (2) hours after notification of pump station related spill or overflow.~~

c. ~~Provide the user's twenty-four hour emergency contact telephone numbers to the director, enabling the county to notify the property owner and contractor of reported emergency.~~

5478 d. ~~Provide the director with seventy two~~
5480 ~~(72) hours' advanced notice upon the expiration or change of status~~
of the ownership, management, designated facility private pump
station staff or contractor.

5482 e. ~~Provide for a sign, posted on or~~
5484 ~~adjacent to the pump station site (preferably on the control panel).~~
The sign size should be approximately twelve (12) inches by
5486 eighteen (18) inches, white background with black letters. The
letters should be legible. The sign shall state the following minimum
information:

5488 i. ~~"Private Sanitary Sewer Pump~~
Station"

5490 ii. ~~"In Case of Emergency contact~~
the following numbers:

5492 iii. ~~"Facility Owned by:~~
Name: ()

5494 Phone Number: ()"

iv. ~~"Facility Maintained by:~~
5496 Name: ()

Phone Number: ()"

5498 v. ~~"Station Number: ()"~~

5500 f. ~~The name and the number referenced~~
in section 37-754(e)(11)e.iv., above, must be the maintenance
5502 contractor company's name (if a contracted firm is performing the
private pump station maintenance) or the contracted individual's
5504 name (if an individual is contracted to perform private pump station
maintenance), or the private pump station owner's name (if the
5506 pump station is maintained by the owner's maintenance staff) and
the twenty-four hour response phone number for the contracted
company/individual/owner's maintenance staff.

5508 g. ~~The station number referenced in~~
section 37-754(e)(11)e.v., above, shall be assigned by the county.

5510 h. ~~The county shall have the right to~~
5512 ~~inspect all private pump stations and appurtenances, and to~~
discontinue sewer service if the private pump station and
5514 appurtenances are not maintained in a sanitary and effective
operating condition or if the county POTW or WWF may be harmed
thereby.

5516 (12) ~~Oil and grease interceptors, and oil/water~~
separators and control manholes or inspection boxes shall be

518 installed at the user's sole expense. Proper operation, maintenance
5520 and repair shall be done solely at the user's expense. For multifamily
5522 dwellings, the director may require the management company to be
responsible for the proper maintenance of the individual grease
traps.

5524 (13) The director may request that the
5526 nonresidential user provide documentation on the design and
5528 performance of the oil and grease interceptor/trap or oil/water
separator. Information to be submitted to the director includes, but
may not be limited to, catalogs, performance and operating data,
materials of construction, installation instructions and the operation
and maintenance manual.

5530 (d) *General design criteria.*

5532 (1) Oil and grease interceptors/traps and
5534 oil/water separators shall be designed and constructed in accordance
5536 with this article, county building code, the Florida Building Code
5538 and other applicable state and county regulations. Design and
construction of the devices shall be approved by the director. The
minimum oil and grease interceptor size shall be seven hundred fifty
(750) gallons and the maximum oil and grease interceptor size shall
be one thousand two hundred fifty (1,250) gallons. The maximum
oil and grease trap size shall not exceed fifty (50) gallons per minute
5540 and one hundred (100) pounds of grease storage capacity (as rated
5542 by manufacturer specifications). At no time shall an oil and grease
5544 interceptor/trap or an oil/water separator be sized smaller or larger
than the minimum and maximum sizes specified in the Florida
Building Code.

5546 (2) Oil and grease interceptors/traps and
5548 oil/water separators shall have a minimum of two (2) compartments
and shall be capable of separation and retention of oil and grease
and storage of settleable solids.

5550 (3) Alternative oil and grease removal devices or
5552 technologies shall be subject to written approval by the director prior
to installation. Approval of the device shall be based on
demonstrated (proven) removal efficiencies and reliability of
operation.

5554 (4) Under the sink oil and grease traps shall be
5556 prohibited for new facilities. Some facilities that discharge less than
5558 fifty (50) gallons per minute (gpm) of nondomestic wastewater from
sink fixtures and do not grill foods, fry foods, or cook foods
5560 containing oil and grease may qualify for a variance to chapter 37,
article XX, requirements for the use of an under the sink oil and
grease trap, as approved by the director. The design and installation
of under the sink oil and grease traps shall be designed and

constructed in accordance with this article, county building codes, county approved plans and specifications, county design standards, the Florida Building Code and other applicable state and county regulations. All commercial sinks, hand sinks, mop sinks, and floor drains are required to be connected to the approved oil and grease interceptor/trap devices. All oil and grease traps shall be equipped with a flow control device (provided at the inlet piping location) and a vent (to be provided at the discharge outlet piping location).

(5) — An adequate number of access points shall be provided for inspection and monitoring purposes. Covers shall have a gas tight fit. Where additional weight loads may exist, the oil and grease interceptor and oil/water separator shall be designed, constructed and installed for adequate load bearing capacity.

(6) — The design of oil/water separators shall be based on peak flow, and where applicable, capable of treating and removing emulsions. Oil/water separators shall be sized to provide reliable, consistent and efficient removal (retention) of the petroleum based oils and greases in the user's discharge to the county collection system. At no time shall an oil/water separator be sized smaller or larger than the minimum and maximum sizes specified in the Florida Building Code.

(7) — Private pump stations shall be designed and constructed in accordance with county building code, the Florida Building Code, in accordance with the guidelines and criteria set forth in the latest edition of the "Manual of Standards and Specifications for Wastewater and Water Main Construction" and other applicable state and county regulations. Design and construction of the devices shall be approved by the director.

(8) — A control manhole or inspection box shall be placed down stream of the oil and grease interceptor or trap or oil/water separator. The control manhole or inspection box shall be adequate in size for proper compliance inspections and monitoring. Covers for the control manhole or inspection box shall have a gas tight fit.

(9) — Minimum removal efficiency for oil and grease interceptors for animal fats and vegetable oils shall be eighty (80) percent. Minimum removal efficiency for oil/water separators for petroleum based oils and grease shall be seventy five (75) percent of the total recoverable product.

(10) — Where possible, multiple oil and grease interceptors and oil/water separators shall be placed in series instead of a single large unit.

504 (e) — *Capacity.* The design and capacity of the oil and
5606 grease interceptor/trap or oil/water separator shall be in accordance
5608 with the guidelines and criteria set forth in the latest edition of the
5610 “Manual of Standards and Specifications for Wastewater and Water
5612 Main Construction.” The minimum oil and grease interceptor size
5614 shall be seven hundred fifty (750) gallons and the maximum oil and
5616 grease interceptor size shall be one thousand two hundred fifty
(1,250) gallons. The maximum oil and grease trap size shall not
exceed fifty (50) gallons per minute and one hundred (100) pounds
of oil and grease storage capacity (as rated by manufacturer
specifications). At no time shall an oil and grease interceptor/trap or
an oil/water separator be sized smaller or larger than the minimum
and maximum sizes specified in the Florida Building Code.

(f) — *Installation.*

5618 (1) — *New facilities.*

5620 a. — After the effective date of this article,
5622 facilities with the potential to discharge oil and grease, which are
5624 existing, newly proposed or constructed; or existing structures,
buildings or facilities which are being expanded, remodeled, or
renovated to include a food/beverage service facility, vehicle or
engine maintenance, sales, service, cleaning or detailing facilities or
commercial laundry facilities discharging petroleum based oil and
grease, where such facilities did not previously exist, shall be
required to install an approved, oil and grease interceptor and/or oil
and water separator.

5630 b. — Sizing calculations shall be in
5632 accordance with the criteria and formulas set forth in the latest
5634 edition of the “Manual of Standards and Specifications for
Wastewater and Water Main Construction” and the Florida building
Code. Oil and grease interceptors shall be installed and approved by
the county prior to the issuance of a certificate of occupancy.

5636 c. — Oil and grease traps shall be
5638 prohibited except in those instances where the site does not permit
the proper installation of an interceptor and the physical constraints
did not result from the user’s actions. Such an oil and grease trap
shall require the user to apply for and receive a variance from the
director pursuant to this ordinance.

5642 d. — The director may require a user to
5644 submit calculations for determining the capacity of the oil and
grease management devices or facilities.

5646 (2) — *Existing facilities.* After the effective date of
this article, existing automotive maintenance, sales, service,
cleaning or detailing facilities and food service facilities shall be

required to install an approved oil/water separator and/or oil and grease interceptor, respectively when any of the following conditions exist:

a. — The facilities are found by the director to be contributing oil and grease or solids in quantities sufficient to cause line stoppages, sewer system overflows or to increase maintenance for the county collection system;

b. — Remodeling of the food/beverage preparation or kitchen waste plumbing facilities where a permit has been issued by the county building department;

c. — Expansion of food service operations or facilities that requires a permit for the county building department;

d. — Remodeling of an automotive related enterprise, commercial laundry or similar facilities by users with the potential to contribute wastes containing petroleum based oils and greases;

e. — The facility is either discharging or has the potential to discharge fats, oil, grease, solids or petroleum oils to the county's sanitary system; or

f. — The compliance date pursuant to this article shall be determined by the director. Generally, the compliance date shall be sixty (60) days following written notification by the director to install the necessary facilities; or the final inspection date by the county building department for the new or remodeling construction.

(3) — *Extensions.* Any requests for extensions to the required compliance dates shall be made in writing to the director at least fifteen (15) days and shall be done in advance of the compliance date. The written request shall include the reasons for the user's failure or inability to comply with the compliance date set forth, the additional time needed to complete the remaining work, and the steps to be taken to avoid future delays. Extensions of time shall not exceed sixty (60) days and shall only be valid if granted in writing by the director or his designee.

(g) — *Maintenance.*

(1) — Cleaning and maintenance of the oil and grease interceptor/trap or the oil/water separator shall be performed on a regularly scheduled basis by the user. Cleaning shall include complete removal of the entire contents of the device, including floating materials, wastewater, and bottom sludges and solids. Cleaning shall also include removal of materials from the tank walls, baffles, cross pipes, inlets, outlets and vents.

690 (2) ~~Decanting, skimming or back flushing of the~~
5692 ~~oil and grease trap/interceptor and/or oil and water separator or its~~
~~wastes for the purpose of reducing the volume to be hauled is~~
5694 ~~prohibited. Furthermore, vehicles are prohibited from discharging~~
~~liquid, semi solids, or solids into an oil and grease trap/interceptor~~
5696 ~~or an oil and water separator after servicing. Vehicles capable of~~
~~separating water from oil or grease shall not discharge separated~~
5698 ~~water into the oil and grease interceptor/trap, the oil and water~~
~~separator or into the county POTW or WWF, storm sewer, storm~~
5700 ~~drain or natural stream. All discharges shall be at a State approved~~
~~facility permitted to accept this type wastewater. Top skimming of~~
5702 ~~floating materials, solids or liquids of oil and grease interceptors, or~~
~~oil/water separators is strictly prohibited.~~

5704 (3) ~~Oil and grease interceptors and oil/water~~
~~separators shall be pumped out completely and cleaned at least once~~
5706 ~~every three (3) months, or every ninety (90) days, or more frequently~~
~~as needed to prevent the discharge of oil and grease into the county~~
5708 ~~collection system. Oil and grease traps shall be inspected at a~~
~~minimum frequency of once every seven (7) days, a log of~~
5710 ~~inspection dates must be maintained on site and all excessive solids~~
~~and fats, grease and oil removed at that time, and the entire device~~
5712 ~~cleaned (all contents completely removed) at least every ninety (90)~~
~~days or more often, as necessary, to prevent pass through of fats,~~
5714 ~~grease, oils and other food solids to the county collection system, or~~
~~as required to comply with the "25 Percent Rule" as defined in~~
~~section 37-754(g)(6) of this article.~~

5716 (4) ~~A variance to the minimum pump out~~
~~requirements for oil and grease traps and/or oil and grease~~
5718 ~~interceptors and oil/water separators described in section 37-~~
~~754(g)(3) herein (above) may be granted by the control authority if~~
5720 ~~the user's discharge contains minimal amounts of fats, oils, grease~~
~~or solids and if the user does not cook, grill, or fry food at the~~
5722 ~~premises discharging to the oil and grease traps and/or oil and grease~~
~~interceptors, upon the county's review of all required user variance~~
5724 ~~request submittals and upon inspection by the county to verify the~~
~~information contained in user variance request submittals are~~
5726 ~~accurate. At minimum, the user's variance request must include the~~
~~following:~~

5728 a. ~~A signed oil and grease management~~
~~device minimum pump-out requirement variance request form;~~

5730 b. ~~A copy of all facility menus (if~~
~~available) or list of all foods prepared and/or cooked and beverages~~
5732 ~~prepared, brewed or served on the premises or a list of services~~
~~performed at the facility (for non-food establishments);~~

c. — An updated “Orange County Utilities Department Water Reclamation Division Oil and Grease Prevention Program Facility Information Survey” form;

d. — Copies of all waste disposal manifests (where applicable) for all oil and grease interceptors, oil and grease traps and oil and water separators on site for the last twelve month period;

e. — Copies of all user inspection logs for all oil and grease traps on site for the last twelve month period; and

f. — Pay all fees related to filing a variance request with the county (where and when applicable).

(5) — The county will inspect the user’s oil and grease trap(s) and/or oil and grease interceptor(s) and/or oil/water separator device(s) over the requested variance extension period to determine the appropriateness of the user’s variance request. The county will notify the user in writing if the user’s variance request has been granted. If the county grants a user’s variance request to reduce the frequency of required cleaning maintenance required for oil and grease trap and/or oil and grease interceptor and/or oil/water separator devices, the county will prepare an updated county OGPP registration certificate indicating the minimum required frequency for pretreatment device cleaning maintenance and submit this document to the user. The user will continue to be monitored and inspected by the county to assess customer compliance with all provisions required by the county’s OGPP, the user shall continue to comply with all program requirements, as well as continue to pay all required program fees. The county will revoke the variance approved for the facility if the user fails to comply with county OGPP requirements, or changes the nature of the wastewater discharged to the oil and grease trap and/or oil and grease interceptor and/or oil/water separator device that has the potential to impact wastewater quality.

(6) — Pumping frequency shall be determined by the director based on flows, quantity of oil and grease in the discharge, volume of business, hours of operation and seasonal variations. The user shall be responsible for maintaining the interceptor/trap or oil/water separator in such a condition for efficient and proper operation. Compliance will be evaluated as follows:

a. — Oil and grease interceptor/trap and oil and water separator compliance shall be evaluated using the “25 Percent Rule”. The “25 Percent Rule” requires that the depth of oil and grease (floating and settled) in an oil and grease interceptor/trap or an oil and water separator shall not be equal to or greater than

778 ~~twenty-five (25) percent of the total operating depth of the trap. The~~
5780 ~~operating depth of a trap is determined by measuring the internal~~
5782 ~~depth from the outlet water elevation to the bottom of the trap. In~~
~~application of this rule, the depth of floating oil and grease shall not~~
5784 ~~be greater than twenty (20) percent of total operating depth of a trap~~
~~since solids may be settled in the bottom five (5) percent of the oil~~
~~and grease interceptor/trap or oil and water separator.~~

5786 ~~b. — An oil and grease interceptor shall be~~
~~considered out of compliance if the oil and grease layer on top~~
5788 ~~exceeds six (6) inches; or the solids layer on the bottom exceeds~~
~~twelve (12) inches; or the device is not retaining/capturing oils and~~
5790 ~~greases; or the removal efficiency of the oil and grease interceptor~~
~~device, as determined through sampling and analysis, is less than~~
5792 ~~eighty (80) percent. An oil/water separator shall be considered out~~
~~of compliance if the retained oil layer is leaking into the discharge;~~
5794 ~~or the captured oil reservoir is full and overflowing; if the oil and~~
~~grease layer on top exceeds six (6) inches; or the solids layer on the~~
5796 ~~bottom exceeds twelve (12) inches; or the containment area or vault~~
~~is flooded; or the removal efficiency of the device, as determined~~
5798 ~~through sampling and analysis, is less than seventy-five (75)~~
~~percent.~~

800 ~~(7) — Wastes removed from each oil and grease~~
~~interceptor/trap or oil/water separator shall be properly manifested~~
5802 ~~or documented (for oil and grease trap wastes disposed of in drums~~
~~or in the user's trash) and disposed at a facility that is permitted to~~
5804 ~~receive such wastes or a location so designated by the county for~~
~~such purposes, in accordance with the provisions of this article. Oil~~
5806 ~~and grease trap waste that is removed by the user and disposed of in~~
~~the trash shall be properly documented as such on the user's~~
5808 ~~maintenance log which shall be retained on site for county~~
~~inspection. Oil and grease trap wastes disposed of in drums and~~
5810 ~~transported off site for disposal shall be documented by both~~
~~invoices received by the waste transporter/disposal/recycling firm~~
5812 ~~and on the user's maintenance log, which shall be retained on site~~
~~for county inspection. In no way shall the waste removed from an~~
5814 ~~oil and grease interceptor/trap or oil/water separator (pumped waste)~~
~~be returned to any private or public portion of the county collection~~
5816 ~~system or treatment facilities, without prior written approval from~~
~~the director. The waste disposal manifest must be signed by the~~
5818 ~~waste generator (user), the waste hauler and the waste disposal~~
~~facility. A copy of the waste disposal manifest must be retained on~~
5820 ~~site (waste generator) for county inspection. The original copy of the~~
~~completed waste disposal manifest containing all required~~
5822 ~~signatures must be forwarded to the county within thirty (30) days~~
~~of the waste removal date.~~

5824 (8) ~~Flushing or washing the oil and grease~~
interceptor/trap or oil/water separator with water having a
5826 temperature in excess of one hundred forty (140) degrees Fahrenheit
(°F) shall be strictly prohibited.

5828 (9) ~~Additives such as commercial bacteria,~~
emulsifiers, enzymes, or other additives that absorb, purge, dissolve,
5830 saponify, emulsify, transfer or generate excessive inert solids, oils,
grease, fatty acids or glycerides downstream of the application point
5832 or oil and grease interceptor/trap and/or oil and water separator or
otherwise alter or transfer oils and grease, or treat wastewater drain
5834 lines, oil and grease interceptors/traps, or pump stations placed into
the oil and grease interceptor/trap, oil/water separator or building
sewer lateral or drain shall be strictly prohibited.

5836 (10) ~~Commercially available bacteria additives~~
require approval by the director prior to product use or placement
5838 into the oil and grease interceptor/trap the oil and water separator,
or building sewer lateral or drain. Each commercial bacteria additive
5840 product must be completely evaluated for safety and negative
impact on the county POTW or WWF prior to product approval by
5842 the director, at the expense of the user. All product approval requests
must be requested in writing to the director. Product approval for
5844 bacterial additives may be granted by the director upon the user's
written request for product approval, the user's completion of all
5846 product evaluation and sampling protocol activity requirements and
the user's submittal of evaluation and sampling protocol report that
5848 concludes that the product does not adversely impact the county's
POTW or WWF, as determined by the director. Product approval
5850 may also be rescinded by the director if the county finds that the
product is adversely impacting the county's POTW or WWF or
5852 causing pollutant pass through to the county's POTW or WWF. The
use of bacterial additives will not be accepted as an alternative to the
5854 required removal of wastes from oil and grease interceptors/traps or
be accepted as a basis to lengthen the time (reduce the frequency)
5856 between required oil and grease interceptor/trap maintenance (waste
removal) events. No solvents shall be introduced into the waste
5858 stream. wastestream.

5860 (11) ~~All maintenance of oil and grease~~
management devices, including proper disposal, shall be performed
by the user at the user's sole expense.

5862 (h) ~~Registration certificate.~~

5864 (1) ~~It is unlawful for any facility producing oils~~
and grease to discharge waste into the county collection system
5866 without prior authorization from the director. Authorization shall be
given in the form of an "oil and grease discharge registration

certificate.” Application for the discharge registration certificate shall be made to the director. If, after examining the information contained in the oil and grease discharge registration certificate application, it is determined by the director that the proposed discharge does not conflict with the provisions of this article, an oil and grease discharge registration certificate shall be issued allowing the discharge of such wastes into the county collection system. Each oil and grease discharge registration certificate shall be issued for a time not to exceed five (5) years from the date of issuance. The user shall apply for renewal of the oil and grease discharge registration certificate a minimum of sixty (60) days prior to the expiration of the user’s existing oil and grease discharge registration certificate. The terms and conditions of the oil and grease discharge registration certificate may be subject to modification by the director during the term of the oil and grease discharge registration certificate should the limitations or requirements, as identified in this article, be modified or as other just causes may exist under state, federal or county regulations. The user shall be informed of any proposed changes in the oil and grease discharge registration certificate as issued by the director at least sixty (60) days prior to the effective date of the change(s). Any changes or new conditions in the oil and grease discharge registration certificate shall include a schedule for compliance.

(2) — The director shall issue an oil and grease discharge registration certificate to the users in the OGPP. The director may require users to complete an information questionnaire and county personnel conduct a facility visit prior to issuance of the oil and grease discharge registration certificate.

(3) — As a condition precedent to the granting of an oil and grease discharge registration certificate, the user under this section shall agree to hold harmless the county and the county’s employees from any liabilities arising from the discharge registration certificate holder’s operations pursuant to the issuance of the oil and grease discharge registration certificate.

(4) — Failure to secure a discharge registration certificate or comply with its provisions shall constitute a violation of this ordinance.

(i) — *Administrative procedures.*

(1) — Wastes removed or pumped from oil and grease interceptors and oil/water separators shall be tracked by a waste disposal manifest which confirms pumping, hauling and disposal of the wastes. The waste disposal manifest shall be in the format and contain the tracking information set forth by section 37-739(w)(4) and section 37-739(w)(5) of this article. The waste

5912 disposal manifest must be signed by the waste generator (user), the
5913 waste hauler and the waste disposal facility. A copy of the waste
5914 disposal manifest must be retained on-site (waste generator) for
5915 county inspection for a twelve-month period at minimum, and
5916 maintained in accordance with state and federal requirements. The
5917 original copy of the completed waste disposal manifest containing
5918 all required signatures must be forwarded to the county within thirty
(30) days of the waste removal date.

5920 (2) — The user shall maintain a log of oil and grease
5921 trap maintenance activities (including waste removal), and maintain
5922 waste analysis results (where applicable) for the previous twelve
5923 (12) months. The log shall be posted in a conspicuous location on
5924 site and waste disposal documentation, waste disposal manifests,
5925 and waste analysis results shall be retained on-site and made for
5926 ready and immediate access and inspection by county employees.
5927 The log and other required documentation including waste disposal
5928 manifests shall be in the format and contain the information set forth
5929 by the director. Oil/water separator waste analysis results and other
5930 wastes analyzed as required for off-site disposal shall be performed
5931 in accordance with federal and state requirements, including 40 CFR
Part 136, Chapter I, Subchapter D, and Chapter 62-160, F.A.C.

5932 (3) — The user shall mail a copy of the completed
5933 waste disposal manifest or non-hazardous waste disposal manifest,
5934 documenting the pump-out activity and the proper disposal of waste
5935 within thirty (30) days of each pump-out event to the director, using
5936 the waste disposal manifest so designated by the county or state and
federal agencies for such purposes.

5938 (4) — The user shall maintain a file onsite of the
5939 records and other documents pertaining to the facility's oil and
5940 grease intercepter/trap or oil/water separator. The file contents shall
5941 include, but is not limited to, the record (as-built) drawings, record
5942 of facility inspections, logs of pumping activities (for oil and grease
5943 traps), and receipts, log of maintenance activities, hauler
5944 information, waste disposal manifests with disposal information and
5945 monitoring data. The file shall be available at all times for inspection
5946 and review by authorized county employees. The file shall be
5947 retained and preserved in accordance with 40 CFR Part 403, Chapter
5948 I, Subchapter N, Chapter 62-625, F.A.C., and section 37-747(n) of
this article.

5950 (5) — The director may require a user to provide,
5951 operate and maintain, at the user's expense, appropriate monitoring
5952 facilities, such as a control manhole, that are safe and accessible at
5953 all times for observation, inspection, sample collection and flow
5954 measurement of the user's discharge to the county wastewater
system. The director may impose additional limitations and

5956 ~~monitoring requirements for discharge to the county wastewater~~
5957 ~~system in accordance with the provisions in this article.~~

5958 ~~(6) Enforcement.~~

5959 ~~a. A notice of violation shall be issued~~
5960 ~~to a user for failure to:~~

5961 ~~i. Submit the required user~~
5962 ~~survey in a timely manner;~~

5963 ~~ii. Report pumping activities to~~
5964 ~~the county within the~~
5965 ~~designated time frame on a~~
5966 ~~county approved waste~~
5967 ~~disposal manifest;~~

5968 ~~iii. Properly maintain (clean out~~
5969 ~~or pump) the oil and grease~~
5970 ~~trap/interceptor, pump station~~
5971 ~~or oil and grease separator, or~~
5972 ~~sand and grit separator in~~
5973 ~~accordance with the~~
5974 ~~provisions of this article and~~
5975 ~~as stated on the oil and grease~~
5976 ~~discharge registration~~
5977 ~~certificate;~~

5978 ~~iv. Maintain on site the log of oil~~
5979 ~~and grease trap maintenance~~
5980 ~~activities, or log of pumping~~
5981 ~~activities, or maintain waste~~
5982 ~~disposal documentation,~~
5983 ~~waste disposal manifests, or~~
5984 ~~waste analytical results;~~

5985 ~~v. Retain and preserve a file of~~
5986 ~~records onsite at all times;~~

5987 ~~vi. Provide access to logs, files,~~
5988 ~~records for inspection or~~
5989 ~~monitoring activities;~~

5990 ~~vii. Properly complete and sign~~
5991 ~~logs, waste disposal manifests~~
5992 ~~or records required by this~~
5993 ~~ordinance;~~

5994 ~~viii. Obtain or renew the oil and~~
5995 ~~grease discharge registration~~
5996 ~~certificate; or~~

5998 ix. ~~Pay the appropriate program fees or assessed penalties.~~

6000 b. ~~A notice of violation shall also be issued for the following:~~

6002 i. ~~Any discharge of wastewater containing fats, oils or grease which causes or contributes to any violation of any section of the county ordinances or codes;~~

6004

6006 ii. ~~Violation of any terms or conditions of the county's OGPP registration certificate (issued by the county);~~

6008

6010

6012 iii. ~~Obtaining a county OGPP registration certificate or oil and grease interceptor/trap and/or oil and water separator variance from the county by misrepresentation or failure to disclose fully all relevant facts;~~

6014

6016

6018 iv. ~~Refusal of immediate access to the user's premises;~~

6020

6022 v. ~~A discharge, which, in the opinion of the director, may cause interference with the operation or maintenance of the county's POTW or WWF or threaten human health or safety;~~

6024

6026

6028 vi. ~~Failure to provide advance notice of the transfer of business ownership of a facility registered in the county's OGPP;~~

6030

6032

6034 vii. ~~Failure to pay fines;~~

6036 viii. ~~Failure to pay sewer charges, surcharges or administrative fees;~~

6038 ix. ~~Failure to meet compliance schedules;~~

x. ~~Falsifying oil and grease trap or oil and grease interceptor or pump station or oil and water separator maintenance reports, waste disposal manifests, laboratory reports or data;~~

xi. ~~Tampering with monitoring equipment or oil or grease removal devices (including oil and grease traps, oil and grease interceptors, oil and water separators, pump stations and oil and water separators);~~

xii. ~~Failure to perform laboratory analysis of oil/water separator wastes or wastewater recycling or recovery device sludges at a frequency required pursuant to 40 CFR Part 261, Chapter I, Subchapter I, through 262, and Chapter 62-730, F.A.C.;~~

xiii. ~~Failure to obtain approval by the director before applying bacteria additives.~~

e. ~~The director shall provide the user with written notice stating the nature of the violation and the amount of time the user is required to complete the corrective action. The user shall complete corrective action within the time frame timeframe specified on the written notice and submit evidence of compliance to the director.~~

d. ~~If a user violates or continues to violate the provisions set forth in section 37-754 of this article or fails to initiate/complete corrective action in response to a notice of violation, then the director may pursue one (1) or a combination of the following options, pursuant to the county's ERP:~~

i. ~~Pump and clean the oil and grease interceptor/trap or oil and water separator and place the appropriate charge on the user's monthly utility bill;~~

6082 ii. ~~Collect a sample and assess~~
6084 ~~the appropriate surcharge in~~
6086 ~~accordance with the~~
~~provisions in section 37.755~~
~~of this article;~~

~~iii. Impose an administrative penalty in accordance with section 37-749(g)(5) and the county's ERP for each violation;~~

6092 iv. ~~Assess a reasonable fee for~~
each additional facility
6094 ~~compliance inspections,~~
sample collection and
6096 ~~laboratory analyses, or other~~
~~monitoring activities;~~

6098 v. ~~Assign the user to the~~
~~surcharge program;~~

6100 vi. ~~Terminate water and~~
~~wastewater service; or~~

6102 vii. ~~A combination of the above~~
enforcement ~~response~~
6104 ~~options, as specified in the~~
~~county's ERP.~~

~~e. Progressive enforcement action shall be pursued against users with multiple violations of the provisions in this section, including, but not limited to, termination of water service, as specified in the county's ERP.~~

6110 f. ~~The user shall pay all outstanding~~
6111 ~~fees, penalties and other utility charges prior to reinstatement of~~
6112 ~~water and sewer service.~~

g. ~~Any user in the county's OGPP found in violation of the provisions of this section, and any orders, rules, regulations and permits that are issued to said user pursuant to the provisions of this article, shall be served by the county with written notice by personal delivery, by an authorized county employee or other person or by registered/certified mail (return receipt requested) that states the nature of the violation and providing a reasonable time limit for satisfactory correction of the violation. The affected user shall permanently cease all violations within the time period specified in the notice. The enforcement remedies available to the director to achieve compliance with the requirements of the OGPP~~

shall include those set forth in sections 37-749 thru 37-751 of this article, and as specified in the county's ERP.

~~(7) Fees.~~

a. ~~The board of county commissioners shall establish by resolution reasonable fees for the implementation and enforcement of the OGPP. Fees may include, but may not be limited to, application or renewal of the oil and grease discharge registration certificate, monthly program fee, facility compliance inspections and enforcement response. Fees for the OGPP shall be set to ensure the full and equitable cost recovery for implementation and enforcement of said program.~~

b. ~~Fees and penalties related to the county's OGPP shall be invoiced on the user's monthly utility billing statement and shall be paid in accordance to the schedule set forth in the billing document (the county's rate resolution fee directory, and the county's ERP).~~

c. ~~County fees shall be applied per facility discharging pollutants regulated by the OGPP.~~

d. ~~County program fees shall be applied if the facility qualifies for program application, regardless of other county pretreatment program participation.~~

Sec. 37-755. Surcharge program.

The objective of the surcharge program is the equitable recovery of costs for receiving and treating abnormally high strength wastes, such as CBOD, TSS, TN, total phosphorus, and total oil and grease, from nonresidential users. Program requirements are outlined under separate cover of the Wastewater Discharge and Industrial Pretreatment Standards Technical Manual.

(a) *Purpose.* The purpose of this section is to provide for implementation of the surcharge program. The objective of the surcharge program is the equitable recovery of costs for receiving and treating abnormally high strength wastes, such as CBOD-BOD, TSS, total nitrogen, total phosphorus, and and total oil and grease, from nonresidential users.

(b) *{Surcharge for excess of limits.}* A surcharge shall be assessed for wastes in excess of the limits as specified and adopted by county resolution for CBOD-BOD, TSS, TKN, total phosphorus, and total oil and grease.

(c) *General criteria.*

(1) Significant commercial user and, and significant industrial user as defined in this article, shall be subject

to a surcharge on discharges of abnormally high strength compatible wastes, as defined in this article, to the county WRF-WWF.

(2) The surcharge in dollars shall be computed by multiplying the difference in the period average concentration in milligrams per liter (mg/L) ~~(mg/l)~~ above the defined surcharge limits for each applicable constituent times the volume of potable water or metered sewer flow during the billing period in millions of gallons (MG) times a conversion factor times the respective unit cost for treatment in dollars per pound.

(3) The period average concentration shall mean the average concentration of at least two ~~(2)~~ samples collected by the county, each collected on a minimum quarterly basis. If two ~~(2)~~ samples are not available for averaging purposes, then the period average will be based on the one ~~(1)~~ available sample result.

(4) The general criteria, general design criteria, capacity requirements, installation requirements, maintenance requirements, ~~and~~ ~~and~~ administrative procedures for all users with oil and grease ~~interceptors/traps~~ ~~intereceptors/traps~~ and oil and water separators shall be performed in accordance with section 37-754(c); ~~(d), (e), (f), (g), and (i)~~ of this article.

(5) The surcharge shall be in addition to any applicable wastewater charges and shall be assessed for each billing period. The surcharge shall be billed on the monthly utility statement to the user and shall be collected in the same manner as the other utility charges. Nonpayment or delinquency shall subject the user to the same fines and penalties, including termination of service, as set forth for the other utility services.

~~(d) — Flow determination.~~

~~(1) — The flow volume for determination of the surcharge shall be based on one (1) of the following methods:~~

~~a. — Metered water consumption as shown in the records of meter readings made by the utility authority;~~

~~b. — Flow monitoring devices which measure the actual volume of wastewater discharged to the county WWF; or~~

~~c. — Flow monitoring devices for other water supplies procured from other sources besides the utility authority.~~

~~d. — The surcharge flow may be based on the total equivalent residential unit (ERU) value for an establishment, as calculated and as specified in the county's rate resolution, with approval by the director. One (1) ERU shall have an~~

assigned value of one (1). One (1) ERU is determined to equal the flow of three hundred (300) gallons per day. The total ERU value for an establishment shall be calculated by multiplying the ERU factor specified in the county rate resolution by the number of units. One (1) equivalent residential connection (ERC) shall have an assigned value of one (1). One (1) ERC is determined to equal the flow of three hundred fifty (350) gallons per day.

(2) — Flow monitoring devices other than those for the utility authority shall be provided, installed, calibrated and maintained at the user's expense and in accordance with plans approved by the director. Flow monitoring devices shall be calibrated at least annually at the sole expense of the user and the calibration records provided to the director within thirty (30) days of the date of calibration.

(3) — Flow measurement and calibration records shall be retained and preserved by the user in a file in accordance with section 37.747(n). The records shall be made available by the user for inspection and copying by authorized county personnel.

(e) — *Constituent concentrations.* The concentration of constituents in the user's discharge to the county WWF shall be determined by samples collected and analyzed by authorized county personnel. Samples shall be collected and analyzed in accordance with Florida Department of Environmental Protection (FDEP) standard operating procedure (SOP) 01/001, FS2400 and in such a manner to be representative of the actual discharge to the county collection system, where feasible. Samples shall be analyzed in accordance with procedures set forth in 40 CFR Part 136, Chapter I, Subchapter D. The surcharge shall be based on the determination of the constituent concentrations by the director.

(f) — *Monitoring.*

(1) — Samples shall be collected on a regularly scheduled basis, but no less than, once per year, by authorized county personnel.

(2) — Samples of discharges shall be collected routinely from users that are known to be or suspected of containing abnormally high strength compatible wastes or significant commercial users (SCUs) with flows of ten thousand (10,000) gallons or more per day during any day of any calendar year.

(3) — Samples may be collected manually using grab samples or with automatic sampling equipment. Composite samples may be retrieved with automatic sampling equipment or performed manually using grab samples as aliquots.

6250 (4) ~~To the extent possible, samples will be~~
collected to obtain a representative characterization of the user's
6252 ~~discharge. Samples may be flow or time proportional as is~~
~~appropriate to be representative of the actual discharge to the county~~
~~wastewater system.~~

6254 (5) ~~Users shall install and maintain at their sole~~
~~expense an appropriate monitoring facility, including, but may not~~
6256 ~~be limited to, a control manhole and suitable automatic sampling~~
~~equipment. Monitoring sites and facilities shall be accessible at all~~
6258 ~~times to authorized county personnel.~~

6260 (6) ~~Sample analyses shall be performed at the~~
~~county's wastewater laboratories. The director may send the~~
6262 ~~samples to a certified commercial laboratory currently under~~
~~contract to the county.~~

6264 (7) ~~The costs of sample analysis performed by~~
~~the certified commercial laboratory shall be assessed directly to the~~
~~user.~~

6266 (8) ~~The user may request that the sample~~
~~analyses be performed by an independent, certified commercial~~
6268 ~~laboratory, as well as request a split sample from samples collected~~
~~by the county, upon written request. The costs for such analyses~~
6270 ~~shall be borne exclusively by the user.~~

6272 (9) ~~The costs of sample collection and analysis~~
~~may be assessed daily by the director, if such monitoring activities~~
6274 ~~indicate that the wastes are unacceptable or detrimental to the county~~
~~wastewater system.~~

6276 (10) ~~The charges for sample collection and~~
~~analysis (laboratory work) shall be those rates as described in the~~
6278 ~~schedule of costs (fees) for the certified commercial laboratory~~
~~currently under contract to the county.~~

6280 (11) ~~Significant commercial users may be~~
~~assessed the costs for sample collection and laboratory analyses, not~~
6282 ~~to exceed one (1) monitoring activity per billing period. Charges for~~
~~additional sample collection and laboratory analyses may be~~
6284 ~~assessed on a daily basis as long as the results demonstrate that the~~
~~user is discharging unacceptable wastes to the county wastewater~~
~~system.~~

6286 (g) ~~Permits. The director may require specified users in~~
~~the surcharge program to apply for an industrial wastewater~~
6288 ~~discharge permit. All users that meet the criteria for a significant~~
~~industrial user shall obtain an industrial wastewater discharge~~
6290 ~~permit.~~

(d) A user has the right to appeal a surcharge in writing to the director within thirty (30) days of the date of the monthly bill. The decision of the director shall be final. Additionally, the director has the discretion to remove a significant commercial user or significant industrial user from the surcharge program upon a finding that equitable recovery costs for receiving and treating abnormally high strength wastes has been achieved.

Sec. 37-756. Groundwater remediation discharges.

(a) *Purpose.* The purpose of this section is to provide for the discharge of treated groundwater from remediation sites by users to the collection system without causing pass through, upset, or ~~or~~ interference at the county WRFs.

(b) *General criteria.*

(1) The discharge by a user to the county wastewater system of certain liquids or wastes may be prohibited or limited by the provisions set forth in this article or by the director.

(2) Specified groundwater remediation facilities that discharge to the county wastewater system shall be classified as a SIU-significant industrial user.

(3) Groundwater from remediation sites shall be pretreated prior to discharge to the county wastewater system.

(4) An industrial wastewater discharge permit application shall be submitted to the director by the user or owner of the remediation facility prior to use of such facility. The director may require complete characterization of the groundwater prior to and following treatment (remediation) before issuance of the industrial wastewater discharge permit. The permit application shall be completed pursuant to the requirements in section 37-745(d).

(5) The director may impose limitations and monitoring requirements for the treated discharge to the county POTW or WWF in accordance with the provisions of this article and ~~and~~ the county's local limits, as ~~as~~ specified and established by county resolution and standards set forth in chapters ~~Chapter~~ 62-550 and ~~Chapter~~ 62-777, F.A.C., or as amended.

(6) The user shall not discharge untreated or treated groundwater to the county wastewater system without prior written approval of the director or obtaining an industrial wastewater discharge permit.

(7) A flow measuring device shall be installed on the discharge line in accordance with the plans approved by the director and the manufacturer's recommendations. The flow measuring device shall be provided, installed, calibrated, and ~~and~~

maintained at the user's expense. The flow measuring device shall be calibrated at least quarterly. Calibration records shall be retained by the user for inspection and review by the director in accordance with section 37-747(n).

(8) The user shall provide a monitoring point at ~~its~~^{their} expense for the collection of samples and field data (physical parameters).

(9) Groundwater treatment systems shall be designed and operated in accordance with the best available technology and as approved by the director.

(10) Pursuant to the provisions of the industrial wastewater discharge permit, the director shall require the discharge to the county wastewater system to be monitored on a regular basis for the determination of compliance with the standards and limits set forth in this article.

(c) *Limits.* Discharges from groundwater remediation facilities to the county POTW or WWF shall comply with the standards or limits for organic constituents set forth in 40 CFR ~~§ Part 414.101, Chapter I, Subchapter N, 40 CFR § Part 414.111, Chapter I, Subchapter N,~~ or the FDEP guidelines for low yield quality groundwater or natural attenuation of default sources set forth in ~~chapter Chapter~~ 62-777, F.A.C., or as amended, ~~and~~^{and} the county's local limits as specified and established by county resolution.

(d) *Enforcement.* Enforcement action shall proceed in accordance with the provisions specified in the county's ERP and ~~as specified~~ in sections 37-749 through 37-751 of this article.

Sec. 37-757. Miscellaneous types of discharges.

(a) *Purpose.* The purpose of this section is to provide for the discharge of other types of discharges to the county WWF, including, but not limited to, medical wastes, uncontaminated groundwater, roof drainage, cooling water, unpolluted process water and miscellaneous discharge waste, pumped waste, and leachate or runoff from solid waste handling facilities.

(b) *General criteria.*

(1) The user shall notify the director in writing prior to the discharge of miscellaneous types of flows.

(2) The user may be required to submit an industrial wastewater permit application to the director as a pre-condition to any such discharge.

6374 (3) The director may impose restrictions,
prohibitions, ~~or~~ or other conditions on the discharge in accordance
with the provisions of this article.

6376 (4) The director may limit the volume and
duration of the discharge to the county wastewater system. The user
6378 shall be responsible for measurement of the flow to the county
wastewater system at the user's sole expense. The flow monitoring
6380 device shall be provided, installed, ~~and~~ and maintained in
accordance with the guidelines set forth by the director.

6382 (5) The user shall not discharge these types of
flows without prior written notice from the director or issuance of
6384 an industrial wastewater discharge permit.

(c) *Leachate.*

6386 (1) Leachate shall be considered a solid waste.
Solid waste leachate handling facilities shall be placed on a concrete
6388 pad with a floor drain. The concrete pad shall be adequate to
properly accommodate the solid waste handling equipment and
6390 containers. The concrete pad shall be bermed and sloped towards the
floor drain.

6392 (2) The floor drain shall be plumbed to the
building sewer system, upstream of the oil and grease interceptor or
394 the oil and water ~~water~~ separator.

6396 (3) A clean-out shall be provided for the floor
drain. Minimum pipe diameter shall be four ~~(4)~~ inches.

6398 (4) The capacity of the oil and grease interceptor
and the oil and water ~~water~~ separator shall consider the maximum
(peak) leachate flows from solid waste handling facilities.

6400 (d) *Medical wastes.*

6402 (1) Hospitals, clinics, medical or ~~/~~ dental
practitioner offices, ~~officers~~, convalescent and nursing homes,
6404 medical or ~~/~~ dental laboratories, and ~~and~~ funeral homes shall dispose
of medical wastes, pathological wastes, laboratory wastes,
6406 contaminated medical wastes, and ~~and~~ wastes from expired humans
(corpses) in accordance with the most recent edition of the
6408 guidelines as published by EPA, the Centers for Disease Control and
Prevention ~~centers for disease control~~ (CDC), the public health
department, or ~~or~~ other appropriate federal and state agencies.

6410 (2) Toxic, biological, pharmaceutical, or
contaminated wastes that ~~which~~ are not addressed by the
6412 aforementioned guidelines shall not be discharged to the county
wastewater collection system without prior written permission from
6414 the director.

(3) Hospitals, clinics, medical ~~or~~ dental practitioner offices, convalescent and nursing homes, medical ~~or~~ dental laboratories, ~~and~~ and funeral homes shall prepare and maintain a biomedical waste plan in accordance with the requirements set forth in the latest edition of ~~chapter~~ Chapter 64E-16, F.A.C. The biomedical waste plan shall be available for review by the director.

(4) The biomedical waste plan and other pertinent records shall be retained and preserved at the facility in accordance with section 37-747(n) of this article. Records shall be available for inspection and review by the director.

(5) Medical wastes generally shall not be disposed in the county wastewater system. If authorized, the director, at his or her discretion, may require an industrial wastewater discharge permit for the discharge of medical wastes to the county wastewater system.

(6) Enforcement response shall proceed in accordance with the provisions set forth in the county's ERP.

(e) *Cooling water.*

(1) Cooling water shall be considered a process ~~waste stream~~ ~~wastestream~~ if chemical additives, such as, but not limited to, corrosion inhibitors, sealants, ~~and~~ and biocides are, ~~are~~ used for treatment of the cooling water.

(2) Unless the manufacturer's specifications for ~~O&M-operation and maintenance~~ of the cooling tower or system states otherwise, the discharge limit for molybdenum in the cooling tower blow-down or cooling system discharges shall be in accordance with the local limit established by ~~the county~~ by county resolution.

Sec. 37-758. Sand, grit, and ~~and~~ debris interceptors.

(a) *Purpose.* The purpose of this section is to minimize the introduction of sand, grit, and debris, such as lint, into the county wastewater system.

(b) *General criteria.*

(1) The discharge by a user to the county wastewater system of liquid wastes containing certain constituents may be prohibited or limited pursuant to the provisions of this article.

(2) Wastes containing excessive amounts of sand and grit shall be directed to an interceptor (trap) for removal of sand, grit, ~~or grit~~ or other particulate matter.

456 (3) Wastes containing excessive amounts of
6458 floatables or other debris that could cause clogs or blockages in the
collection system, such as, but not limited to, rags, strings, feathers,
6460 glass, ~~or~~ other objects larger than one (1) inch in size, and lint
solids from commercial laundry wash water shall be directed to an
6462 interceptor with a screening device or other suitable device to
prevent the passage of these solids into the county collection system.

6464 (4) Sand and grit interceptors (traps) and
screening devices shall be provided at the user's expense. The
6466 interceptor shall be installed, operated, ~~and~~ and maintained in
accordance with the plans approved by the director and the
manufacturer's recommendations.

6468 (5) Sand and grit interceptors and screening
devices shall be designed and installed to accommodate the
6470 anticipated range of flows from the user to the county wastewater
system.

6472 (6) Sand and grit interceptors and screening
devices shall be installed for easy access, cleaning, and inspection.
6474 Sand and grit interceptors shall be serviced and emptied of their
contents on a regularly scheduled basis to maintain efficient
6476 operation at all times and to prevent the pass through of the solids to
the county's wastewater system. Sand and grit interceptors shall be
6478 cleaned at a minimum at the same frequency ~~at minimum~~ as the oil
and water ~~water~~ separator device, where applicable. Operation and
6480 maintenance of the sand and grit interceptor shall be performed at
the user's sole expense.

6482 (7) Wastes removed from the sand and grit
interceptors and screening devices shall not be discharged into the
6484 county wastewater system. The user shall maintain a log of cleaning
activities and a file ~~on-site~~ onsite of the records and documents
6486 related to the sand and grit interceptor or screening device.

6488 (8) Records ~~and~~ documents retained in the file
should include, but not be limited to, as-built drawings,
6490 manufacturer's instructions, log(s) ~~log~~ of cleaning activities,
receipts, hauler information, site inspection reports, ~~and~~ and
6492 monitoring data. The user shall retain the file on-site and make it
available for inspection and review by the director. Files shall be
retained in accordance with section 37-747(n).

6494 (c) *Enforcement.* Failure to comply with the provisions
set forth in this section may result in enforcement action by the
6496 director as specified in the county's ERP and ~~as referenced in~~
sections 37-749 through 37-751 of this article.

6498 **Sec. 37-759. Jurisdictional agreements and special agreements**
6499 **or arrangements.**

6500 (a) If, after the date of adoption of this ordinance,
6501 another local government or user located within such a local
6502 government's utility service area proposes to contribute wastewater
6503 to the county wastewater system, or if the county proposes to
6504 contribute wastewater to another local government, the director
6505 shall enter into an agreement with the contributing or receiving local
6506 government.

6507 (b) Prior to entering into an agreement required by
6508 paragraph (a) above, ~~above~~, the director shall request the following
6509 information from the contributing local government (contributing
6510 jurisdiction):

6511 (1) A description of the quality and volume of
6512 wastewater discharged to the county wastewater system by the
6513 contributing jurisdiction;

6514 (2) An inventory or survey of all users located
6515 within the contributing jurisdiction that are discharging to the
6516 county wastewater system; and

6517 (3) Such other information as the director may
6518 deem necessary.

6519 (c) An agreement, as required by paragraph (a) above,
6520 ~~above~~, shall contain the following conditions:

6521 (1) A requirement for the contributing
6522 jurisdiction to adopt an ordinance or implement regulations that are
6523 ~~which is~~ at least as stringent as this article and county local limits
6524 that which are acceptable to the director and comply with the
6525 county's local limits as specified and adopted by county resolution,
6526 indicating that discharges to the county WWF shall comply with the
6527 standards at least as stringent as those set out in sections 37-735
6528 through 37-737 of this article and county local limits as specified
6529 and adopted by county resolution. The requirement shall specify that
6530 such contributing local government ~~and~~ limits shall be revised as
6531 necessary to reflect changes made to the county ordinance or the
6532 county resolution establishing the county's local limits during the
6533 term of any applicable agreement;

6534 (2) A requirement for the contributing
6535 jurisdiction to submit a revised inventory or survey of users at least
6536 annually;

6537 (3) A provision specifying that ~~which~~
6538 pretreatment implementation activities, including industrial
6539 wastewater discharge permit issuance, facility inspection and
6540 sampling, and enforcement response, shall be conducted by the

6542 contributing jurisdiction; which of these activities shall be
conducted by the director; and which of these activities shall be
conducted jointly by the contributing jurisdiction and the director.

6544 (4) A requirement for the contributing
jurisdiction to provide the director with access to all information that
6546 the contributing jurisdiction obtains as part of its pretreatment
activities;

6548 (5) Limits on the nature, quality, and volume of
the contributing jurisdiction's wastewater at the point where it
6550 discharges to the county wastewater system;

6552 (6) Requirements for monitoring the
contributing jurisdiction's discharge;

6554 (7) A provision providing the director access to
the facilities of users located within the contributing jurisdiction's
boundaries (service area) for the purpose of inspection, sampling,
6556 and any other duties deemed necessary by the director; and

6558 (8) A provision specifying remedies available for
breach of the terms of the agreement.

6560 (d) The contributing jurisdiction that owns or operates
the POTW has primary responsibility for permitting, compliance
6562 monitoring, or enforcement. ~~The, the~~ interlocal agreement should
have a provision that the jurisdiction in which the POTW is located
has the right to take legal action to enforce the terms of the
6564 contributing jurisdiction's ordinances, regulations, ~~or of~~ resolutions,
or the county regulations imposed by any existing or new
6566 agreements, to impose and enforce pretreatment standards and
requirements directly against noncompliant dischargers in the event
6568 the contributing jurisdiction is unable or unwilling to take such
action.

6570 (e) ~~Special agreements and arrangements.~~ No statement
contained in this article shall be construed as prohibiting ~~preventing~~
6572 any special agreement or arrangement by and between the county,
any other jurisdiction, ~~or of~~ any industrial concern whereby an
6574 industrial waste of unusual strength or character may be accepted by
the county, subject to payment therefor by the industrial concern,
6576 and provided that acceptance of such wastes does ~~do~~ not violate any
applicable federal or state regulations, ~~or~~ laws, or permits.

6578 **Sec. 37-760. Miscellaneous provisions.**

6580 The following are separate and distinct provisions applicable
under this ordinance.

6582 (1) *Compliance by industrial users.* Notwithstanding
anything to the contrary contained in this article, no industrial user

6584 shall discharge to the county wastewater system any toxic
pollutants, ~~as~~ set forth in Appendix "~~D~~" "~~B~~" of 40 CFR 403, or
6586 any pollutant that may interfere, pass through, or otherwise be
incompatible with the county wastewater system.

6588 (2) *Applicable regulations and limitations.* State
requirements and limitations on discharges shall apply in any case
6590 where they are more stringent than federal requirements and
limitations or those in this ordinance. The county reserves the right
6592 to establish by ordinance or through permit condition(s) more
stringent limitations, requirements, or time periods on discharges to
the wastewater disposal system if deemed necessary to comply with
6594 the objectives stated at the beginning of this article. The revision(s)
to discharge limitation(s) in this article or in individual industrial
6596 wastewater discharge permits shall be initiated by the director
whenever necessary. All affected parties are assumed to know and
6598 to comply with all state and federal rules, requirements, and
guidelines, including, but not limited to, the development,
6600 promulgation, and application of local limits; the appropriate use, or
applicability, of combined waste stream ~~wastestream~~ formulas; and
6602 all industrial user and POTW monitoring and reporting
requirements.

6604 **Sec. 37-761. Technical standards adopted.**

6606 The technical standards set forth in the Orange County,
Florida Wastewater Discharge and Industrial Pretreatment
6608 Standards Technical Manual on file in the office of the clerk of the
BCC is herein adopted by reference and declared to be a part of this
6610 article. The technical standards contained therein are subject to
periodic review and revision, amendment, or modification under the
6612 authority of the director, who is the county administrative official
responsible for administering the county wastewater system, or his
or her authorized deputy, agent, or representative.

6614 **Secs. 37-762—37.780 -. Reserved.**

Section 5. Effective Date. This ordinance shall take effect pursuant to general law.

ADOPTED THIS ____ DAY OF _____, 2021.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____

Jerry L. Demings,
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: _____

Deputy Clerk

s:\gholmes\ordinances\sewer use (ch. 37 - art. xx)\suo - ordinance drafts\2021-06-28 draft suo ordinance.docx

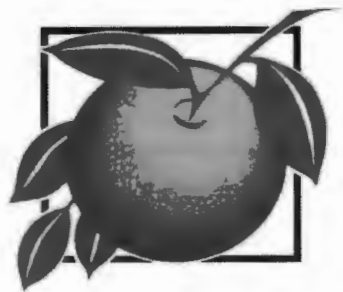
ORANGE COUNTY UTILITIES WASTEWATER DIVISION



MARCH 2020

TECHNICAL MANUAL

WASTEWATER DISCHARGE AND INDUSTRIAL PRETREATMENT STANDARDS



Board of County Commissioners

Jerry L. Demings, County Mayor

Nicole Wilson, District 1

Christine Moore, District 2

Mayra Uribe, District 3

Maribel Gomez Cordero, District 4

Emily Bonilla, District 5

Victoria P. Siplin, District 6

Bryon Brooks, County Administrator

Ed Torres, M.S. P.E., LEED AP, Director of Orange County Utilities

Effective Date: [REDACTED] 2021

TABLE OF CONTENTS

CHAPTER 1 GENERAL INFORMATION

1110.....Purpose Statement

1111.....Manual Revision Procedure

1112.....Definitions

1113.....Abbreviations

CHAPTER 2 BEST MANAGEMENT PROGRAMS AND PLANS

2110.....Purpose Statement and General Criteria

CHAPTER 3 OIL AND GREASE PREVENTION PROGRAM

3110.....Purpose Statement and General Criteria

CHAPTER 4 ENFORCEMENT RESPONSE PLAN

4110.....Overview

CHAPTER 5 SURCHARGE PROGRAM

5110.....Purpose Statement and General Criteria

CHAPTER 6 HAULED WASTEWATER PROGRAM

6110.....Purpose Statement and Requirements

CHAPTER 7 COUNTY LOCAL LIMITS

7110.....Local Limits

APPENDIX A — GREASE TRAPS, INTERCEPTORS, AND SEPARATORS

APPENDIX B — GREASE INTERCEPTOR DESIGN GUIDELINES

APPENDIX C — ENFORCEMENT RESPONSE PLAN

APPENDIX D — ORANGE COUNTY LOCAL LIMITS

CHAPTER 1 GENERAL INFORMATION

Section 1110: Purpose Statement

Part 1 Purpose Statement

A. The Orange County, Florida, Wastewater Discharge and Industrial Pretreatment Standards Technical Manual (the "Technical Manual" or the "Manual") provides guidance in the implementation of and compliance with Orange County, Florida, Code of Ordinances, Chapter 37, Article XX, Public and Private Sewer System Use Requirements, also referenced to as "Public and Private Sewer System Use Requirements for Orange County, Florida, Article XX" or the "Sewer Use Ordinance." It sets forth uniform requirements and standards for users of the Public Sewer System of Orange County and assists the County comply with all applicable state and federal laws, including the Clean Water Act, as amended, set forth in Title 33 U.S. Code (USC) § 1251 et. seq.; the General Pretreatment Regulations for Existing and New Sources of Pollution, as amended and set forth in 40 Code of Federal Regulations (CFR) Part 403; and Chapter 62-625, Florida Administrative Code (F.A.C.), Pretreatment Requirements for Existing and Other Sources of Pollution. The Technical Manual is subject to periodic review and revision, amendment, or modification under the authority of the County Director of Utilities, who is the County administrative official responsible for administering the County wastewater system, or his authorized deputy, agent, or representative.

CHAPTER 1

GENERAL INFORMATION

Section 1111: Manual Revision Procedure

A. To meet the needs of UTILITIES and changes in local, state, and federal regulations, as well as changes in technology, it is necessary to revise and update the MANUAL on a periodic basis. These revisions will be handled administratively under the direction of the DIRECTOR. Such revisions, amendments, and additions shall be binding and in full force and effect when published in the manner set forth by the MANUAL.

1. Any proposed revisions to this MANUAL will be emailed to REGISTERED HOLDERS of the MANUAL for comment. Recipients of the proposed revisions will have **21 calendar days** to provide written comments to the website.
2. Informal workshop(s) will be scheduled to discuss the proposed revisions. All REGISTERED HOLDERS of this MANUAL will receive electronic mail notification of scheduled workshops.
3. After at least one workshop, the UTILITIES' staff will recommend revisions in the best interest of UTILITIES and note dissenting viewpoints to the DIRECTOR for action.
4. Proposed revisions will be posted on the website for a period of **60 calendar days** prior to the DIRECTOR taking action.
5. All proposed revisions approved by the DIRECTOR will become part of the MANUAL.
6. The revisions will be described on the website, and the REGISTERED HOLDERS of the MANUAL will be notified in a timely manner by email of the effective date of the change. The effective date of such revisions shall be **30 calendar days** from the date of approval and shall supersede the MANUAL.
7. The MANUAL as referenced by the Sewer Use Ordinance shall be on file in the office of the Clerk to the Board of County Commissioners.

CHAPTER 1 GENERAL INFORMATION

Section 1112: Definitions

A. Unless specifically defined below, words or phrases used shall be interpreted to give this TECHNICAL MANUAL its most reasonable application that is consistent with state and federal laws and other County regulations. **The word “shall” is mandatory, and the word “may” is permissive.**

The following words and phrases shall have the meanings as designated below, unless the context requires otherwise:

ABNORMALLY HIGH-STRENGTH COMPATIBLE WASTES shall mean wastewater containing carbonaceous biochemical oxygen demand (CBOD), total suspended solids (TSS), total kjeldahl nitrogen (TKN), total phosphorus, or oil and grease in quantities that exceed the County’s local limit for these pollutants as specified and established by County resolution.

ACT shall mean the Federal Water Pollution Control Act, as amended, also known as the Clean Water Act, as amended, Title 33 USC, Section 1251, et seq.

ADMINISTRATIVE FINE shall mean a punitive monetary charge unrelated to actual treatment costs which is assessed by the control authority rather than a court for enforcement of the requirements herein. Where an administrative fine is upheld by a hearing officer or the amount is changed by that officer, but the assessment of a fine is still upheld, or where an administrative fine is likewise upheld or the amount is changed by a court, the fine does not lose its identity as an administrative fine because it may be so modified. Administrative fines are also distinguished from civil penalties or civil fines due to their separate matrix and range of severity.

ADMINISTRATIVE ORDER shall mean a document that orders the user (violator) to perform a specific act or refrain from an act. The order may require users to attend a show cause meeting, cease and desist discharging, or undertake activities pursuant to a compliance schedule.

ALiquot shall mean a portion of a sample.

APPROVAL AUTHORITY shall mean the Florida Department of Environmental Protection (FDEP) or its successor agencies.

APPROVED shall mean an acceptance by the Director of Utilities as meeting or complying with applicable requirements or specifications as set forth in Article XX; or suitable for the proposed use or application.

APPURTENANCE shall mean a manufactured device or assembly of components that acts as an adjunct to the wastewater piping or pumping system or plumbing fixtures.

ASSESSMENT shall mean a lien for improvements placed by the County against the property for benefits received from construction of such improvements.

AUTHORIZED COUNTY PERSONNEL OR STAFF shall mean individuals or designees who have been authorized or approved by the County to perform specific tasks or to execute certain job descriptions or scope of services.

AVAILABLE shall be defined herein as set forth in Chapter 37, Article XVII, Section 37-533 of the Orange County Code of Ordinances, or Section 381.0065(2), Florida Statutes (F.S.), as amended, whichever requirements are more stringent.

BEST MANAGEMENT PRACTICES (BMP) shall mean schedules of activities, prohibitions or practices, maintenance procedures, and other management practices, such as personnel training, to prevent or reduce pollution discharges. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spills or leaks, sludge or waste disposal, or drainage from raw material storage.

BEST MANAGEMENT PRACTICES PLAN (BMPP) shall mean a plan prepared by a user providing a systematic evaluation and integration of BMP to minimize the amount of waste from production.

BIOSOLIDS shall mean the primarily organic solids that are produced by wastewater treatment processes and can be beneficially recycled. Refer to "Residuals" or "Sludge."

BLOWDOWN shall mean the discharge from boilers or cooling towers with high concentrations of accumulated dissolved solids and chemical additives, such as biocides and corrosion inhibitors. Blowdown containing chemical additives shall be considered process wastewater.

BOARD shall mean the Board of County Commissioners of Orange County, Florida.

BUILDING SEWER LATERAL shall mean the extension from the building drain to the public sewer or other place of disposal, beginning five feet outside the outer face of the building wall.

BYPASS shall mean the intentional diversion of waste streams from any portion of an industrial user's pretreatment facility.

CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of carbonaceous sources only, under standard laboratory procedure in five days at 20 degrees Celsius (°C), expressed in milligrams per liter, and specifically excluding nitrogenous sources. CBOD shall be determined in accordance with procedures set forth in the current edition of the Environmental Protection Agency's (EPA) "Methods for the Chemical Analysis of Water and Wastes" or "Standard Methods."

CATEGORICAL PRETREATMENT STANDARDS shall mean the national categorical pretreatment standards specifying pollutant discharge limits or quantities of pollutants that apply to a specific category of users, as established by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. §1317) and that appear in the appropriate subparts of 40 CFR Chapter I, Subchapter N, and adopted by reference in Florida Administrative Code (F.A.C.) Chapter 62-625.

CEASE AND DESIST ORDER shall mean an administrative order directing a user to immediately halt illegal or unauthorized discharges to the County wastewater system.

CHEMICAL OXYGEN DEMAND (COD) shall mean the quantity of oxygen, expressed in milligrams per liter (mg/L), consumed in the chemical oxidation or decomposition of organic substances using the standard dichromate reflux method as described in EPA's "Methods for the Chemical Analysis of Water and Wastes" or "Standard Methods," latest edition.

CHRONIC VIOLATION shall mean violations in which 66 percent or more of all the wastewater measurements taken for the same pollutant parameter during any consecutive six-month period exceed (by any magnitude) a numeric pretreatment standard, limit, or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1), Chapter I, Subchapter N, and in accordance with 40 CFR 403.(8)(f)(2)(viii)(A), Chapter I, Subchapter N, and Chapter 62-625, F.A.C.

CIVIL PENALTY shall mean, but not be limited to, a monetary fine issued by a court against a violator in a civil case for enforcement of the requirements herein. If

a court's civil penalty is a fine, it will have a separate range of severity from that of administrative fines. But see also definition, for this purpose, of code enforcement board and code enforcement special master fines, in Chapter 11, Orange County Code.

COLOR shall mean the "true color" due to the substances in solution using the procedures in EPA's "Methods for the Chemical Analysis of Water and Wastes" or "Standard Methods," latest edition.

COMBINED WASTE STREAM FORMULA shall mean the equation used for the calculation of alternative discharge limits for industrial facilities where regulated waste stream(s) from a categorical user is combined with other waste streams prior to treatment as set forth in 40 CFR 403.6, Chapter I, Subchapter N, and Rule 62-625.410(6), F.A.C.

COMPLIANCE ORDER shall mean an administrative order directing a noncompliant user to achieve or to restore compliance by a specified date.

COMPLIANCE SCHEDULE shall mean a schedule of requisite remedial activities or milestones necessary for a user to achieve compliance with all pretreatment program requirements. A compliance schedule may be set forth in the industrial wastewater discharge permit, consent order, or other enforcement documents.

COMPOSITE SAMPLE shall mean a mixture of discrete grab samples or aliquots taken at the same location but at different times that reflect the average water quality or conditions. Composite samples may be collected on a flow or time proportional basis.

CONCENTRATION LIMIT shall mean a limit based on the mass of pollutant per unit volume, usually expressed in mg/L.

CONSENT ORDER shall mean an administrative order embodying a legally enforceable agreement between the control authority and the noncompliant user designed to restore the user to compliant status.

CONSISTENT REMOVAL shall mean the average of the lowest 50 percent of the removal efficiencies that are determined for a user or pretreatment facility in accordance with Rule 62-625.420(1)(b)(2), F.A.C.

CONTAMINANT shall mean any physical, chemical, biological, or radiological substance introduced into a flow of water in a concentration that renders the water unsuitable for its intended use.

CONTROL AUTHORITY shall mean the County and as such authority is delegated by the County to the Director of Utilities in accordance with the provisions of 40 CFR 403.8, Chapter I, Subchapter N; 40 CFR 403.12, Chapter I, Subchapter N; and Rule 62-625.510, F.A.C.

COOLING WATER shall mean the discharge from air conditioning, cooling, or refrigeration systems that has been used for heat transfer purposes and that may contain chemical additives.

COUNTY shall mean Orange County, a political subdivision of the State of Florida, except where the context clearly indicates that the limits of the geographical boundaries are meant.

COUNTY COLLECTION SYSTEM shall mean the portion of the publicly owned treatment works (POTW) or water reclamation facility (WRF) that receives discharges from users and conveys the resultant wastewater to the WRF. Such a system generally consists of gravity sewers, force mains, pump stations, and other necessary appurtenances.

COUNTY WASTEWATER SYSTEM shall mean all facilities and interests in the real and personal property owned, operated, managed, or controlled by the County now and in the future, and used to provide wastewater service to existing and future customers within the service area of the County.

CUSTOMER shall mean the user of the County wastewater system.

DILUTE WASTE STREAM shall mean, for purposes of the combined waste stream formula, the average daily flow (at least a 30-day average) from: (a) boiler blowdown streams, noncontact cooling streams, stormwater streams, and demineralized backwash streams; provided, however, that where such streams contain a significant amount of pollutant and the combination of such streams, prior to treatment, with an industrial user's regulated process waste stream(s) will result in a substantial reduction of that pollutant, the control authority, upon application of the industrial user, may exercise its discretion to determine whether such stream(s) should be classified as diluted or unregulated; (b) sanitary waste streams where such streams are not regulated by a categorical pretreatment standard; or (c) from any process waste streams that were, or could have been, entirely exempted from

categorical pretreatment standards pursuant to Appendix D of 40 CRF 403 for one or more of the following reasons: (1) the pollutants of concern are not detectable in the effluent from the industrial user; (2) the pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects; (3) the pollutants of concern are present in amounts too small to be effectively deduced by technologies known to the approval authority; or (4) the waste stream contains only pollutants that are compatible with the POTW.

DIRECTOR shall mean the County Director of Utilities, who is the County administrative official responsible for administering the County wastewater system, or his or her authorized deputy, agent, or representative.

DISCHARGE shall mean the introduction of pollutants into the County wastewater system by any nondomestic source that is subject to the regulations of F.S. Chapter 403.

DISCHARGE PERMIT. Refer to "Industrial wastewater discharge permit."

DISSOLVED SOLIDS shall mean the solid matter in solution in the wastewater and shall be obtained by evaporation of a sample from which all suspended matter has been removed by filtration as determined by the procedures in EPA's "Methods for the Chemical Analysis of Water and Wastes" or "Standard Methods," latest edition.

DOMESTIC SEWAGE OR WASTEWATER shall mean human body waste and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste, and other similar waste from household or establishment appurtenances. Domestic sewage wastes are further categorized as: (1) blackwater: waste carried off by toilets, urinals, and kitchen drains; or (2) graywater: all domestic waste not covered in (1) above and including bath, laundry, and sink, except kitchen sink waste.

EFFLUENT shall mean pollutants, partially or completely treated, or in their natural state.

ENFORCEMENT RESPONSE PLAN (ERP) shall mean the FDEP-approved enforcement procedures followed by the control authority to identify, document, and respond to any violations of this ordinance, as referenced in Section 37-749(g)(6) of Article XX, as prepared in accordance with Rule 62-625.500, F.A.C., as established by the Board of County Commissioners and adopted by County resolution.

ENVIRONMENTAL PROTECTION AGENCY (EPA) 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 such agency.

EQUALIZATION shall mean a pretreatment process consisting of detention of a wastewater flow in a large tank, sump, or headbox to smooth out surges and peak flows.

EQUIVALENT RESIDENTIAL CONNECTION (ERC) shall mean the equivalent residential flow value (water), specified in the County rate resolution in gallons per day, whereby one ERC shall have an assigned value of one. The total ERC value for an establishment shall be calculated by multiplying the ERC factor specified in the County rate resolution by the number of units.

EQUIVALENT RESIDENTIAL UNIT (ERU) shall mean the equivalent residential flow value (wastewater), specified in the County rate resolution in gallons per day, whereby one ERU shall have an assigned value of one. The total ERU value for an establishment shall be calculated by multiplying the ERU factor specified in the County rate resolution by the number of units.

ESTABLISHMENT shall mean a business organization or public institution, an entity other than a household.

EXISTING SOURCE shall mean any source of discharge, the construction or operation that commenced prior to the publication by the EPA of proposed categorical pretreatment standards, which shall be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

FLORIDA ADMINISTRATIVE CODE (F.A.C.) shall mean the codification of administration rules to implement legislation approved by the legislature and the resultant F.S.

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) shall mean the State of Florida Department of Environmental Protection created by F.S. § 20.255.

FLORIDA DEPARTMENT OF HEALTH (FDOH) shall mean the State of Florida Department of Health, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of such agency that administers the regulations pertaining to analytical laboratory certification in the state authorized by Chapter 64E-1, F.A.C. The FDOH, through its National

Environmental Laboratory Accreditation Program, is the approval authority for certification of analytical laboratories and analytical methods in the state.

FOOD shall mean any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

GARBAGE shall mean animal or vegetable (solid) wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

GARBAGE GRINDER OR DISPOSAL shall mean an electric device that shreds solid or semisolid waste materials, generally food-related, into smaller portions for discharge into the County wastewater system.

GENERATOR shall mean a user, by site or facility, who produces wastes from the said user's process operations. The generator is responsible for disposal of the produced wastes in accordance with applicable federal, state, and local regulations.

GRAB SAMPLE shall mean a sample that is taken from a waste stream at a specific time and location and on a one-time basis without regard to flow in the waste stream and consideration of time. Sampling period shall not exceed 15 minutes.

HAULED WASTES shall mean any hauled domestic wastewater, septic tank waste, storm sewer waste, oil and grease intercept/trap waste, and hauled industrial wastewater.

HAULER. Refer to "Transporter."

HAZARDOUS WASTE shall mean a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics:

- A. Causes or significantly contributes to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness;
- B. Poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed; or
- C. Meets one of the following four conditions:

1. Exhibits a characteristic of a hazardous waste as defined in 40 CFR Sections 261.20 through 262.24;
2. Listed as a hazardous substance in 40 CFR Sections 261.31 through 261.33;
3. A mixture containing a listed hazardous waste and a nonhazardous solid waste, unless the mixture is specifically excluded or no longer exhibits any of the characteristics of hazardous waste; or
4. Not excluded from regulation as a hazardous waste.

HEARING EXAMINER shall mean the hearing officer shown in Section 37-749(j) of Article XX to which any person or user may appeal the enforcement decision, interpretation, or order of the Director, described only in that section, established by the Board of County Commissioners in accordance with the procedures established by County resolution by the Board of County Commissioners for said hearing officer.

INDIRECT DISCHARGE shall mean the discharge or the introduction of pollutants from any nondomestic source regulated under Sections 307(b), (c), or (d) of the Act (Title 33 USC, Section 1317) into the County POTW or WRF.

INDUSTRIAL USER shall mean any user of the County wastewater system as identified in the Standard Industrial Classification Manual, current edition, that is a source of indirect discharge of industrial wastes and does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402 of the Act (Title 33 USC, Section 1342).

INDUSTRIAL WASTES shall mean liquid wastes that are produced by, excluding domestic wastewater and cooling water, any industrial or manufacturing, process, trade or business, or institutional, commercial, agricultural, or other nondomestic activity or operation that contains wastes of nonhuman origin and is not otherwise classified as domestic sewage.

INDUSTRIAL WASTEWATER DISCHARGE PERMIT shall mean the document issued to an industrial user by the County following approval of a complete application. The permit shall authorize the indirect discharge of industrial wastes to the County POTW or WRF in accordance with specific conditions, restrictions, and County local limits defined and established by County resolution and as referenced herein.

INFILTRATION shall mean water unintentionally entering the County wastewater system from sanitary building drains and sewer laterals, from the ground through such means as, but not limited to, defective pipes, pipe joints, or connections on manhole walls. Infiltration does not include, and is distinguished from, inflow.

INFLOW shall mean discharge into the County wastewater system from nonuser sources, such as yard drains, roof drains, swimming pool drains, foundation drains, cooling water, springs and swampy areas, manhole covers, catch basins, cross-connections with storm sewers, stormwater systems, surface runoff, street washers, and general drainage. Inflow does not include, and is distinguished from, infiltration.

INFLUENT shall mean water, wastewater, or other liquid flowing into a tank, basin, treatment process or treatment facility.

INTERFERENCE shall mean a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the County's POTW or WRF, its treatment processes or operations, or its bio-solids processes, use, or disposal; and therefore constitutes or causes a violation of the County's National Pollutant Discharge Elimination System (NPDES) or FDEP permit(s) (including an increase in the magnitude or duration of a violation) or the prevention of wastewater bio-solids reuse or disposal in compliance with any of the statutory/regulatory provisions or permits issued thereunder, or any other more stringent federal, state, or local regulations.

LIFT STATION. Refer to "Pump station."

LOCAL LIMIT shall mean a discharge standard for nonresidential or industrial users of the County POTW or WRF in order to achieve the purposes of Article XX and for the County to comply with the conditions set forth in its NPDES or FDEP permits for effluent disposal, reuse, or recycling, and disposal or recycling of residuals.

MASS LIMIT shall mean a limit based on the weight of pollutant per unit time, usually expressed in pounds per day of the constituent (lb./day).

MEASUREMENT shall mean the ability of an analytical method or protocol to quantify and identify the presence of a substance, flow, or volume.

MEDICAL WASTES shall mean any solid wastes or liquids that may present a threat of infection to humans, such as, but not limited to, isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts,

contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

NATIONAL CATEGORICAL PRETREATMENT STANDARD refers to categorical pretreatment standards.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT shall mean a permit issued to a POTW pursuant to Sections 307, 318, 402, and 405 of the Act (Title 33 USC, Section 1342) for the discharge of pollutants from point sources into navigable waters, contiguous zones, and oceans.

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

- A. The building, structure, facility, or installation is constructed at a site at which no other source is located;
- B. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source;
- C. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered; or
- D. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs A, B, or C above but otherwise alters, replaces, or adds to existing process or production equipment.
- E. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous on-site construction program;
2. Any placement, assembly, or installation of facilities or equipment;
3. Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or
4. Entered a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that 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.

NONCONTACT COOLING WATER shall mean water used for cooling purposes that does not come in direct contact with any raw material, intermediate product, waste product, or finished product; and the only pollutant that was added to the water was heat.

NONDOMESTIC WASTEWATER shall mean the nonsanitary liquid wastes from industrial processes, commercial processes, or commercial laundries. Nondomestic wastewater is considered to have the same meaning as industrial wastewater.

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) shall mean a classification system based on the type of manufacturing or commercial activity at a facility or site, pursuant to the current edition of the "North American Industry Classification System Manual" as issued by the Executive Office of the President, Office of Management and Budget.

NOTICE OF SIGNIFICANT NONCOMPLIANCE (NOSNC) shall mean a document by the control authority notifying a nonresidential user that it has violated one or more of the pretreatment standards or program requirements as set forth in Article XX or one or more of the criteria classifying the violation as a significant noncompliance.

NOTICE OF VIOLATION shall mean a document from the control authority notifying a user that it has violated the pretreatment standards or program requirements set forth in Article XX.

OIL AND GREASE shall mean materials, either liquid or solid, that are composed primarily of fatty material from animal or vegetable sources, or petroleum-based hydrocarbons.

OIL AND GREASE INTERCEPTOR shall mean a device designed and constructed in accordance with the Florida Building Code, Orange County Utilities Department Engineering Division's Development Review Section policies, and Orange County Utilities Standards and Construction Specifications Manual, installed outside of the building and constructed to separate, trap, and hold solid, oil, and grease substances from animal or vegetable sources that are present in the discharge from users of the County POTW or WRF. The purpose of the oil and grease interceptor shall be to prevent oil and grease from entering the County POTW or WRF.

OIL AND GREASE TRAP shall mean a device designed and constructed in accordance with the Florida Building Code, Orange County Utilities Department Engineering Division's Development Review Section policies, and Orange County Utilities Standards and Construction Specifications Manual, installed inside the building and constructed to separate, trap, and hold solids, oil, and grease substances from animal or vegetable sources that are present in the discharge from users of the County POTW or WRF. The purpose of the oil and grease trap shall be to prevent solids, oil, and grease from entering the County POTW or WRF.

OIL AND GREASE TRAP WASTE shall mean waste removed from oil and grease interceptors or oil and grease traps at food and/or beverage service facilities and food and/or beverage sales and processing establishments.

OIL AND WATER SEPARATOR OR INTERCEPTOR shall mean a device designed and constructed to separate, trap, and retain oil and grease substances derived from petroleum hydrocarbons that are found in the discharge from users of the County wastewater system. The purpose of the separator is to prevent petroleum hydrocarbons from entering the County wastewater system and to improve the safety of said system for both County personnel and the general public.

OPERATING PERMIT. Refer to "Waste Hauler Operating Permit."

PASS THROUGH shall mean the discharge of pollutants through the POTW or any other portion of the County wastewater system into waters of the state or nation in quantities or concentrations that, alone or in combination with a discharge or discharges from other sources, is a cause of or significantly contributes to a violation

of any requirement of any NPDES or FDEP permit, issued for and applicable to the County wastewater system, including an increase in the magnitude or duration of a violation, or a violation of any contract, resolution, law, rule, regulation, permit, or approval applicable to the industrial, commercial, or agricultural reuse of reclaimed water.

PERMIT shall mean a document issued to the County by federal or state regulatory authorities that sets out provisions or requirements for the disposal or reuse of effluent or biosolids, or effluent discharges from the County facilities.

PERSON shall mean an individual, partnership, or association, the State of Florida or any agency or institution thereof, the United States or any agency or institution thereof, or any municipality, political subdivision, public or private corporation, or other entity and includes any officer or governing or managing body of the State of Florida, the United States, any agency, any municipality, political subdivision, or public or private corporation. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

pH shall mean a measure of the acidity or alkalinity, of a solution, expressed in standard units as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions, in grams per liter, present in the solution.

POLLUTANT shall mean constituent(s) or foreign substance(s) that degrade the quality of the water to impair or adversely affect the usefulness or function of the water or pose a hazard to public health or the environment. Constituent(s) or foreign substance(s) are present in water as a result of discharging into said water or waters wastes that include, but are not limited to, dredged spoil, solid waste, incinerator residue, filter backwash, wastewater, garbage, wastewater bio-solids, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, dirt, or municipal, agricultural, and industrial wastes. Examples of pollutants include pH, temperature, TSS, turbidity, color, CBOD, COD, toxicity, odors, metals, and organics. Refer to "Contaminant."

POLLUTION shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water that degrades the natural quality of the environment; offends the senses of sight, taste, or smell; or causes a health hazard.

POLLUTION PREVENTION shall mean the use of materials, processes, or operation and maintenance practices to reduce or eliminate the generation or creation of pollutants at the source before the constituents can enter the waste stream.

Pollution prevention includes, but is not limited to, equipment modifications, process or operating alterations, reformulation or redesign of products, substitution or raw materials, and improvements in housekeeping, maintenance, personnel training, or inventory control.

POLLUTION PREVENTION PLAN shall mean a plan prepared by the user to minimize the likelihood of introducing pollutants in the process wastewater or other types of discharges from their facility.

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, introducing such pollutants into the County POTW or WRF. The reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard (Rule 62-625.410, F.A.C.) and 40 CFR 403.5, Chapter I, Subchapter N, unless allowed by an applicable pretreatment standard. Appropriate pretreatment technology includes control equipment, such as equalization tanks of facilities, for protection against surges or slug loading that might interfere with or otherwise be incompatible with the County WRF. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or flows from another regulated process, the discharge from the equalization facility must meet an adjusted pretreatment limit using the combined waste stream formula.

PRETREATMENT FACILITIES shall mean the equipment, structures, and processes that are configured together for the treatment of user waste streams prior to discharge to the County wastewater system.

PRETREATMENT PROGRAM shall mean the program that is administered and enforced by the control authority in compliance with 40 CFR 403.8 and as approved by the approval authority (FDEP) in accordance with Rule 62-625.500, F.A.C.

PRETREATMENT REQUIREMENTS shall mean any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, that is imposed on an industrial user.

PRETREATMENT STANDARDS shall mean any regulation containing pollutant discharge limits, as established in F.S. Chapter 403, which applies to industrial users and includes the prohibited discharge standards, categorical standards, and local limits.

PRIVATE WASTEWATER COLLECTION SYSTEM shall mean a wastewater collection system installed, maintained, operated, and owned by persons other than the County; and that may be connected to the County wastewater system.

PROCESS WASTE STREAMS shall mean any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, byproduct, or waste product.

PROCESS WASTEWATER shall mean any water that, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, byproduct, or waste product.

PROPERTY OWNER OR OWNER shall mean the title holder of record for the premises being served or proposed to be served by the County wastewater system.

PUBLIC AND PRIVATE SEWER SYSTEM USE REQUIREMENTS shall mean Article XX - Public and Private Sewer System Use Requirements of Orange County Code of Ordinances, Part II, Orange County Code, Chapter 37, Water and Wastewater (or the "Sewer Use Ordinance") enacted pursuant to the Orange County Charter and all general and special acts authority of the County, including home rule powers, for the purpose of providing for the necessary regulations for the use of public and private sewers and drains in the interest of the public health, safety, and welfare of the citizens and residents of the County.

PUBLIC SEWER shall mean a sanitary sewer, other than a building lateral sewer, that is owned or controlled by the County.

PUMP STATION OR LIFT STATION shall mean the facility containing pumps and appurtenances that conveys wastewater through the collection system to the treatment works.

QUALITY ASSURANCE shall refer to a management/administrative check on procedures and practices used during sampling and analysis that ensures the accuracy, precision, reproducibility, and representativeness of the reported data.

RECLAIMED WATER shall mean highly treated wastewater that is suitable for direct, nonpotable beneficial reuse or a controlled use by public, agricultural, commercial, resident, industrial, or institutional projects or development and meets the requirements of Chapter 62-610, F.A.C.

REMOVAL shall mean a reduction in the amount of a pollutant in the WRF's effluent or alteration of the nature of a pollutant during treatment at the WRF. The reduction or alteration can be achieved by physical, chemical, or biological means and may be the result of specifically designed capabilities at the WRF or may be incidental to the operation of the treatment system. Dilution shall not be considered removal.

REPRESENTATIVE SAMPLE shall mean a sample collected from a waste stream that is as nearly identical as possible in composition to the larger volume of the flow stream that is being discharged to the County wastewater system during a normal operating day.

RESIDUALS shall mean the solid, semisolid, or liquid residues that are generated during the treatment of wastes or wastewater in a pretreatment or treatment facility. Typically, residuals do not include grit, screenings, or incinerator ash. Refer to "Biosolids" or "Sludge."

SANITARY SEWER shall mean a pipe that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SELF-MONITORING shall mean sampling and analyses performed by the user or the control authority of regulated discharge at the expense of the industrial user to ensure compliance with the permit or other regulatory requirements as set forth in 40 CFR 403.12(b) and (g), Chapter I, Subchapter N, and Rule 62-625.600, F.A.C.

SEPTAGE shall mean the sludge or solids produced in individual on-site wastewater treatment systems, such as septic tanks and cesspools.

SEPTIC TANK shall mean a watertight receptacle constructed to promote separation of solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system.

SETTLEABLE SOLIDS shall mean that matter in wastewater not staying in suspension during a preselected settling period, such as one hour, but either settles to the bottom or floats to the top.

SEWAGE OR WASTEWATER shall mean a combination of the water-carried wastes from residences, business buildings, institutions, industrial establishments, and other customers of wastewater facilities (WWFs), together with such ground, surface and storm waters as may be present.

SEWER shall mean a public sewer that has only building drain sewers and connections tributary to it and that discharges into a branch sewer of the County wastewater collection system.

SHALL infers “mandatory” or “must.” **MAY** infers “allowed” or “permissible.”

SIGNIFICANT COMMERCIAL USER shall mean any commercial user of the County wastewater system that has:

- A. A discharge flow of 10,000 gallons or more per day during any day of any calendar year;
- B. A discharge containing one or more of the compatible pollutants; or
- C. A discharge that has been found by the Director or FDEP to potentially have a significant impact, either singly or in combination with other contributing users, on the County wastewater system.

SIGNIFICANT INDUSTRIAL USER (SIU) shall mean any industrial user of the County POTW or WRF that meets one or more of the following criteria:

- A. Discharges a flow of 25,000 gallons or more per day, during any day, during any calendar year, to the County wastewater system, excluding sanitary and domestic wastes, noncontact cooling water, condensate, stormwater, and boiler blowdown wastes;
- B. Contributes a process waste stream that makes up more than five percent or more of the average dry weather hydraulic or organic design capacity (allowable pollutant loading) of a County wastewater treatment plant receiving the indirect discharge;
- C. Is subject to a national categorical pretreatment standard as described in 40 CFR 405-471, and as adopted by reference in Chapter 62-660, F.A.C.;
- D. Discharges one or more of the federally defined “priority pollutants” or toxic pollutants, as defined pursuant to Section 307 of the Act, F.S., or in any applicable local, state, or federal rules;
- E. Is found by the County, EPA, or FDEP to have a significant impact, either singly or in combination with other contributing industries, on the County collection system, the quality of sludge, the quality of the reclaimed water or effluent, or air emissions generated by the County wastewater system; or

F. Is designated as such by the Director on the basis that it has a reasonable potential for adversely affecting the operation of the County POTW or WRF or violating any pretreatment standard or requirement in accordance with Rule 62-625.500, F.A.C.

Upon a finding by the Director or the County that a user meeting the criteria above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the County may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6) and Rule 62-625.410, F.A.C., determine that such user should not be considered an SIU.

SIGNIFICANT NONCOMPLIANCE (SNC) shall mean a nonresidential user whose violation meets one or more of the following criteria as defined in 40 CFR 403.8(f)(4)(2)(viii), and Rule 62-625.500(8), F.A.C.:

- A. Chronic violations of wastewater discharge limits;
- B. Technical review criteria (TRC) for violations;
- C. Any other discharge violation of a pretreatment standard, limit, or requirement as defined by 40 CFR 403.3(1), Chapter I, Subchapter N (daily maximum, long-term average, instantaneous limit, or narrative standard) that the control authority or the Director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of County personnel or the general public;
- D. Any discharge of pollutants that has caused imminent endangerment to the public or the environment, or has resulted in the Director exercising emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within 30 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, as required by and authorized by this article;

G. Failure to accurately report noncompliance; or

H. Any other violation(s) that the Director determines will adversely affect the operation or implementation of the local pretreatment program.

SILVER-RICH SOLUTION shall mean a solution containing sufficient silver that cost-effective recovery of the constituent could be performed. Silver-rich solutions shall include fixers, bleach-fixers, low-flow washes, and other functionally similar solutions.

SILVER TEST PAPER shall mean a test paper coated with an analytical reagent which reacts by changing color in relationship to the amount of silver in the solution. A reference color code allows determination of the approximate concentration of silver in the solution; or an equivalent test determining this concentration.

SLUDGE shall mean the accumulated solids or residuals that separate from liquids or water during chemical treatment, coagulation, flocculation, sedimentation, flotation, or biological oxidation of wastes or wastewater at a pretreatment or treatment facility. Refer to "Biosolids" or "Residuals."

SLUG shall mean any discharge of a nonroutine or episodic nature, such that the concentration of any given constituent in the flow or the volume of the flow exceeds more than five times the average 24-hour concentration for that constituent or quantity of flow during normal operation. Furthermore, such discharge could cause a violation of the prohibited discharge standards or local limits set forth in Article XX, or to the extent that the discharge interferes with the operation of the collection system or treatment works, or the reuse or disposal of the effluent or residuals.

SLUG (ACCIDENTAL) DISCHARGE CONTROL PLAN shall mean detailed plans showing facilities and operating procedures to provide control of slug (accidental) discharges.

SOURCE CONTROL OR REDUCTION shall mean control of the introduction or reducing the amount of pollutants that enter a waste stream at the point of production or their origins. Refer to "Pollution prevention."

SPILL CONTAINMENT PLAN (SCP) shall mean detailed plans, prepared by the user, showing facilities and operating procedures to prevent and to provide protection from spills, including containment, rapid response, and cleanup.

SPILL PREVENTION (ACCIDENTAL DISCHARGE) AND CONTROL PLAN shall mean a plan prepared by a user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur. Refer to "Pollution prevention plan."

SPLIT SAMPLE shall mean a portion of a collected sample given to the industry or to another agency for the purpose of verifying or comparing laboratory results.

STANDARD METHODS shall mean the current edition of "Standard Methods for the Examination of Water and Wastewater," as published jointly from time to time by the American Public Health Association, Water Environment Federation, and American Water Works Association. The reference is a compendium of generally recognized and approved analytical protocols in domestic and industrial wastewaters.

STATE shall mean the State of Florida.

SURCHARGE shall mean a charge to a user for the discharge of abnormally high strength, compatible pollutants to the County wastewater system above the standards or criteria set forth in Article XX. The charge is based on the loading of a pollutant in pounds and is levied in addition to the regular wastewater service charges or fees.

SUSPENDED SOLIDS shall mean the matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and which is removable by various filtering and settling techniques in accordance with EPA protocols or "Standard Methods," current edition.

TECHNICAL REVIEW CRITERIA (TRC) shall mean violations in which 33 percent or more of all of the wastewater measurements taken for the same pollutant parameter during any consecutive six-month period equals or exceeds the product of the numeric pretreatment standard, limit, or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1), Chapter I, Subchapter N, multiplied by the applicable TRC: (TRC = 1.4 for CBOD, TSS, total oil and grease, and 1.2 for all other pollutants except pH), in accordance with 40 CFR 403.8(f)(2)(viii)(B), Chapter I, Subchapter N, and Chapter 62-625, F.A.C.

TOTAL KJELDAHL NITROGEN (TKN) shall mean the analytical quantity of organic nitrogen and ammonia that is determined together and is equal to the sum of the concentration of ammonia and organically bound nitrogen in the tri-negative oxidation state in accordance with protocols in EPA's "Methods for the Chemical Analysis of Water and Wastes," current edition.

TOTAL NITROGEN (TN) shall mean the sum of the concentrations of the various forms of nitrogen, including the components of TKN, nitrite, and nitrates as measured by the procedures in EPA's "Methods for the Chemical Analysis of Water and Wastes," current edition.

TOTAL PHOSPHORUS (TP) shall mean the sum of the concentrations of the various forms of phosphorus, including orthophosphate, condensed phosphates, and organically bound phosphorus as measured by the procedures in EPA's "Methods for the Chemical Analysis of Water and Wastes" or "Standard Methods," current edition.

TRANSPORTER shall mean a user or hauler who conveys wastes from the site of generation in a tank truck or rail car to an approved facility or location for treatment, disposal, or reuse (recycling). The transporter is responsible for complying with applicable federal, state, and local regulations regarding transportation of the produced wastes.

UNDER-THE-SINK OIL AND GREASE TRAP shall mean a device that is designed for a flow of less than 50 gallons per minute (gpm) that is installed inside the building beneath or in close proximity to the sink or other facilities likely to discharge oil and grease from animal or vegetable sources in an attempt to separate, trap, or store these fat-soluble substances and prevent their entry into the collection system.

UPSET shall mean an exceptional incident in which there is unintentional and temporary noncompliance with applicable national categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include temporary noncompliance to the extent caused by, but not limited to, operational error, improperly designed or inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation as described in 40 CFR 403.16(a) and Rule 62-625.840, F.A.C.

USER shall mean a source of indirect discharge to the County's WRF; that is, any person who contributes, causes, or permits the contribution of sewage or wastewater into the County's POTW or WRF. Notwithstanding the language in this definition, waste haulers shall be included under the definitions for "user" and "transporter."

UTILITIES shall mean Utilities Department of the Orange County Board of County Commissioners, Orange County, Florida, and/or its designated representative(s).

WASTE HAULER. Refer to "Transporter" and "User."

WASTE HAULER OPERATING PERMIT shall mean the permit issued to waste haulers for the disposal of hauled waste to the WRF and/or service (remove wastes from or maintain) of oil and grease interceptors, oil and grease traps, pump stations, oil and water separators, or sand interceptors/traps that discharge to the County's POTW or WRF, as set forth in Section 37-739 of Article XX.

WASTE MINIMIZATION shall mean the reduction of pollutants or wastes after their generation and prior to discharge. Refer to pollution prevention and source control.

WASTEWATER shall mean a combination of the water-carried wastes from residences, commercial buildings, institutions, industrial establishments, and other customers of the County wastewater system.

WASTEWATER TREATMENT PLANT shall mean an arrangement of devices, equipment, processes, and structures for treating domestic and industrial wastes by removing pollutants from the flow stream. Refer to "Water reclamation facility."

WATER RECLAMATION FACILITY (WRF) shall mean that portion of the County wastewater system that is designed to provide treatment of sewage or wastewater (domestic and industrial wastes) to a level such that the discharge meets the criteria and state and local standards for reuse or recycling.

WATERS OF THE STATE shall mean any surface or ground water located within the boundaries of the state as defined in F.S. § 403.031, or Chapter 62-302, F.A.C., or elsewhere in Chapter 62, F.A.C.

CHAPTER 1

GENERAL INFORMATION

Section 1113: Abbreviations

A. The following abbreviations shall have the designated meanings:

B

BMP - Best management practice

BMPP - Best management practices plan

C

°C - Degrees Celsius or centigrade

CBOD - Carbonaceous biochemical oxygen demand

CFR - Code of Federal Regulations

COD - Chemical oxygen demand

E

EPA - U.S. Environmental Protection Agency

ERC - Equivalent residential connection

ERU - Equivalent residential unit

F

°F - Degrees Fahrenheit

F.A.C. - Florida Administrative Code

FDEP - Florida Department of Environmental Protection

FDOH - Florida Department of Health

F.S. - Florida Statutes

G

gpd - gallons per day

L

L - Liter

M

mg/L - milligrams per liter

N

NAICS - North American Industry Classification System

NOSNC - Notice of significant noncompliance

NOV - Notice of violation

NPDES - National Pollutant Discharge Elimination System

O

O&G - Oil and grease

OGPP - Oil and Grease Prevention Program

P

POTW - Publicly owned treatment works

S

SIU - Significant industrial user

SNC - Significant noncompliance

T

TKN - Total kjeldahl nitrogen

TN - Total nitrogen

TOMP - Toxic Organics Management Plan

TSS - Total suspended solids

U

U.S.C. - United States Code

W

WRF - Water reclamation facility

B. Terms not otherwise defined herein shall be as set forth in Title 40 CFR, Chapter 62, F.A.C., or as adopted in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by American Public Health Association, the American Water Works Association, and the Water Environment Federation; the Manual of Practices as researched and published by the Water Environment Federation, American Society of Civil Engineers (ASCE), and the American Society of Testing Materials (ASTM); applicable building and plumbing codes; and the guidance manuals and protocols that have been prepared and published by the EPA and FDEP.

CHAPTER 2 BEST MANAGEMENT PROGRAMS AND PLANS

Section 2110: Purpose Statement and General Criteria

Part 1 Purpose and Intent

A. The purpose of this chapter is to provide for the implementation of best management programs for contaminants of concern as designated by the Director or as referenced in the Sewer Use Ordinance Section 37-737 and as defined by County local limits established by County resolution. The objectives of the best management programs include:

1. To minimize the introduction of wastes containing contaminants of concern into the County wastewater system;
2. To promote pollution prevention by generators of wastes containing contaminants of concern;
3. To require the installation and maintenance of equipment in order to achieve a level of treatment appropriate to the size of the generator (user) or proportional to the volume of discharge or the magnitude of the contribution (loading) from the generator (user); and
4. To enable the County to comply with the effluent discharge standards set forth in the FDEP permits for the County WRFs; the reclaimed water standards in various agreements; or the requirements and objectives for the pretreatment program.

B. The intent of this section is to provide for the control and regulation of users that discharge wastes containing the designated contaminants of concern to the County wastewater system. Implementation of a best management program(s) will allow a reduction in the loadings of the contaminants of concern to the County wastewater system.

Part 2 General Criteria

A. The Director may require any nonresidential user that generates wastes containing contaminants of concern that could or does adversely impact the County wastewater treatment system to participate in the best management program.

B. The Director may require any nonresidential user to comply with the guidelines set forth in the County best management programs for the contaminants of concern.

C. The Director may require all nonresidential users that generate waste streams containing contaminants of concern to develop and implement a BMPP to reduce the loadings of said constituents to the County POTW or WRF and to achieve a specific level of treatment, recovery, or removal as set forth in Article XX and as specified and established by County resolution.

D. The BMPP shall contain those elements that are set forth for pollution prevention and best management plans in Section 37-744 of Article XX. The Director may require the BMPP to contain an accidental discharge/slug control and a spill containment plan.

E. The specific level of treatment, recovery, or removal shall depend on the volume or loadings of wastes that are generated by the user.

F. SIUs shall comply with the County's numerical local limit set forth for the specific contaminant of concern referenced and established by County resolution and as referenced to in Section 37-737 of Article XX and are prohibited from using a best management program in lieu of the numerical limit.

G. SIUs shall obtain an industrial wastewater discharge permit pursuant to Section 37-745 of Article XX that includes BMPPs required to be performed by the SIU to comply with required categorical pretreatment standards, local limits, and state or local law, or where a local limit was not required to be established for the parameter but a BMP requirement for the parameter is mandated, as determined by the Director or as referenced in County local limits established by County resolution.

H. The nonresidential user, as required by the Director, shall develop and implement the BMPP within 60 days of notification by the Director and shall exercise due diligence in pursuit thereof of the BMPP and maintenance of the treatment or recovery system.

I. The Director, at his or her discretion, shall have the authority to impose the numerical local limit or BMPP for a contaminant of concern upon any nonresidential user contributing wastes containing said contaminant of concern to the County POTW or WRF.

J. Development and implementation of the BMPP by the user shall be done at the sole expense of the user.

Part 3 Reporting Requirements

- A. In general, users shall be subject to the reporting requirements set forth in 40 CFR 403, Chapter I, Subchapter N; Chapter 62-625, F.A.C.; and Section 37-747, including the report of changed conditions.
- B. Users in a best management program shall submit the results from compliance monitoring activities in accordance with the requirements and schedule established by the County, including the reporting of BMPP compliance status with requirements and schedules established in 40 CFR 403, Chapter I, Subchapter N; Chapter 62-625, F.A.C.; or industrial wastewater discharge permits.
- C. The results and other necessary information shall be submitted to the County in the format or on the form(s) as established by the Director and/or in the industrial wastewater discharge permit.
- D. All reports submitted to the Director shall contain a certification statement and shall be signed in accordance with 40 CFR 403, Chapter I, Subchapter N; Chapter 62-625, F.A.C.; Section 37-745; and Section 37-747.

Part 4 Record Keeping

- A. The following records and documents shall be retained by the user in a file on-site:
 - 1. Volume of total process wastewater;
 - 2. A log of weekly monitoring results;
 - 3. Report of analyses from the commercial laboratory;
 - 4. Operating, service, and maintenance logs;
 - 5. Uniform hazardous wastes manifests, if applicable;
 - 6. Record drawings for the treatment or recovery system; and
 - 7. Installation, operation, and maintenance procedures.
- B. The files shall be subject to the retention requirements set forth in Section 37-747 of Article XX. The files shall be available for inspection and review by the Director in accordance with 40 CFR 403, Chapter I, Subchapter N; Chapter 62-625, F.A.C.; and Section 37-747.

Part 5 Compliance Inspections and Monitoring.

- A. The Director shall have the right to conduct compliance facility inspections and random compliance monitoring as set forth in Section 37-748 and Section 37-749 of Article XX. At the discretion of the Director, any user

subject to this section may be required to install a control manhole in accordance with Section 37-748 for compliance monitoring purposes.

Part 6 Enforcement

- A. Users that fail to comply with the requirements set forth in this section shall be subject to the enforcement provisions, including penalties, as set forth in Section 37-749 through Section 37-751 and the County's ERP.
- B. A notice of violation may be issued to a user for failure to:
 - 1. Submit the user information survey in a time limit set by the County;
 - 2. Develop and implement the best management program;
 - 3. Install the necessary pretreatment equipment or system;
 - 4. Properly maintain the pretreatment equipment or system;
 - 5. Perform the requisite monitoring;
 - 6. Properly maintain records on-site; or
 - 7. Provide required information to the Director, including a BMPP compliance status report as required in industrial wastewater discharge permits.

Part 7 Pollution Prevention and BMPP

- A. The intent of pollution prevention and BMPPs is to prevent or reduce pollution whenever feasible in an environmentally safe manner, such as recycling and source reclamation. BMPPs may be required to be implemented by the user to comply with required categorical pretreatment standards, local limits, and state or local law, or where a local limit was not required to be established for the parameter but a BMP requirement for the parameter is mandated, as determined by the Director or as referenced in County local limits established by County resolution. Treatment and disposal, such as discharge to the County WRF, should be considered one of the last options. It is the policy of the County to encourage and support pollution prevention and best management practices whenever and wherever practical.
- B. Pollution prevention plans. The Director may require a nonresidential user to develop and submit a pollution prevention plan for approval. The user shall implement the pollution prevention plan on a timely basis once the plan has been approved by the Director. The pollution prevention plan shall be developed in accordance with EPA and FDEP guidelines.
- C. Best management practices and plans. The Director may require a user to develop and submit for approval a BMPP to control specific pollutants in

the discharge or types of discharges to the County WRF. The Director will require the SIU to develop a BMPP and incorporate the BMPP requirements into an industrial wastewater discharge permit to comply with required categorical pretreatment standards, local limits, and state or local law, or where a local limit was not required to be established for the parameter but a BMP requirement for the parameter is mandated, as determined by the Director or as referenced in County local limits established by County resolution. The user shall implement the provisions of the BMPP on a timely basis and shall exercise due diligence in pursuit thereof.

D. Plan elements. The pollution prevention and BMPPs shall contain at a minimum, but may not be limited to, the following elements:

1. Purpose and objective(s);
2. Description of strategies to minimize, reduce, or prevent the introduction of pollutants into the user's discharge (waste stream);
3. Description of BMPs or options, including source control and waste minimization techniques, available to the user;
4. Description of best available technologies available for treatment or recovery of the specific contaminant of concern;
5. Description of routine preventive maintenance and schedule for said activities;
6. Description of spill prevention techniques and response procedures;
7. Description of employee training, continuing education programs, technical workshops/seminars, and participation in pollution prevention measures, preventive maintenance, and response procedures and activities;
8. Description of ongoing programs to comply with plan goals and to improve pollution prevention activities;
9. Description of monitoring activities, including sample locations, frequencies, sample collection procedures, analytical protocols, and quality assurance procedures;
10. Description of recordkeeping and reporting protocols, including forms and logs;
11. Description of the overall facility, including site plan, process schematics, and plumbing diagrams;
12. Description of waste handling, treatment, and discharge facilities, including flow diagrams and process schematics;

13. List of sources of wastes and locations for their introduction into the discharge (waste stream);
14. Inventory of raw materials, chemicals, intermediate products, and final products on-site;
15. List of facility personnel, including organization chart, emergency phone numbers, and emergency contact persons, including maintenance or service representatives;
16. Description of notification procedures and communication methods;
17. Compilation of applicable permits and regulatory contact persons; and
18. Schedule for implementation of the pollution prevention plan and any necessary modifications to the user's facilities.

Part 8 BMPP for Silver Dischargers

A. Purpose and intent. The purpose of establishing a BMPP for silver dischargers is to prevent or reduce silver pollution discharges to the County's POTW or WRF whenever feasible and in an environmentally safe manner to meet the following objectives:

1. To minimize the introduction of wastes containing silver into the County's POTW or WRF;
2. To promote pollution prevention by generators of wastes containing silver;
3. To require the installation and maintenance of equipment to achieve a level of treatment appropriate for the size of the generator (user) or as required to meet pretreatment standards, County local limits, and requirements; and
4. To enable County WRFs to comply with effluent discharge standards set forth in the FDEP permits and comply with pretreatment program requirements.

B. General Criteria

1. The County's best management program as well as required best management practices for silver dischargers shall apply to all users of the County POTW or WRF that generate wastes containing silver.
2. All users that generate wastes containing silver may be required by the Director to comply with the guidelines set forth in the County's best management program for silver dischargers.

3. All users that generate wastes containing silver may be required to implement a BMP or best management strategy to achieve a specific level of treatment (silver recovery or removal) as set forth in this section. This specific level of treatment (recovery or removal) shall depend on the volume of wastes that are generated by the user.
 4. Significant industrial users shall comply with the County's local limit for silver as established by County resolution. SIUs shall obtain an industrial wastewater discharge permit pursuant to Section 37-745 of Article XX.
 5. All users that generate wastes containing silver may be required by the Director to prepare a BMPP. The BMPP shall contain the elements that are listed in Part 7, Paragraph D above. An accidental discharge/slug control/spill containment plan shall be included in the BMPP by the user.
 6. The user, as required by the Director, shall develop and implement the BMPP within 60 days of notification by the Director and shall exercise due diligence in pursuit of the BMPP and maintenance of the silver recovery system.
 7. Preparation and implementation of the BMPP by the user shall be done at the sole expense of the user.
- C. Off-Site Management
1. Nonresidential users that generate wastes containing silver may have these solutions transported by a certified hazardous waste hauler to an approved off-site facility for treatment, recovery, and disposal.
 2. Nonresidential users shall provide containment for their holding tanks and shall maintain them to prevent spills and leakage.
 3. Nonresidential users that exercise this best management strategy shall retain and preserve the uniform hazardous waste manifests (as required by the EPA or other agencies) and other related documents in a file on-site for a minimum of three years. The files shall be made available for inspection by the Director.
- D. On-Site Recovery and Management
1. Nonresidential users that generate wastes containing silver may be required by the Director to obtain a registration certificate and provide treatment for the wastes prior to discharge to the County WRF.

2. Pretreatment equipment and treatment (recovery) processes shall be designed to meet the minimum silver recovery (removal) levels referenced in this section and as specified in County local limits established by County resolution. The user may be required by the Director to obtain written approval of the pretreatment equipment and recovery process prior to installation.
3. Pretreatment equipment shall be operated and maintained properly at the sole expense of the user.
4. Monitoring taps shall be installed on the process influent and effluent lines for retrieval of representative composite samples to determine the efficiency of the pretreatment (recovery) processes.
5. For those nonresidential users that generate and/or discharge wastewater containing silver to the County's POTW or WRF but the County does not have an established local limit for silver for the corresponding WRF service area (as identified and referenced by County resolution), or those users that are not an SIU, the minimum recovery efficiency for the pretreatment (recovery) processes shall be based on the volume of the wastes containing silver that are generated by the user. Minimum recovery efficiencies shall be:
 - a. Users that generate an average of two gpd or less of silver-rich solutions and 1,000 gpd or less of total process wastewater shall recover a minimum of 90 gpd of the silver from the wastes.
 - b. Users that generate an average of more than 2 to 20 gpd of silver-rich solutions and over 1,000 to 10,000 gpd of total process wastewater shall recover a minimum of 95 gpd of the silver from the wastes.
 - c. Users that generate an average of more than 20 gpd of silver-rich solutions and over 10,000 gpd of total process wastewater shall recover a minimum of 99 gpd of the silver from the wastes.
 - d. Significant industrial users shall meet the County's numerical local limit established by County resolution and as referenced in Section 37-737 as well as the BMP-based categorical pretreatment standards or categorical pretreatment standards (when applicable).

6. The recovery efficiency of the pretreatment (recovery) processes shall be determined at least once per week using silver test paper. Users that generate more than 20 gpd of silver-rich solutions shall determine the recovery efficiency at least once every four months by collecting one composite sample of the influent and effluent for analysis by a certified commercial laboratory using EPA/FDEP- or FDOH-approved analytical methods and protocols.

Part 9 Spill Containment Plans

- A. The Director may require any nonresidential user to develop, submit for approval, and implement a spill containment plan. Alternatively, the Director may develop such a plan for any user. The spill containment plan shall contain, at a minimum those elements that were listed in Section 37-743 for accidental discharge/slug control plans and in Section 37-744 for pollution prevention/best management plans.
- B. A user shall develop and implement the pollution prevention plan, BMP, or spill containment plan within 60 days of written notification by the Director.

Part 10 Dental Effluent Guidelines

- A. This section applies to discharges from dental clinics where amalgam is placed or removed. For the purpose of this section, a dental clinic is a non-mobile facility dedicated to the examination and treatment of patients by a healthcare professional specializing in the care of teeth, gums, and other oral tissue. This section does not apply to orthodontics, periodontics, oral and maxillofacial surgery, endodontics, prosthodontics, or other practices that do not place or remove amalgam, or which are identified by the County as *de minimis* contributors.
- B. Dental clinics that place or remove amalgam shall implement BMPs for amalgam as established by the American Dental Association.
- C. Dental clinics shall install, operate, and maintain an amalgam separator meeting the criteria of the International Organization for Standardization (ISO) 11143 for every vacuum system receiving amalgam waste. Amalgam separators shall be installed, operated, and maintained according to instructions provided by the manufacturer. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system.

D. Dental clinics will annually submit reporting information to their pretreatment control authority at the Orange County Utilities Department using forms provided by the County. Reporting information may include:

1. Certification that the amalgam separator is operated and maintained in accordance with instructions provided by the manufacturer;
2. Certification that BMPs for amalgam as established by the American Dental Association are being implemented; and
3. Any other information deemed relevant by the County.

E. Dental clinics shall obtain recycling records for each shipment showing the volume or mass of amalgam waste shipped, the name and address of the destination, and the name and address of the contractor. Dental clinics shall maintain these records for a minimum of three years. Dental clinics shall make these records available to the County for inspection and copying upon request by the County.

F. Dental clinics shall allow the County to inspect the vacuum system, amalgam separator, amalgam waste storage areas, and other areas deemed necessary by the County to determine compliance with this Section. Inspections shall occur during the normal operating hours of the dental clinic.

CHAPTER 3 OIL AND GREASE PREVENTION PROGRAM

Section 3110: Purpose Statement and General Criteria

Part 1 OGPP Overview

A. The purpose of this chapter is to provide for the implementation of the County's Oil and Grease Prevention Program (OGPP). The objective of the OGPP is to minimize the introduction of fat-soluble wastes, including petroleum-based hydrocarbons, into the County WRF.

Part 2 Limits Established

A. Pursuant to the County's resolution establishing County local limits, the County has established a local limit for total oils and grease, including dispersed petroleum-based hydrocarbons, for all nonresidential users discharging wastewater to the County POTW or WRF, users in the County's OGPP, as well as the County's pretreatment program.

Part 3 General Criteria

- A. The discharge by any nonresidential user of certain liquids or wastes to the County WRF may be prohibited or limited pursuant to the provisions of Article XX.
- B. Wastes that contain oils and grease may be discharged to the County WRF in accordance to the conditions set forth in Article XX.
- C. Wastes containing oil and grease, inert solids, or solids originating from foods or beverages, including materials processed through garbage grinders, shall be directed to the County-approved oil and grease interceptor or oil and grease trap.
- D. Wastes containing residual or trace amounts of petroleum-based oils and greases shall be directed to the County-approved oil/water separator.
- E. Sanitary facilities and other similar fixtures shall not be connected to the oil and grease interceptor/trap or the oil/water separator.
- F. Liquid wastes shall be discharged to the oil and grease interceptor/trap or oil/water separator through the inlet pipe only and in accordance with the design/operating specifications for the device.

G. Oil and grease interceptors/traps and oil/water separators shall be installed in accordance with the County building codes; Florida Building Code; County-approved plans and specifications created to implement this ordinance; and development review requirements, and in a location that provides easy and safe access at all times for inspections, cleaning, and proper maintenance, such as routine pumping. Oil and grease interceptors and oil/water separators shall not be located inside of a structure. The Director shall approve the location of the oil and grease interceptor/trap or oil/water separator prior to installation.

H. Nonresidential establishments (users) that prepare, process, or serve food, beverages, or food/beverage products shall install an oil and grease interceptor. Nonresidential establishments that have the potential to discharge wastes containing petroleum-based oil and grease, such as commercial laundries (laundries that clean uniforms, rags, rugs, or mats that are stained with petroleum-based oils or laundries that use oils to remove stains), car washes, and automotive-related facilities shall have an oil/water separator. Other nonresidential users may be required by the Director to install an oil and grease interceptor and/or an oil/water separator, as appropriate, for the proper handling of wastes containing oils and greases in excess of the limit established in Article XX.

I. Other types of food manufacturing or food preparation enterprises, such as, but not limited to, commissaries, commercial kitchens, and caterers shall install an oil and grease interceptor. Oil and grease interceptors shall be sized on a case-by-case basis in accordance with Florida Building Code and County building codes and County-approved plans and specifications. A control manhole or inspection box for monitoring purposes may be required and shall be installed as approved by the Director.

J. Multifamily dwellings, such as triplexes, quadruplexes, townhouses, condominiums, apartment buildings, apartment complexes, or other areas of intensified dwelling that are found by the Director to be contributing oil and grease in quantities sufficient to cause main line stoppage or pump station malfunctions, or that necessitate increased maintenance on the collection system, may be directed to cease discharging oil and grease in excess of the limit herein to the County WRF; may be required to remove oil and grease from the private collection system that directly or indirectly discharges to the County's collection system; and may be required to install at cost to the user an oil and grease interceptor, individual oil and grease traps, and/or an oil and

water separator. Such users shall be required to maintain oil and grease interceptors/traps and/or oil and water separators, properly dispose of wastes from related devices, provide for proper waste disposal manifesting and reporting in accordance with this article, pay fees related to County OGPP participation, and be subject to County inspection and monitoring. All maintenance of oil and grease management devices, including proper waste disposal, shall be performed by the user at the user's sole expense. These users may also be required to participate in public education activities. The capacity of the oil and grease interceptor and/or oil and water separator shall be evaluated on a case-by-case basis. A control manhole or inspection box for monitoring purposes may be required and shall be installed by the utility system user, as approved by the Director. The County shall have the right to inspect all private wastewater collection systems and appurtenances, and to cause discontinuance of sewer service if the private wastewater collection system is not maintained in a sanitary and effective operating condition or if the public sewer facilities may be harmed thereby.

K. Dischargers with private pump stations that discharge oil and grease to a private sewer or public sewer connected to the County's POTW or WRF which are found by the Director to be contributing oil and grease in quantities sufficient to cause main line stoppage or pump station malfunctions, or to necessitate increased maintenance on the collection system, may be directed to cease discharging oil and grease in excess of the limit herein to the County POTW or WRF and may be required to participate in the County's OGPP, pay County OGPP fees, and be required to provide for the proper maintenance and emergency notification signage of all pump stations privately maintained.

L. Private Pump Stations

1. Remove all floatable and settleable solids from private pump station wet wells, clean the wet well walls and all associated equipment (floats, etc.), and properly complete a waste disposal manifest and dispose of the wastes removed at least every 180 days, or more frequently as needed to prevent the discharge of grease into the County's POTW or WRF.
2. The owner of a private pump station shall operate and maintain the private pump stations in proper working order (including the control panel and all other electrical and mechanical components) and properly secure the private pump station. The owner of a private pump station shall provide the Director verification of the

experienced staff directly employed by the owner experienced in the operations, maintenance, and repairs of the pump stations for review, or a copy of the contract with a reputable person or firm experienced in the operation, maintenance, and repair of pump stations for review prior to committing to contract for service. The owner shall provide proof to the Director that the owner's designated pump station maintenance staff or contractor possesses a minimum of two years of experience in pump station operations and maintenance, including pump and electrical maintenance experience. The pump station owner shall provide the designated facility private pump station staff or contractor with enough access to all equipment as needed to pull and service pump station pumps and other related equipment and components, as well as access needed for pumping and removing pump station waste. The designated facility private pump station staff or contractor must be able to respond to and provide contracted pump station services 24 hours a day, seven days a week and respond to the site within two hours after notification of pump station-related spill or overflow.

3. Provide the user's 24-hour emergency contact telephone numbers to the Director, enabling the County to notify the property owner and contractor of reported emergency.
4. Provide the Director with 72 hours advanced notice upon the expiration or change of status of the ownership, management, designated facility private pump station staff, or contractor.
5. Provide for a sign, posted on or adjacent to the pump station site (preferably on the control panel). The sign size should be approximately 12 inches by 18 inches, white background with black letters. The letters should be legible. The sign shall state the following minimum information:
 - a. "Private Sanitary Sewer Pump Station"
 - b. "In Case of Emergency contact the following numbers:
 - c. "Facility Owned by:
Name: ()
Phone: ()"
 - d. "Facility Maintained by:

Name: ()

Phone ()”

e. “Station No. ()”

6. The name and the number referenced in Part 3, Paragraph L(5)(e) must be the maintenance contractor company’s name (if a contracted firm is performing the private pump station maintenance) or the contracted individual’s name (if an individual is contracted to perform private pump station maintenance), or the private pump station owner’s name (if the pump station is maintained by the owner’s maintenance staff) and the 24-hour response phone number for the contracted company, individual, or owner’s maintenance staff.
7. The station number referenced in Part 3, Paragraph L(5)(e) shall be assigned by the County.
8. The County shall have the right to inspect all private pump stations and appurtenances, and to discontinue sewer service if the private pump station and appurtenances are not maintained in a sanitary and effective operating condition or if the County POTW or WRF may be harmed thereby.
9. Oil and grease interceptors and oil/water separators and control manholes or inspection boxes shall be installed at the user’s sole expense. Proper operation, maintenance, and repair shall be done solely at the user’s expense. For multifamily dwellings, the Director may require the management company to be responsible for the proper maintenance of the individual grease traps.
10. The Director may request that the nonresidential user provide documentation on the design and performance of the oil and grease interceptor/trap or oil/water separator. Information to be submitted to the Director includes, but may not be limited to, catalogs, performance and operating data, materials of construction, installation instructions, and the operation and maintenance manual.

Part 4 General Design Criteria

- A. Oil and grease interceptors/traps and oil/water separators shall be designed and constructed in accordance with Article XX, County building codes, the Florida Building Code, and other applicable state and County

regulations. Design and construction of the devices shall be approved by the Director. The minimum oil and grease interceptor size shall be 750 gallons, and the maximum oil and grease interceptor size shall be 1,250 gallons. The maximum oil and grease trap size shall not exceed 50 gpm and 100 pounds of grease storage capacity (as rated by manufacturer specifications). At no time shall an oil and grease interceptor/trap or an oil/water separator be sized smaller or larger than the minimum and maximum sizes specified in the Florida Building Code.

B. Oil and grease interceptors/traps and oil/water separators shall have a minimum of two compartments and shall be capable of separation and retention of oil and grease and storage of settleable solids.

C. Alternative oil and grease removal devices or technologies shall be subject to written approval by the Director prior to installation. Approval of the device shall be based on demonstrated (proven) removal efficiencies and reliability of operation.

D. Under-the-sink oil and grease traps shall be prohibited for new facilities. Some facilities that discharge less than 50 gpm of nondomestic wastewater from sink fixtures and do not grill foods, fry foods, or cook foods containing oil and grease may qualify for a variance to Chapter 37, Article XX requirements for the use of an under-the-sink oil and grease trap, as approved by the Director. The design and installation of under-the-sink oil and grease traps shall be designed and constructed in accordance with this article, County building codes, County-approved plans and specifications, County design standards, the Florida Building Code, and other applicable state and County regulations. All commercial sinks, hand sinks, mop sinks, and floor drains are required to be connected to the approved oil and grease interceptor/trap devices. All oil and grease traps shall be equipped with a flow control device (provided at the inlet piping location) and a vent (to be provided at the discharge outlet piping location).

E. An adequate number of access points shall be provided for inspection and monitoring purposes. Covers shall have a gas-tight fit. Where additional weight loads may exist, the oil and grease interceptor and oil/water separator shall be designed, constructed, and installed for adequate load-bearing capacity.

F. The design of oil/water separators shall be based on peak flow and, where applicable, capable of treating and removing emulsions. Oil/water separators shall be sized to provide reliable, consistent, and efficient removal

(retention) of the petroleum-based oils and greases in the user's discharge to the County collection system. At no time shall an oil/water separator be sized smaller or larger than the minimum and maximum sizes specified in the Florida Building Code.

G. A control manhole or inspection box shall be placed downstream of the oil and grease interceptor or trap or oil/water separator. The control manhole or inspection box shall be adequate in size for proper compliance inspections and monitoring. Covers for the control manhole or inspection box shall have a gas-tight fit.

H. Minimum removal efficiency for oil and grease interceptors for animal fats and vegetable oils shall be 80 percent. Minimum removal efficiency for oil/water separators for petroleum-based oils and grease shall be 75 percent of the total recoverable product.

I. Where possible, multiple oil and grease interceptors and oil/water separators shall be placed in series instead of a single large unit.

Part 5 Capacity

A. The design and capacity of the oil and grease interceptor/trap or oil/water separator shall be in accordance with the guidelines and criteria set forth in the latest edition of the Standards and Construction Specifications Manual. The minimum oil and grease interceptor size shall be 750 gallons, and the maximum oil and grease interceptor size shall be 1,250 gallons. The maximum oil and grease trap size shall not exceed 50 gpm and 100 pounds of oil and grease storage capacity (as rated by manufacturer specifications). At no time shall an oil and grease interceptor/trap or an oil/water separator be sized smaller or larger than the minimum and maximum sizes specified in the Florida Building Code.

Part 6 Installation

A. New Facilities

1. After the effective date of Article XX, facilities with the potential to discharge oil and grease which are existing, newly proposed, or constructed, or existing structures, buildings, or facilities which are being expanded, remodeled, or renovated to include a food/beverage service facility; vehicle or engine maintenance, sales, service, cleaning, or detailing facilities; or commercial laundry facilities discharging petroleum-based oil and grease, where such facilities

did not previously exist, shall be required to install an approved oil and grease interceptor and/or oil and water separator.

2. Sizing calculations shall be in accordance with the criteria and formulas set forth in the latest edition of the Standards and Construction Specifications Manual and the Florida Building Code. Oil and grease interceptors shall be installed and approved by the County prior to the issuance of a certificate of occupancy.
3. Oil and grease traps shall be prohibited except in those instances where the site does not permit the proper installation of an interceptor and the physical constraints did not result from the user's actions. Such an oil and grease trap shall require the user to apply for and receive a variance from the Director pursuant to this ordinance.
4. The Director may require a user to submit calculations to determine the capacity of the oil and grease management devices for facilities.

B. Existing Facilities. Existing automotive maintenance, sales, service, cleaning, or detailing facilities and food service facilities shall be required to install an approved oil/water separator and/or oil and grease interceptor, respectively, when any of the following conditions exist:

1. The facilities are found by the Director to be contributing oil and grease or solids in quantities enough to cause line stoppages or sewer system overflows, or to increase maintenance for the County collection system;
2. Remodeling of the food/beverage preparation or kitchen waste plumbing facilities where a permit has been issued by the County building department;
3. Expansion of food service operations or facilities that requires a permit for the County building department;
4. Remodeling of an automotive-related enterprise, commercial laundry, or similar facilities by users with the potential to contribute wastes containing petroleum-based oils and greases; or
5. The facility is either discharging or has the potential to discharge fats, oil, grease, solids, or petroleum oils to the County's sanitary system.

The compliance date pursuant to this article shall be determined by the Director. Generally, the compliance date shall be 60 days following written notification by the Director to install the necessary facilities or the final

inspection date by the County building department for the new or remodeling construction.

C. Extensions. Any requests for extensions to the required compliance dates shall be made in writing to the Director at least 15 days in advance of the compliance date. The written request shall include the reasons for the user's failure or inability to comply with the compliance date set forth, the additional time needed to complete the remaining work, and the steps to be taken to avoid future delays. Extensions of time shall not exceed 60 days and shall only be valid if granted in writing by the Director or his designee.

Part 7 Maintenance

A. Cleaning and maintenance of the oil and grease interceptor/trap or the oil/water separator shall be performed by the user on a regularly scheduled basis. Cleaning shall include complete removal of the entire contents of the device, including floating materials, wastewater, and bottom sludges and solids. Cleaning shall also include removal of materials from the tank walls, baffles, cross pipes, inlets, outlets, and vents.

B. Decanting, skimming, or back flushing of the oil and grease trap/interceptor and/or oil and water separator or its wastes for the purpose of reducing the volume to be hauled is prohibited. Furthermore, vehicles are prohibited from discharging liquids, semi-solids, or solids into an oil and grease trap/interceptor or an oil and water separator after servicing. Vehicles capable of separating water from oil or grease shall not discharge separated water into the oil and grease interceptor/trap, the oil and water separator, or the County POTW or WRF, storm sewer, storm drain, or natural stream. All discharges shall be at a State-approved facility permitted to accept this type of wastewater. Top skimming of floating materials, solids, or liquids of oil and grease interceptors or oil/water separators is strictly prohibited.

C. Oil and grease interceptors and oil/water separators shall be pumped out completely and cleaned at least once every three months, or every 90 days, or more frequently as needed to prevent the discharge of oil and grease into the County collection system. Oil and grease traps shall be inspected at a minimum frequency of once every seven days, and a log of inspection dates must be maintained on-site. All excessive solids and fats, grease, and oil shall be removed at that time, and the entire device shall be cleaned (all contents completely removed) at least every 90 days or more often, as necessary, to

prevent pass through of fats, grease, oils, and other food solids to the County collection system, or as required to comply with the "25 Percent Rule" as defined in Part 7, Paragraph F.

D. A variance to the minimum pump-out requirements for oil and grease traps and/or oil and grease interceptors and oil/water separators described in Part 7, Paragraph C may be granted by the control authority if the user's discharge contains minimal amounts of fats, oils, grease, or solids, and if the user does not cook, grill, or fry food at the premises discharging to the oil and grease traps and/or oil and grease interceptors, upon the County's review of all required user variance request submittals and upon inspection by the County to verify the information contained in user variance request submittals is accurate. At minimum, the user's variance request must include the following:

1. A signed oil and grease management device minimum pump-out requirement variance request form;
2. A copy of all facility menus (if available); a list of all foods prepared and/or cooked and beverages prepared, brewed, or served on the premises; or a list of services performed at the facility (for non-food establishments);
3. An updated "Orange County Utilities Department Water Reclamation Division Oil and Grease Prevention Program Facility Information Survey" form;
4. Copies of all waste disposal manifests (where applicable) for all oil and grease interceptors, oil and grease traps, and oil and water separators on-site for the last 12-month period;
5. Copies of all user inspection logs for all oil and grease traps on-site for the last 12-month period; and
6. Payment of all fees related to filing a variance request with the County (where and when applicable).

E. The County will inspect the user's oil and grease trap(s) and/or oil and grease interceptor(s) and/or oil/water separator device(s) over the requested variance extension period to determine the appropriateness of the user's variance request. The County will notify the user in writing if the user's variance request has been granted. If the County grants a user's variance request to reduce the frequency of required cleaning maintenance for oil and grease trap and/or oil and grease interceptor and/or oil/water separator

devices, the County will prepare an updated County OGPP registration certificate indicating the minimum required frequency for pretreatment device cleaning maintenance and submit this document to the user. The user will continue to be monitored and inspected by the County to assess customer compliance with all provisions required by the County's OGPP, and the user shall continue to comply with all program requirements as well as continue to pay all required program fees. The County will revoke the variance approved for the facility if the user fails to comply with County OGPP requirements or changes the nature of the wastewater discharged to the oil and grease trap and/or oil and grease interceptor and/or oil/water separator device that has the potential to impact wastewater quality.

F. Pumping frequency shall be determined by the Director based on flows, quantity of oil and grease in the discharge, volume of business, hours of operation, and seasonal variations. The user shall be responsible for maintaining the interceptor/trap or oil/water separator in such a condition for efficient and proper operation. Compliance will be evaluated as follows:

1. An oil and grease interceptor shall be considered out of compliance if the oil and grease layer on top exceeds six inches; the solids layer on the bottom exceeds the depth of the bottom of the outlet/inspection pipe tee, typically 8 inches from the bottom; the device is not retaining/capturing oils and greases; or the removal efficiency of the oil and grease interceptor device, as determined through sampling and analysis, is less than 80 percent. An oil/water separator shall be considered out of compliance if the retained oil layer is leaking into the discharge; the captured oil reservoir is full and overflowing; the containment area or vault is flooded; or the removal efficiency of the device, as determined through sampling and analysis, is less than 75 percent.
2. In the event that the oil and grease interceptor/trap and oil/water separator cannot be evaluated using the method described in paragraph "1" above, compliance may be evaluated using the "25 Percent Rule." The "25 Percent Rule" requires that the depth of oil and grease (floating and settled) in an oil and grease interceptor/trap or an oil and water separator shall not be equal to or greater than 25 percent of the total operating depth of the trap. The operating depth of a trap is determined by measuring the internal depth from the outlet water elevation to the bottom of the trap.

G. Wastes removed from each oil and grease interceptor/trap or oil/water separator shall be properly manifested or documented (for oil and grease trap wastes disposed of in drums or in the user's trash) and disposed at a facility that is permitted to receive such wastes or a location so designated by the County for such purposes, in accordance with the provisions of Article XX. Oil and grease trap waste that is removed by the user and disposed of in the trash shall be properly documented as such on the user's maintenance log that shall be retained on site for County inspection. Oil and grease trap wastes disposed of in drums and transported off-site for disposal shall be documented by both invoices received by the waste transporter/disposal/recycling firm and on the user's maintenance log, which shall be retained on-site for County inspection. In no way shall the waste removed from an oil and grease interceptor/trap or oil/water separator (pumped waste) be returned to any private or public portion of the County collection system or treatment facilities without prior written approval from the Director. The waste disposal manifest must be signed by the waste generator (user), the waste hauler, and the waste disposal facility. A copy of the waste disposal manifest must be retained on-site (waste generator) for County inspection. The original copy of the completed waste disposal manifest containing all required signatures must be forwarded to the County within 30 days of the waste removal date.

H. Water having a temperature in excess of 140°F shall be strictly prohibited.

I. Additives such as commercial bacteria, emulsifiers, enzymes, or other additives that absorb, purge, dissolve, saponify, emulsify, transfer, or generate excessive inert solids, oils, grease, fatty acids, or glycerides downstream of the application point or oil and grease interceptor/trap and/or oil and water separator; otherwise alter or transfer oils and grease; or treat wastewater drain lines, oil and grease interceptors/traps, or pump stations placed into the oil and grease interceptor/trap, oil/water separator, or building sewer lateral or drain shall be strictly prohibited.

J. Commercially available bacteria additives require approval by the Director prior to product use or placement into the oil and grease interceptor/trap, the oil and water separator, or building sewer lateral or drain. Each commercial bacteria-additive product must be completely evaluated for safety and negative impact on the County POTW or WRF prior to product approval by the Director at the expense of the user. All product approval requests must be made in writing to the Director. Product approval for

bacterial additives may be granted by the Director upon the user's written request, the user's completion of all product evaluation and sampling protocol activity requirements, and the user's submittal of an evaluation and sampling protocol report that concludes that the product does not adversely impact the County's POTW or WRF as determined by the Director. Product approval may also be rescinded by the Director if the County finds that the product is adversely impacting the County's POTW or WRF or causing pollutant pass through to the County's POTW or WRF. The use of bacterial additives will not be accepted as an alternative to the required removal of wastes from oil and grease interceptors/traps or be accepted as a basis to lengthen the time (reduce the frequency) between required oil and grease interceptor/trap maintenance (waste removal) events. No solvents shall be introduced into the waste stream.

K. All maintenance of oil and grease management devices, including proper disposal, shall be performed by the user at the user's sole expense.

Part 8 Registration Certificate

A. It is unlawful for any facility producing oils and grease to discharge waste into the County collection system without prior authorization from the Director. Authorization shall be given in the form of an "oil and grease discharge registration certificate." Application for the discharge registration certificate shall be made to the Director. If, after examining the information contained in the oil and grease discharge registration certificate application, it is determined by the Director that the proposed discharge does not conflict with the provisions of Article XX, an oil and grease discharge registration certificate shall be issued allowing the discharge of such wastes into the County collection system. Each oil and grease discharge registration certificate shall be issued for a time not to exceed five years from the date of issuance. The user shall apply for renewal of the oil and grease discharge registration certificate a minimum of 60 days prior to the expiration of the user's existing oil and grease discharge registration certificate. The terms and conditions of the oil and grease discharge registration certificate may be subject to modification by the Director during the term of the registration certificate should the limitations or requirements, as identified in Article XX, be modified or as other just causes may exist under state, federal, or County regulations. The user shall be informed of any proposed changes in the oil and grease discharge registration certificate as issued by the Director at least 60

days prior to the effective date of the change(s). Any changes or new conditions in the oil and grease discharge registration certificate shall include a schedule for compliance.

B. The Director shall issue an oil and grease discharge registration certificate to the users in the OGPP. The Director may require users to complete an information questionnaire, and County personnel may conduct a facility visit prior to issuance of the oil and grease discharge registration certificate.

C. As a condition precedent to the granting of an oil and grease discharge registration certificate, the user shall agree to hold harmless the County and the County's employees from any liabilities arising from the discharge registration certificate holder's operations pursuant to the issuance of the oil and grease discharge registration certificate.

D. Failure to secure a discharge registration certificate or comply with its provisions shall constitute a violation.

Part 9 Administrative Procedures

A. Wastes removed or pumped from oil and grease interceptors and oil/water separators shall be tracked by a waste disposal manifest that confirms pumping, hauling, and disposal of the wastes. The waste disposal manifest shall be in the format and contain the tracking information set forth. The waste disposal manifest must be signed by the waste generator (user), the waste hauler, and the waste disposal facility. A copy of the waste disposal manifest must be retained on-site (waste generator) for County inspection for a 12-month period at minimum and maintained in accordance with state and federal requirements. The original copy of the completed waste disposal manifest containing all required signatures must be forwarded to the County within 30 days of the waste removal date.

B. The user shall maintain a log of oil and grease trap maintenance activities (including waste removal) and maintain waste analysis results (where applicable) for the previous 12 months. The log shall be posted in a conspicuous location on-site, and waste disposal documentation, waste disposal manifests, and waste analysis results shall be retained on-site and be ready for immediate access and inspection by County employees. The log and other required documentation, including waste disposal manifests, shall be in the format and contain the information set forth by the Director. Oil/water separator waste analysis results and other wastes analyzed as required for off-

site disposal shall be performed in accordance with federal and state requirements, including 40 CFR 136, Chapter I, Subchapter D, and Chapter 62-160, F.A.C.

C. The user shall mail a copy of the completed waste disposal manifest or nonhazardous waste disposal manifest documenting the pump-out activity and the proper disposal of waste within 30 days of each pump-out event to the Director, using the waste disposal manifest so designated by the County or state and federal agencies for such purposes.

D. The user shall maintain a file on-site of the records and other documents pertaining to the facility's oil and grease interceptor/trap or oil/water separator. The file contents shall include, but not be limited to, the record (as-built) drawings, record of facility inspections, logs of pumping activities (for oil and grease traps) and receipts, log of maintenance activities, hauler information, waste disposal manifests with disposal information, and monitoring data. The file shall be available at all times for inspection and review by authorized County employees. The file shall be retained and preserved in accordance with 40 CFR 403, Chapter I, Subchapter N; Chapter 62-625, F.A.C.; and Section 37-747(n) of Article XX.

E. The Director may require a user to provide, operate, and maintain, at the user's expense, appropriate monitoring facilities, such as a control manhole, that are safe and accessible at all times for observation, inspection, sample collection, and flow measurement of the user's discharge to the County wastewater system. The Director may impose additional limitations and monitoring requirements for discharge to the County wastewater system in accordance with the provisions in Article XX.

Part 10 Enforcement

- A. A notice of violation shall be issued to a user for failure to:
1. Submit the required user survey in a timely manner;
 2. Report pumping activities to the County within the designated time frame on a County-approved waste disposal manifest;
 3. Properly maintain (clean out or pump) the oil and grease trap/interceptor; pump station or oil and grease separator; or sand and grit separator in accordance with the provisions of Article XX and as stated on the oil and grease discharge registration certificate;
 4. Maintain on-site the log of oil and grease trap maintenance activities or log of pumping activities, or maintain waste disposal

documentation, waste disposal manifests, or waste analytical results;

5. Retain and preserve a file of records on-site at all times;
6. Provide access to logs, files, records for inspection, or monitoring activities;
7. Properly complete and sign logs, waste disposal manifests, or records required by this ordinance;
8. Obtain or renew the oil and grease discharge registration certificate; or
9. Pay the appropriate program fees or assessed penalties.

B. A notice of violation shall also be issued for the following:

1. Any discharge of wastewater containing fats, oils, or grease that causes or contributes to any violation of any section of the County ordinances or codes;
2. Violation of any terms or conditions of the County's OGPP registration certificate (issued by the County);
3. Obtaining a County OGPP registration certificate or oil and grease interceptor/trap and/or oil and water separator variance from the County by misrepresentation or failure to disclose fully all relevant facts;
4. Refusal of immediate access to the user's premises;
5. A discharge that, in the opinion of the Director, may cause interference with the operation or maintenance of the County's POTW or WRF or threaten human health or safety;
6. Failure to provide advance notice of the transfer of business ownership of a facility registered in the County's OGPP;
7. Failure to pay fines;
8. Failure to pay sewer charges, surcharges, or administrative fees;
9. Failure to meet compliance schedules;
10. Falsifying oil and grease trap, oil and grease interceptor, pump station, or oil and water separator maintenance reports, waste disposal manifests, laboratory reports, or data;
11. Tampering with monitoring equipment or oil or grease removal devices (including oil and grease traps, oil and grease interceptors, oil and water separators, and pump stations);

12. Failure to perform laboratory analysis of oil/water separator wastes or wastewater recycling or recovery device sludges at a frequency required pursuant to 40 CFR 261, Chapter I, Subchapter I, through 262, and Chapter 62-730, F.A.C.; or
 13. Failure to obtain approval by the Director before applying bacteria additives.
- C. The Director shall provide the user with written notice stating the nature of the violation and the amount of time in which the user is required to complete the corrective action. The user shall complete corrective action within the timeframe specified on the written notice and submit evidence of compliance to the Director.
- D. If a user violates or continues to violate the provisions set forth in Section 37-754 of Article XX or fails to initiate/complete corrective action in response to a notice of violation, then the Director may pursue one or a combination of the following options, pursuant to the County's ERP:
1. Pump and clean the oil and grease interceptor/trap or oil and water separator and place the appropriate charge on the user's monthly utility bill;
 2. Collect a sample and assess the appropriate surcharge in accordance with the provisions in Section 37-755 of Article XX;
 3. Impose an administrative penalty in accordance with Section 37-749(g) and the County's ERP for each violation;
 4. Assess a reasonable fee for each additional facility compliance inspection, sample collection, and laboratory analysis, or other monitoring activities;
 5. Assign the user to the surcharge program;
 6. Terminate water and wastewater service; or
 7. A combination of the above enforcement response options, as specified in the County's ERP.
- E. Progressive enforcement action shall be pursued against users with multiple violations of the provisions in this section, including, but not limited to, termination of water service, as specified in the County's ERP.
- F. The user shall pay all outstanding fees, penalties, and other utility charges prior to reinstatement of water and sewer service.

G. Any user in the County's OGPP found in violation of the provisions of this section, and any orders, rules, regulations, and permits that are issued to said user pursuant to the provisions of Article XX shall be served by the County with written notice by personal delivery, by an authorized County employee or other person, or by registered/certified mail (return receipt requested) that states the nature of the violation and provides a reasonable time limit for satisfactory correction of the violation. The affected user shall permanently cease all violations within the time period specified in the notice. The enforcement remedies available to the Director to achieve compliance with the requirements of the OGPP shall include those set forth in Sections 37-749 through 37-751 of Article XX, and as specified in the County's ERP.

Part 11 Fees

A. The Board of County Commissioners shall establish by resolution reasonable fees for the implementation and enforcement of the OGPP. Fees may include, but may not be limited to, application or renewal of the oil and grease discharge registration certificate, monthly program fee, facility compliance inspections, and enforcement response. Fees for the OGPP shall be set to ensure the full and equitable cost recovery for implementation and enforcement of said program.

B. Fees and penalties related to the County's OGPP shall be invoiced on the user's monthly utility billing statement and shall be paid in accordance to the schedule set forth in the billing document (the County's rate resolution fee directory and the County's ERP).

C. County fees shall be applied per facility discharging pollutants regulated by the OGPP.

D. County program fees shall be applied if the facility qualifies for program application, regardless of other County pretreatment program participation.

CHAPTER 4 ENFORCEMENT RESPONSE PLAN

Section 4110: Overview

Part 1 Enforcement Response Overview

A. The Board of County Commissioners establishes the necessary regulations for the use of public and private sewers and drains discharging to the County wastewater system in the interest of public health, safety, and welfare of citizens and residents of the County pursuant to its home rule powers granted to the County by the Florida Constitution, the Orange County Charter, and Chapter 125 of F.S., and;

Furthermore, the Board of County Commissioners provides for the regulation of direct and indirect contributors to the County wastewater system to protect against pass through and interference. This is achieved through the issuance of permits to certain nondomestic users, through the enforcement of specific permit conditions, and through the enforcement of general sewer use requirements, pursuant to County code, to comply with the federal pretreatment regulations set forth by the U.S. EPA general pretreatment regulations, 40 CFR 403; the state pretreatment regulations set forth by the FDEP pretreatment requirements, Chapter 62-625, F.A.C.; the requirements in applicable NPDES and FDEP permits for the County wastewater system; and the terms and conditions in agreements for the reuse of reclaimed water and residuals, and;

The Board of County Commissioners ensures due process and equal protection to all respondents through the ERP, which:

1. Defines methods of investigating noncompliance;
2. Identifies personnel responsible for enforcement;
3. Describes the types of escalating enforcement responses;
4. Establishes time frame requirements for user and County responses;
5. Details enforcement tools available to the County;
6. Establishes tracking and follow-up requirements;
7. Provides for an enforcement response guide, including the specific penalty matrix for all noncompliance types pursuant to Chapter 37,

Article XX, Sections 37-747 through 37-751, Orange County code, and as authorized by Rule 62-625.500, F.A.C.; and

8. Provides a process and requirements by which the County's appeals Hearing Officer will hear all appeals filed by users in violation of or relating to various issues or decisions.

The ERP is located in Appendix C of the Manual, with additional information in Chapter 37, Article XX, Sections 37-747 through 37-752, Orange County Code.

CHAPTER 5 SURCHARGE PROGRAM

Section 5110: Purpose Statement and General Criteria

Part 1 Purpose and Requirements

A. The purpose of this chapter is to provide for implementation of the surcharge program. The objective of the surcharge program is the equitable recovery of costs for receiving and treating abnormally high-strength wastes, such as BOD, TSS, TN, TP, and total oil and grease, from nonresidential users.

B. Surcharge for excess of limits. A surcharge shall be assessed for wastes in excess of the limits as specified and adopted by County resolution for BOD, TSS, TKN, TP, and total oil and grease.

C. General Criteria

1. Significant commercial user and SIU, as defined in Article XX, shall be subject to a surcharge on discharges of abnormally high-strength compatible wastes, as defined in Article XX, to the County WRF.
2. The surcharge in dollars shall be computed by multiplying the difference in the period average concentration in mg/L above the defined surcharge limits for each applicable constituent times the volume of potable water or metered sewer flow during the billing period in millions of gallons times a conversion factor times the respective unit cost for treatment in dollars per pound.
3. The period average concentration shall mean the average concentration of at least two samples collected by the County, each collected on a minimum quarterly basis. If two samples are not available for averaging purposes, then the period average will be based on the one available sample result.
4. The general criteria, general design criteria, capacity requirements, installation requirements, maintenance requirements, and administrative procedures for all users with oil and grease interceptors/traps and oil and water separators shall be performed.
5. The surcharge shall be in addition to any applicable wastewater charges and shall be assessed for each billing period. The surcharge shall be billed on the monthly utility statement to the user and shall

be collected in the same manner as the other utility charges. Nonpayment or delinquency shall subject the user to the same fines and penalties, including termination of service, as set forth for the other utility services.

D. Flow Determination

1. The flow volume for determination of the surcharge shall be based on one of the following methods:
 - a. Metered water consumption as shown in the records of meter readings made by the utility authority;
 - b. Flow monitoring devices that measure the actual volume of wastewater discharged to the County WRF; or
 - c. Flow monitoring devices for other water supplies procured from other sources besides the utility authority.
2. The surcharge flow may be based on the total ERU value for an establishment, as calculated and as specified in the County's rate resolution, with approval by the Director
3. Flow monitoring devices other than those for the utility authority shall be provided, installed, calibrated, and maintained at the user's expense and in accordance with plans approved by the Director. Flow monitoring devices shall be calibrated at least annually at the sole expense of the user and the calibration records provided to the Director within 30 days of the date of calibration.
4. Flow measurement and calibration records shall be retained and preserved by the user in a file in accordance with Section 37-747(n). The records shall be made available by the user for inspection and copying by authorized County personnel.

E. Constituent concentrations

The concentration of constituents in the user's discharge to the County WRF shall be determined by samples collected and analyzed by authorized County personnel. Samples shall be collected and analyzed in accordance with FDEP standard operating procedure (SOP) 01/001, FS2400, and in such a manner to be representative of the actual discharge to the County collection system, where feasible. Samples shall be analyzed in accordance with procedures set forth in 40 CFR 136, Chapter I, Subchapter D. The surcharge shall be

based on the determination of the contaminant concentrations by the Director.

F. Monitoring

1. Samples shall be collected on a regularly scheduled basis, but no less than once per year, by authorized County personnel.
2. Samples of discharges shall be collected routinely from users that are known to be or suspected of containing abnormally high-strength compatible wastes or significant commercial users with flows of 10,000 gallons or more per day during any day of any calendar year.
3. Samples may be collected manually using grab samples or with automatic sampling equipment. Composite samples may be retrieved with automatic sampling equipment or performed manually using grab samples as aliquots.
4. To the extent possible, samples will be collected to obtain a representative characterization of the user's discharge. Samples may be flow or time proportional as is appropriate to be representative of the actual discharge to the County wastewater system.
5. Users shall install and maintain at their sole expense an appropriate monitoring facility, including, but not limited to, a control manhole and suitable automatic sampling equipment. Monitoring sites and facilities shall be accessible at all times to authorized County personnel.
6. Sample analyses shall be performed at the County's wastewater laboratories. The Director may send the samples to a certified commercial laboratory currently under contract to the County.
7. The costs of sample analysis performed by the certified commercial laboratory shall be assessed directly to the user.
8. The user may request that the sample analyses be performed by an independent, certified commercial laboratory, as well as request a split sample from samples collected by the County, upon written request. The costs for such analyses shall be borne exclusively by the user.
9. The costs of sample collection and analysis may be assessed daily by the Director if such monitoring activities indicate that the wastes are unacceptable or detrimental to the County wastewater system.

10. The charges for sample collection and analysis (laboratory work) shall be those rates as described in the schedule of costs (fees) for the certified commercial laboratory currently under contract to the County.
11. Significant commercial users may be assessed the costs for sample collection and laboratory analyses, not to exceed one monitoring activity per billing period. Charges for additional sample collection and laboratory analyses may be assessed daily if the results demonstrate that the user is discharging unacceptable wastes to the County wastewater system.

G. Permits. The Director may require specified users in the surcharge program to apply for an industrial wastewater discharge permit. All users that meet the criteria for an SIU shall obtain an industrial wastewater discharge permit.

H. A user has the right to appeal a surcharge in writing to the Director within 30 days of the date of the monthly bill. The decision of the Director shall be final.

CHAPTER 6

HAULED WASTEWATER PROGRAM

Section 6110: Purpose Statement and Requirements

A. The County has established a hauled wastewater program and a waste hauler operating permit requirement. The County may include such provisions, terms, and conditions in the waste hauler operating permit as it may determine reasonable and necessary pursuant to this ordinance and applicable local, state, and federal wastewater standards. No such permit shall be issued until all fees, including but not limited to, County septage receiving station disposal deposits, permit application fees, annual vehicle registration fees, appeals processing charges, and permit transfer fees are paid to the County in accordance with County rate resolutions and ordinances. The application, issuance, duration, modification, enforcement, and revocation of such permits shall be controlled by the provisions of this section.

B. Waste hauler operating permit requirements. It is unlawful to discharge hauled waste to the County's POTW or WRF, the County's septage receiving station, or areas approved by the Director without obtaining a waste hauler operating permit from the Director prior to the beginning of such discharge. It is unlawful to service (remove wastes from or perform maintenance activities on) an oil and grease interceptor, oil and grease trap, pump station, oil and water separator, or sand interceptor/trap that discharges to the County's POTW or WRF without obtaining a waste hauler operating permit from the Director. Any violations of the terms and conditions of the County-issued waste hauler operating permit or policies and procedures established for hauled waste disposal shall be deemed a violation of Article XX and shall subject the waste hauler to the sanctions set out in Article XX. Obtaining a waste hauler operating permit does not relieve a permittee of its obligations to comply with all federal and state requirements and limitations or any other requirements and limitations of federal, state, and local laws. It shall be unlawful for a domestic waste hauler, industrial waste hauler, or person to discharge or cause to be discharged to the County WRF any trucked or hauled wastes, pollutants, solids, or substances without prior written authorization from the Director and payment of applicable fees and charges in accordance with the provisions of Article XX and the rate schedules adopted by the Board of County Commissioners. The Director may require waste haulers hauling

industrial wastewater to obtain an industrial wastewater discharge permit as necessary to carry out the purposes of Article XX.

C. Under no circumstances shall hazardous wastes, as defined in 40 CFR 261, Chapter I, Subchapter I, or Title 10 of Code of State Regulation (CSR) Division 25 Chapter 4.261, or as amended, be trucked, hauled, or transported to a County WWF for treatment and disposal.

D. Only authorized waste transporters or haulers shall be allowed to discharge hauled wastes to the County WRF. Transporters and haulers shall obtain a waste hauler operating permit and, where applicable, an industrial wastewater discharge permit and other applicable state and local permits prior to being allowed to discharge hauled wastes to the County WRF. The Director shall incorporate conditions in the waste hauler operating permit and, where applicable, the industrial wastewater discharge permit as reasonably deemed necessary to prevent pass through or interference with the operation of County facilities, and to ensure compliance with all applicable state and federal permits and the provisions of Article XX. The Director may prohibit the discharge of hauled wastes to achieve the objectives of the pretreatment program.

E. Haulers may discharge loads to the County WRF only at locations and during specific operating hours as designated in the waste hauler operating permit, the industrial wastewater discharge permit, where applicable, or by the Director. Waste hauler operating permits for individual vehicles to use such facilities shall be issued by the County. No load may be discharged without prior written consent of the Director. Samples of each hauled load may be collected by the Director to ensure compliance with the provisions of Article XX. The Director may require the hauler to provide a waste analysis of any load prior to discharge. Under emergency conditions, the Director may designate alternative locations and operating hours or suspend the acceptance of hauled wastes at County WWFs.

F. Haulers that serve oil and grease interceptors, oil and grease traps, pump stations, oil and water separators, or sand interceptors/traps that discharge to the County's WRF and/or haulers that discharge wastes directly to the County's WRF, the County's septage receiving station, or areas approved by the Director shall provide the Director with a waste disposal manifest for every load. This form shall include, at a minimum, all information as identified. The waste disposal manifest shall identify the type of waste and any known or suspected constituents of the wastes.

G. For every occurrence when hauled waste is rejected by the Director, the waste hauler must submit a completed waste disposal manifest within one week from the waste rejection date to the Director.

H. The Director may rescind the authorization for a transporter or hauler to discharge hauled wastes to the County POTW or WRF for the following reasons:

1. Violations of the provisions of the hauled waste operating permit, the industrial wastewater discharge permit, this article, or other County ordinances;
2. Failure to obey the orders of County personnel or staff;
3. Failure to comply with operating procedures at County facilities;
4. Failure to pay the assessed charges, fees, and surcharges;
5. Failure to obtain the requisite state or local permit(s) or licensure(s);
6. Failure to submit a waste disposal manifest or failure to complete a waste disposal manifest that does not include the information identified; or
7. Failure to comply with any applicable federal, state, or local regulations, or the provisions set forth in the waste hauler operating permit or the industrial wastewater discharge permit.

I. The Director has the right to refuse hauled wastes based on a review of the waste hauler operating permit, the industrial wastewater discharge permit, the waste disposal manifest, monitoring results, previous performance, County records, and the observations of County personnel on duty. Hauled wastes shall be rejected if:

1. Prior written approval has not been granted;
2. The hauler does not have a valid waste hauler operating permit or industrial wastewater discharge permit;
3. The hauler is delinquent in paying past charges/fees;
4. The wastes could cause operational and maintenance problems or be detrimental to the health and safety of County personnel; or
5. The wastes could create pass-through conditions or cause violations of all applicable permits or other regulations.

J. The Director may rescind the authorization for a transporter or hauler to service (pump out or maintain) oil and grease interceptors, oil and grease traps, pump stations, oil and water separators, or sand interceptors/traps that discharge to the County's WRF for the following reasons:

1. Violations of the provisions of the waste hauler operating permit, the industrial wastewater discharge permit, Article XX, or other County ordinances;
2. Failure to pay the assessed charges, fees, and surcharges;
3. Failure to obtain the requisite state or local permit(s) or licensure(s); or
4. Failure to comply with any applicable federal, state, or local regulations, or the provisions set forth in the waste hauler operating permit and the industrial wastewater discharge permit, where applicable.

K. The hauler shall pay a fee for discharging hauled wastes to the County WRF in accordance with the rate schedules adopted by the Board. A surcharge may be assessed for abnormally high-strength compatible wastes. The Director retains the right to bill the original source of the hauled wastes for all applicable fees and surcharges.

L. The hauler shall pay a charge associated with applying for a waste hauler operating permit and/or an industrial wastewater discharge permit, in accordance with the rate schedules adopted by the Board of County Commissioners.

M. The hauler shall pay a charge associated with the registration of all vehicles used to transport wastes for discharge to County WWFs and/or wastes received from oil and grease traps, oil and grease interceptors, pump stations, oil and water separators, or sand traps/interceptors that discharge to the County's WRF, in accordance with the rate schedules adopted by the Board of County Commissioners.

N. The hauler shall pay a charge associated with the late submittal of applications required to obtain a waste hauler operating permit and/or an industrial wastewater discharge permit, in accordance with the rate schedules adopted by the Board of County Commissioners.

O. The hauler shall pay a fee associated with the transfer of a waste hauler operating permit and/or an industrial wastewater discharge permit (where applicable), in accordance with the rate schedules adopted by the Board of County Commissioners.

P. The hauler shall pay a fee associated with the County's processing of each appeal requested by the hauler. Appeal charges apply to appeal requests pertaining to waste hauler operating permit requirements, industrial wastewater discharge permit requirements, article requirements, a notice of

violation (NOV), an NOSNC, consent orders, or a notice of termination of utility services, in accordance with the rate schedules adopted by the Board of County Commissioners.

Q. The original source of the hauled wastes and the transporter (hauler) may be assessed the costs related to resolving upsets at County treatment facilities, including any fines or penalties for violations of federal or state permit conditions or agreements for the reuse of reclaimed water or residuals, the costs for cleanup of application sites for residuals, and damages to the County POTW or WRF. Furthermore, the County shall have the right to initiate enforcement action against said offenders and to seek administrative and judicial remedies as set forth in Article XX. The Director may require a hauler to be part a performance bond or carry liability insurance as conditions for granting authorization to discharge hauled wastes to the County WRF.

R. Waste hauler operating permitting: existing sources. Any current waste hauler servicing oil and grease interceptors, oil and grease traps, pump stations, oil and water separators, or sand interceptors/traps that discharge to the County's WRF or haulers proposing to discharge wastes directly to the County's POTW or WRF, the County's septage receiving station, or areas approved by the Director must apply for a waste hauler operating permit. Prior to requesting a waste hauler operating permit application, the waste hauler must establish a billing account with the Director and comply with the requirements associated with establishing a billing account, which may include the submission of information and deposits by the waste hauler.

S. Waste hauler operating permitting: new sources. Any new waste hauler (business or sole proprietor established after the date of Article XX's approval by the Board of County Commissioners) servicing oil and grease interceptors, oil and grease traps, pump stations, oil and water separators, or sand interceptors/traps that discharge to the County's WRF or haulers proposing to discharge wastes directly to the County's POTW or WRF, the County's septage receiving station, or areas approved by the Director must apply for a waste hauler operating permit within 60 days of company establishment.

T. Waste hauler operating permit application contents. In order to be considered for a waste hauler operating permit, all waste haulers required to obtain a waste hauler operating permit must submit the information specified on a permit application in the form prescribed by the Director and accompanied by the application fee. In support of the application, the waste

hauler shall submit, in terms appropriate for evaluation, the following information at minimum:

1. Hauler name, address, and location (if different from the facility address);
2. Business name, address, telephone number, and fax number;
3. Vehicle storage location(s);
4. The specific waste types to be disposed;
5. Designated facility contact;
6. All environmental permits and/or licenses held, including type, issuing body, and applicable expiration date; and
7. Waste hauling vehicle information for every vehicle to be utilized for the transport and disposal of hauled waste in the County, including vehicle make/model, year, registration number, vehicle license tag number, FDOH-issued hauled waste transporter license decal number or County decal number (where applicable), and waste disposal capacity (in gallons).

U. Application signatories and certification. All waste hauler discharge permit applications must contain the following certification statement and be signed by an authorized representative of the waste hauler:

"I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision. 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."

V. Waste hauler operating permit decisions. Upon receipt of a complete waste hauler operating permit application, the Director may issue a waste hauler operating permit requiring the waste hauler to comply with this chapter.

W. Waste hauler operating permit issuance process.

1. All holders of waste hauler operating permits shall be subject to all provisions of Article XX, all other applicable regulations, and user charges and fees established by the County. Waste hauler operating permits shall include such conditions as are reasonably deemed necessary by the Director to ensure for effective tracking of waste; to ensure for the proper disposal of wastes; to prevent pass through or interference; to protect the quality of the water body receiving the County POTW's or WRF's effluent; to protect worker health and safety; to facilitate biosolids and effluent reuse management

and disposal; to protect ambient air quality; and to protect against damage to the County POTW or WRF.

2. Waste hauler operating permits must contain the following general permit conditions:
 - a. A statement that violation of any permit condition may result in the suspension or revocation of the permittee's disposal privileges at the designated waste disposal facility;
 - b. A statement that the Director reserves the unconditional right to refuse the acceptance of any load or stop an unloading operation in progress at any time;
 - c. A listing of acceptable waste types;
 - d. A listing of waste types subject to approval by the Director on a case-by-case basis before disposal;
 - e. A listing of prohibited waste types;
 - f. A listing of all disposal facilities authorized to be used by the waste hauler;
 - g. The administrative requirement of the waste hauler to obtain a waste hauler operating permit prior to servicing (pump out or maintain) any oil and grease interceptor, oil and grease trap, pump station, oil and water separator, or sand interceptor/trap that discharges to the County's WRF and/or prior to discharging wastewater at the County's septage receiving station or location approved by the Director;
 - h. The administrative requirement of the waste hauler to register each vehicle with the County for the transportation of each waste type identified by the waste hauler on the hauled waste operation permit application;
 - i. The administrative requirement of the waste hauler to obtain a waste hauler operating permit registration vehicle decal from the Director for the transportation of domestic or industrial waste;
 - j. The administrative requirement of the waste hauler to obtain a hauled waste transporter license decal (number) from FDOH as required for the transportation of domestic septage waste;
 - k. The administrative requirement of the waste hauler to maintain a current waste hauler account with the Director;
 - l. A statement that the waste hauler must complete and submit to the Director prior to discharge and a waste disposal manifest

identifying the source of all waste (i.e., origin/location, address, and estimated volume) for each waste load received from users of the County WRF or to be disposed at the County's septage receiving station or designated disposal location;

m. A statement that all vehicles used to haul waste must be equipped with a safe and easily accessible sample point; and

n. A statement that analytical data may be required of all waste types subject to approval.

3. Waste hauler operating permits must contain the following specific permit conditions:

a. A detailed listing of specific acceptable waste types and a statement that the waste hauler may dispose the specific waste types listed;

b. A detailed listing of the specific vehicles (as identified by vehicle make, FDOH hauled waste transporter license decal number [where applicable], license tag, waste hauler operating permit registration vehicle decal number, and total waste storage capacity [in gallons]) authorized to dispose hauled waste;

c. A statement that the original waste hauler discharge permit must be kept on file in the permanent business office location of the waste hauler;

d. A statement that each registered waste hauling vehicle shall carry a copy of the waste hauler operating permit at all times;

e. A statement that the waste hauler shall immediately report any changes in business name, ownership, address, registered vehicles, and disposal facilities used in writing by submitting to the Director a waste hauler discharge permit application (with appropriate fee) detailing all reported changes;

f. A statement that all wastes subject to approval shall not be commingled with other waste;

g. A statement that in the case of multiple waste sources contained in one vehicle load, any part of the load that is unacceptable, pursuant to the requirements defined in Article XX or waste hauler operating permit requirements, may render the entire load unacceptable for discharge; and

- h. A statement that the waste hauler shall follow the established procedures and policies regarding the use of the County's septage receiving station.
4. Waste hauler operating permits shall require the waste hauler to use a waste disposal manifest or nonhazardous waste disposal manifest identifying the following information at a minimum:
- a. Waste hauler business name and address;
 - b. Waste hauler operating license vehicle decal number issued by the Director;
 - c. County septage receiving station waste hauler account number (where applicable);
 - d. Waste hauler operating permit number issued by the Director;
 - e. Waste pickup date;
 - f. Waste generator name, address (of waste origin), including County of origin, for all waste types excluding portable toilet waste. Waste haulers disposing of portable toilet waste must maintain customer records identifying generator name and address and shall make this information available to the Director upon request;
 - g. Estimated waste volume removed (in gallons);
 - h. Identification of the waste type and device serviced;
 - i. Inspection and identification of the condition of the device, noting all repairs needed to comply with state and local requirements;
 - j. A signed and dated certification statement from the waste hauler and customer that the information provided on the waste disposal manifest or nonhazardous waste disposal manifest is true, accurate, and complete, which also includes the customer's printed name and phone number;
 - k. Waste hauler driver printed name and dated signature; and
 - l. Waste disposal facility business name and phone number, date and time the waste was received by the waste disposal facility, and waste disposal facility operator printed name and signature.
5. Requirements for waste disposal manifest or nonhazardous waste disposal manifests. Waste hauler operating permits shall include the

following requirements for waste disposal manifest or nonhazardous waste disposal manifest completion and signature requirements:

- a. Waste haulers, waste generators, and the receiving waste disposal facility shall complete, sign, and date a separate waste disposal manifest or nonhazardous waste disposal manifest with every waste load removed at each customer (waste origin) location, excluding portable toilet waste.
- b. For the instance where waste was removed at more than one customer location by the waste hauler and these wastes are contained in one waste hauler vehicle, a separate waste disposal manifest must be completed for each customer (waste origin) location that generated the waste contained in the vehicle, excluding portable toilet waste. In addition, each waste disposal manifest or nonhazardous waste disposal manifest is required to be completed, signed, and dated by the waste hauler, waste generator, and the receiving waste disposal facility.
- c. For portable toilet waste, the waste hauler and waste disposal facility are required to date, sign, and provide all information contained in the waste disposal manifest or nonhazardous waste disposal manifest, with the exception of customer name, signature, and phone number, provided that this information is available upon Director request or inspection of waste hauler files.

X. Waste hauler operating permit duration. Permits shall be issued for any specified time period not to exceed two years. Each waste hauler discharge permit will be stated to expire on a specific date as set forth in the permit.

Y. Waste hauler operating permit transfer. Waste hauler operating permits are issued to a specific waste hauler for a specific operation at a specific location. A waste hauler discharge permit is not transferable to another person or business.

Z. Waste hauler operating permit review. Any user may petition the control authority to review the conditions of a waste hauler operating permit within 30 days of the user's receipt. The petition for review must be received by the control authority within the 30-day period.

1. Failure to submit a timely petition shall be deemed to be a waiver of the administrative review.

2. In its petition, the party seeking review must indicate the waste hauler discharge permit conditions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the waste hauler operating permit.
3. The effectiveness of the waste hauler operating permit shall not be stayed pending the appeal.
4. Decisions denying review of a waste hauler operating permit, denying issuance of a waste hauler operating permit, or denying proposed modifications to a waste hauler operating permit shall be considered for appeal by the customer, pursuant to the appeals process described in Section 37-749(j).

AA. Waste hauler operating permit modification. The Director or permittee may request by written notice a modification of the waste hauler operating permit at any time for good cause including, but not limited to, the following:

1. Any new or revised local, state, or federal pretreatment standards or requirements;
2. Alterations or additions to the industrial user's operation, processes, acceptable or unacceptable waste types, vehicle make, license tag, waste capacity, waste transporter license number, or the County-issued waste hauler operating license vehicle decal number since the time of waste hauler operating permit issuance;
3. A change in the POTW or WRF that requires either a temporary or permanent reduction or elimination of the authorized waste discharge;
4. Information indicating that the permitted discharge poses a threat to the County's POTW, WRF, or persons or waters of the state;
5. Violations of any terms or conditions of the waste hauler operating permit;
6. Permittee's misrepresentations or failure to fully disclose all relevant facts in the waste hauler operating permit application or in any required reporting;
7. Discovery of typographical or other errors in the waste hauler operating permit; or
8. A transfer of the facility ownership, location, or operation. The filing of a request by the permittee for a waste hauler operating permit modification does not stay any waste hauler operating permit condition.

BB. Waste hauler operating permit revocation. Waste hauler operating permits may be revoked for any of the following actions or inactions by the permittee:

1. Discharge of industrial wastewater without prior control authority approval;
2. Disposing hauled waste at any location not designated or approved by the control authority;
3. Misrepresentation or failure to fully disclose all relevant facts in the waste hauler operating permit application;
4. Falsifying information provided on waste disposal manifest or nonhazardous waste disposal manifest;
5. Tampering with samples collected from waste loads;
6. Refusing to allow the control authority timely access to the facility premises and records;
7. Failure to meet effluent requirements;
8. Failure to pay penalties;
9. Failure to pay waste disposal charges;
10. Failure to meet compliance schedules;
11. Failure to complete a waste hauler operating permit application; or
12. Violation of any general or specific permit condition or requirement, or any terms of the waste hauler operating permit or this article.

Waste hauler operating permits shall be voidable by the control authority upon nonuse, cessation of operations, or transfer of business ownership. All waste hauler operating permits are void upon the issuance of a new waste hauler operating permit.

CC. Waste hauler discharge permit reissuance. A user with an expiring waste hauler operating permit may apply for reissuance of its waste hauler operating permit by submitting a complete operating permit application prior to the expiration of the user's existing waste hauler operating permit.

DD. Regulation of hauled waste received from outside service area.

1. Any industrial facility discharging industrial waste to the County POTW or WRF by means of a waste hauler may be subject to the requirement of obtaining a discharge permit and regulation by the control authority.
2. Violation of the terms and conditions of the interlocal agreement subjects the discharging jurisdiction or municipality to the sanctions set out in Sections 37-749 through 37-751 of Article XX.

CHAPTER 7 COUNTY LOCAL LIMITS

Section 7110: Local Limits

A. The County's local limits are established by County resolution to protect its WRF against pass through and interference, and to comply with the federal and state pretreatment regulations in 40 CFR 403, Chapter I, Subchapter N and Chapter 62-625, F.A.C., respectively, and the requirements in applicable NPDES and FDEP permits for the County WRF, and the terms and conditions in agreements for the reuse of reclaimed water and residuals.

B. No person shall discharge wastewater to the County WRF containing pollutants in excess of pretreatment standards and requirements or the local limit established by County resolution and developed using standard procedures, calculations, and methods acceptable to FDEP to protect against pass through, interference, protection of County POTW or WRF employees, and adverse effects on wastewater residuals disposal. No industrial user shall discharge process waste streams, unregulated waste streams, or dilute waste streams in excess of the concentration set forth by pretreatment standards, County local limits, or pretreatment requirements. The pretreatment standards, County local limits established by County resolution, and pretreatment requirements shall be included as permit conditions and attached to each industrial wastewater discharge permit issued.

C. County local limits shall be established by County resolution, and the table of local limits currently set forth within this manual will be amended on the effective date of the initial such resolution, which establishes the new local limits. The established County local limits are subject to change and shall be modified as needed based on regulatory requirements and standards, WRF operation, performance and processes, the industrial user base, potable water quality, and domestic wastewater characteristics. Modifications to the established County local limits must be reviewed and approved by FDEP prior to implementation. The Director shall inform the regulated community of all proposed changes to the County's local limits by means of a public workshop or direct written correspondence to all permitted SIUs prior to making proposed changes to the County's local limits and related local limits resolution. Implementation shall be effective 30 days from notice of

acceptance of the modified limits by FDEP and upon Board of County Commissioner's approval of County local limits by County resolution. Permitted SIUs shall also be issued an addendum to their industrial wastewater discharge permit containing the new County local limits.

D. No person shall discharge wastewater to the County POTW or WRF containing pollutants in excess of the County's local limits as established by County resolution, pretreatment standard, or requirement, unless the industrial wastewater discharge permit for the user provides, as a special permit condition, a higher interim maximum uniform concentration limit in conjunction with a requirement that the user construct a pretreatment facility or institute changes in its operation and maintenance procedures to reduce the concentration of pollutants to levels not to exceed the County's local limits established by County resolution within a fixed period or in accordance with a compliance schedule.

E. SIUs shall be subject to the numerical County local limits established by County resolution.

F. At the discretion of the Director, any nonresidential user may be required to develop and fully implement a BMPP for specific constituents, and to participate in the related County best management program. All SIUs shall develop and fully implement a BMPP if required to comply with applicable general pretreatment standards in 40 CFR 403, Chapter I, Subchapter N; categorical pretreatment standards; County local limits; and state and local law. This requirement may be in addition to the County local limits set forth in this section. SIUs shall comply with the County local limits established by County resolution, with the exception in which the Director specifically requires a user to develop, implement, and comply with a BMPP as a condition of the industrial wastewater discharge permit.

G. Technically defensible County local limits, such as those established by County resolution, may be added or amended from time to time based on the results of treatment plant monitoring, water quality requirements, field investigation of industrial users, and/or any other factors that the Director deems of significance with respect to the proper and safe operation of the County WRF and necessary for compliance with applicable permits and effluent disposal or reclaimed water standards or agreements.

H. Additional County local limits may be imposed by the Director for groundwater remediation facilities as set forth in Section 37-756 of Article XX.

I. The County's local limits apply at the point where the wastewater is discharged into the County WRF. All concentrations for metallic substances are for total recoverable metal, unless indicated otherwise. Requirements for sample collection and analysis are set forth in Article XX, Sections 37-747(j) and (k).

J. For the purposes of pH monitoring, an exceedance shall be defined as an excursion outside of the County local limit for pH established by County resolution that persists for more than 15 consecutive minutes in a calendar day. However, if only one grab sample is collected for pH monitoring within a 15-minute consecutive period, the one grab sample will be deemed representative for the entire 15-minute consecutive period. If multiple samples are collected for pH monitoring within a 15-minute consecutive period, all samples results must exceed the local limit for the samples to be defined as one exceedance for the 15-minute consecutive period.

K. The Director may impose mass limitations in addition to, or in place of, the concentration-based limitations established by County resolution. At the discretion of the Director, and on a case-by-case basis, additional discharge limits may be placed in the industrial wastewater discharge permit for any user.

L. If the federal categorical pretreatment standards apply to a user's discharge, the Director may apply the local limits established by County resolution or the average of four consecutive monitoring events in the federal categorical pretreatment standards set forth in 40 CFR 405-471, Chapter I, Subchapter N, whichever is more stringent, in the user's industrial wastewater discharge permit (if applicable).

M. At the discretion of the control authority, and subject to the requirements in 40 CFR 403.7, Chapter I, Subchapter N and Rule 62-625.420, F.A.C., and FDEP and EPA approval, removal credits may be granted to reflect removal performance by the County wastewater facilities for pollutants specified in the categorical pretreatment standards. The County may grant removal credits equal to or, at its discretion, less than the user's consistent removal rate. Removal credits shall be approved by FDEP and EPA prior to granting by the control authority. Removal credits shall be given only for indicator or surrogate pollutants in a categorical pretreatment standard if the categorical pretreatment standard so specifies. If a removal credit is granted to a user, then the County shall calculate the revised discharge limits in accordance with Rule 62-625.420, F.A.C.

N. State requirements and limitations on discharges from nonresidential users to the County WRF shall apply in any case where they are more stringent than federal requirements or limitations, or those contained in Article XX.

O. The County reserves the right to establish by County resolution or ordinance more stringent limitations or requirements for discharges to the County WRF, if deemed necessary to comply with the objectives stated in Article XX.

See Appendix D for the latest Board of County Commissioners resolution establishing current County local limits.

APPENDIX A

GREASE TRAPS, INTERCEPTORS AND SEPARATORS

Section A-1

NOTE: This is an excerpt from Orange County Utilities Standards and Construction Specifications Manual.

ORANGE COUNTY UTILITIES STANDARDS AND CONSTRUCTION SPECIFICATIONS MANUAL

PART 7 - GREASE TRAPS, INTERCEPTORS AND SEPARATORS

A. A grease interceptor is required for all commercial establishments where food or beverages will be processed, cooked, or prepared in any way. All kitchen and/or food and beverage preparation waste lines will be routed through the grease interceptor. However, no domestic waste will be allowed to enter the grease interceptor. All wastewater flow from kitchen areas and/or food and beverage preparation areas shall flow through approved grease interceptors prior to entering the UTILITIES system.

B. Grease interceptors shall be located outside of buildings in accordance with the most current edition of Chapter 37 of the Orange County Code, as such provisions may be periodically amended. Interceptors shall be placed where the proposed food waste line will have adequate slope and be accessible for maintenance and inspection at all times.

C. The grease interceptor will be sized as defined in Table 2310-4 below and will have a minimum volume of 750 gallons and may not exceed a maximum volume of 1,250 gallons. When interceptors are installed in series, the combined interceptor capacity required may be calculated based on the reduced capacity requirements per seat or per meal as shown in Table 2310-4. The grease interceptor shall be designed and installed in accordance with the manufacturer's instructions, the requirements of this section, and OCU standard detail Figure A307-1, Appendix A.

Table 2310-4. Sizing Requirements for Grease Interceptors.

Type of Facility	Unit	Grease Interceptor Capacity Single (gallons)	Grease Interceptor Capacity In Series (gallons)
Restaurant, Food, or Beverage Preparation	seat	20	10
Restaurant – Fast Food	seat	10	5
Restaurant – 24-hour	seat	30	15
Convention Center, Catering Facility, or Cafeteria	meal	3	1.5

D. Interior Under-the-Counter or Subfloor Grease Traps:

1. UTILITIES may approve an interior under-the-counter or subfloor grease trap in lieu of an exterior grease interceptor on a case-by-case basis and only for the following circumstances:

a. A commercial establishment where food or beverages will be cooked, grilled, fried, processed, or handled will only be considered for an under-the-counter or subfloor grease trap if there is a utility (electric, water, sewer or gas) conflict impeding the construction of a grease interceptor device.

b. If there is no utility conflict, a commercial establishment where food or beverages will be prepared, processed or handled will only be considered for an under-the-counter or subfloor grease trap if no frying, cooking or grilling will occur on the premises.

2. The following conditions must also apply for a grease trap variance to be considered:

a. The restaurant or food/beverage preparation establishment must have less than 600 gpd (two ERUs) wastewater flow;

b. An under-the-counter or subfloor grease trap must be installed on all drain fixtures in the food preparation areas, including hand sinks, food or beverage preparation sinks, dish or glassware washing sinks, mop sinks, and floor drains; and

c. The ENGINEER shall consult with UTILITIES personnel to request and receive approval of a code variance for the grease trap before finalizing the design and installing a grease trap device.

3. Refer to the following calculation to determine minimum grease trap sizing (flow-through rating) requirements:

$$\text{Minimum Grease Trap Capacity (gpm)} = \frac{[\text{Combined Sink** Storage Volume (units in gallons)}] \times 0.75}{1.0 \text{ minute (sink drain decant time)}}$$

**Include all hand sinks and food/beverage prep sink interior bowl/basin volumes, but do not include the mop sink basin volume or floor drain flows in this calculation.

E. Lint Interceptors/Traps: Lint interceptors/traps are required for all commercial laundry operations, laundry mats, hotels, and resorts having more than two residential sized laundry machines or one or more commercial laundry machine. Lint interceptors/traps must be a minimum of 100 gallons in size and be equipped with a screening device capable of separating lint and other solid materials from the wastewater. Lint traps shall be sized based on number of washing machines, wastewater flow rate, wastewater retention time and storage factor. Refer to the following calculation to determine minimum lint interceptor/trap sizing requirements:

$$\text{Minimum Lint Interceptor/Trap Size (in gallons)} = (\text{TGC}) \times (\text{CPH}) \times (\text{RT}) \times (\text{ST})$$

Where: TGC = Total Gallons per Standard Wash Cycle

CPH = Cycles per hour

RT = Retention time:

2.5 for Institutional Laundry

2.0 for Standard Commercial Laundry

1.5 for Light Commercial Laundry

ST = Storage Factor, based on hours of operation:

1.0 for 8 hours of operation

1.5 for 12 or more hours of operation

F. Oil and Water Separators:

1. Oil and water separators are required for all facilities where commercial vehicles or equipment are repaired, maintained or washed, including vehicle repair garages, car-washing facilities, factories, and all other facilities where oily liquid wastes are produced.

2. Oil and water separators shall be individually designed and sized for each site-specific application.

3. Where automobiles are serviced, greased, repaired or washed or where gasoline is dispensed, oil and water separators shall have a minimum capacity of 6 cubic feet for the first 100 square feet of area to be drained, plus 1 cubic foot for each additional 100 square feet of area to be drained into the separator.

4. All commercial vehicle-washing systems shall be equipped with a water recycling system that has no connection to the County sanitary sewer system. For the purposes of this Section, commercial vehicle washing systems shall include systems associated with businesses that sell or lease cars, trucks, boats, and other motorized vehicles. Hand-held hoses are exempt from this provision.

G. Sand and grit separators/traps: Sand and grit separators/traps are required for all commercial facilities discharging fine particles, floatables, or other debris that could cause clogs or blockages in the County collection system. Examples include sand, dust, metal shavings, rags, strings, feathers, glass, etc. Sand and grit separators shall be individually designed and sized for each site-specific application.

APPENDIX B

GREASE INTERCEPTOR DESIGN GUIDELINES

Section B-1



Grease Interceptor Design Guidelines

**Utilities Development
Engineering Division**
(407) 254-9924
FAX: (407) 254-9999

**Water Reclamation Division
Environmental Compliance Section**
(407) 254-7710
FAX: (407) 354-2807
Environmental.Compliance@ocfl.net

**Division of Building Safety
Plumbing Inspection**
(407) 836-5559
FAX: (407) 836-5545

For sites that discharge to the Orange County wastewater system, grease interceptor design and sizing is regulated by both the Florida Plumbing Code (Chapter 10, Section 1003) and the Orange County Code (Chapter 37, Article XX, Division 3, Section 37-754). The three Orange County Divisions listed in the header above participate in grease interceptor design decisions. The Division that takes the lead in a given activity coordinates with the other Divisions. Roles are as follows: The Orange County Division of Building Safety Plumbing Inspection reviews and issues plumbing permits and inspects grease interceptors during construction. The Utilities Development Engineering Division reviews grease interceptor sizing as part of the permitting process for site work and vertical construction. After the interceptor is operational, the Water Reclamation Division's Environmental Compliance Section monitors oil and grease pollutants discharged to the Orange County wastewater system by restaurants and food processing facilities.

Interceptors must be sized in accordance with the County Code sizing criteria, as described in the Orange County Utilities Standards and Construction Specifications Manual, Section 2310, Part 7. An interceptor Standard Detail is presented in the Manual as Figure A307-1. Minimum and maximum interceptor sizes are 750 gallons and 1,250 gallons, respectively. Variances to the minimum size requirement may be requested for establishments generating limited quantities of oil and grease (no grilling, frying, or cooking). Establishments that qualify for a variance may install an appropriately sized under-the-counter grease trap, with County approval. All variance requests are processed by the Water Reclamation Division Environmental Compliance Section. To request a variance, contact the Water Reclamation Division using the contact information shown in the header above.

Use the links below to access the Orange County Code and the Utilities Standards and Construction Manual:

[Orange County Utilities Standards and Construction Specifications Manual](#)

Orange County Code: <http://www.municode.com/Resources/gateway.asp?pid=10182&sid=9>

January 2012

ORANGE COUNTY UTILITIES
STANDARDS AND CONSTRUCTION SPECIFICATIONS MANUAL

APPENDIX A

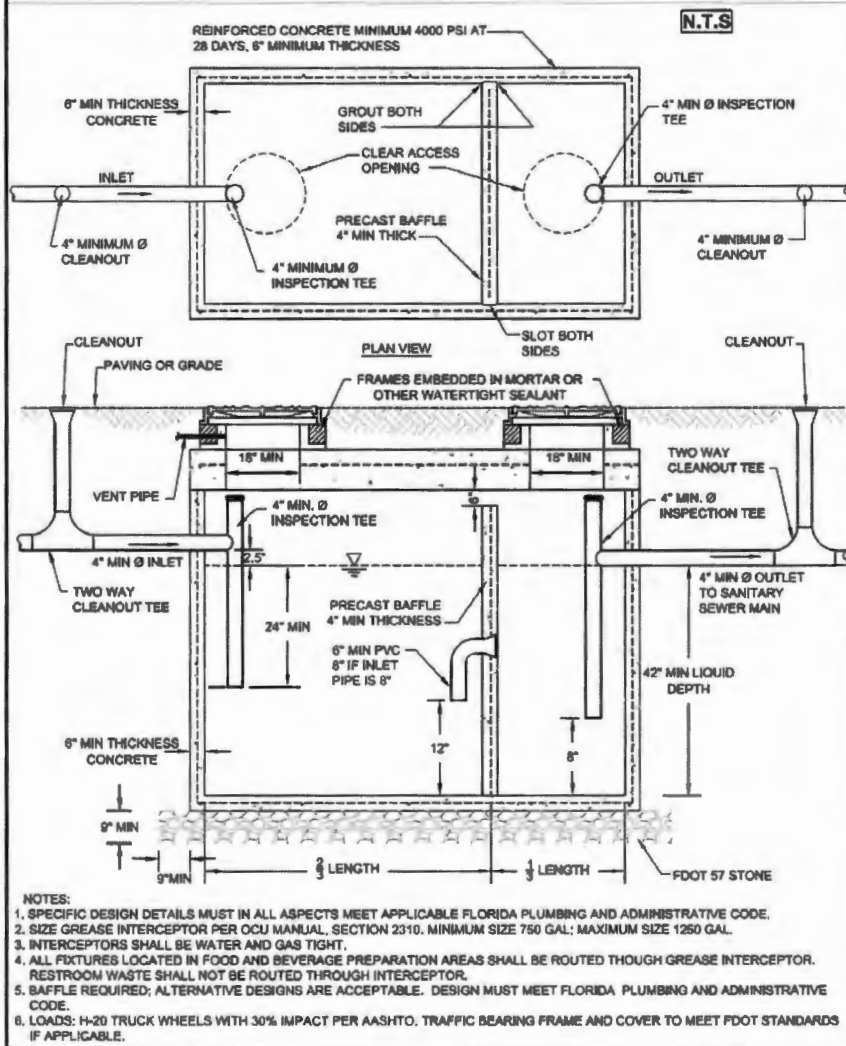
STANDARD DRAWINGS

GENERAL

DATE: February 11, 2011

GREASE INTERCEPTOR

FIGURE A307-1



APPENDIX C

ORANGE COUNTY ENFORCEMENT RESPONSE PLAN FOR USERS OF THE COUNTY WASTEWATER SYSTEM

Section C-1

ENFORCEMENT RESPONSE PLAN

Table of Contents

Executive Summary

Section 1 - Methods to Investigate Noncompliance

- 1.1 Field Inspections
- 1.2 Regulatory Sampling
- 1.3 Document Review
- 1.4 Meetings
- 1.5 Increased Monitoring
- 1.6 Interaction with Other Agencies
- 1.7 Search for Non-Permitted Industrial Users

Section 2 - Personnel for Enforcement

- 2.1 Field Personnel; Duties; (*Environmental Technician/Inspector; Environmental Specialist I; Field Technician I, II, III); Limits on Authority
- 2.2 Environmental Coordinator - Duties; Limits on Authority (Environmental Specialist II) Orange County Utilities, Water Reclamation Division, Environmental Compliance Section
- 2.3 Manager - Duties; Limits on Authority
- 2.4 Orange County Utilities Department Director - Duties; Limits on Authority
- 2.5 Legal Counsel - Orange County – County Attorney's Office – Duties; Limits on Authority
- 2.6 Orange County Sheriff's Office – Duties; Limits on Authority

Section 3 - Enforcement Tools, Tracking, and Follow-up

- 3.0 General Explanation
- 3.1 Compliance Request
- 3.2 Warning Letter
- 3.3 Compliance Meeting
- 3.4 Field Notice of Violation
- 3.5 Notice of Violation
- 3.6 Compliance Schedule
- 3.7 Show Cause Order
- 3.8 Show Cause Meeting

- 3.9 Compliance Orders
- 3.10 Cease and Desist Order
- 3.11 Administrative Penalties
- 3.12 Administrative Fine
- 3.13 Emergency Suspension
- 3.14 Termination of Discharge
- 3.15 Judicial Enforcement
 - a. Injunctive Relief
 - b. Civil Penalties (distinguished from administrative penalties)
 - c. Criminal Prosecution
- 3.16 Supplemental Enforcement
 - a. Performance Bond
 - b. Letter of Credit
 - c. Water Supply Severance
 - d. Search Warrants
- 3.17 Notice of Significant Noncompliance
- 3.18 Method of Tracking
- 3.19 Follow-Up Procedures
- 3.20 Appealable and Non-Appealable Elements and Determinations:
 - Telephone Call
 - Warning Letter
 - NOV/NOSNC
 - Compliance Meeting
 - Consent Agreement
 - Consent Order
 - Show Cause Order
 - Show Cause Meeting
 - Compliance Order
 - Cease and Desist Order
 - Emergency Suspension
 - Termination of Discharge
 - Civil Penalties
 - Performance Bond
 - Letter of Credit
 - Liability Insurance
 - Water Severance
 - Rescind authority for Waste Transporter/Hauler to Discharge into County Wastewater System
 - Rescind Authority to Discharge to the Orange County Wastewater System
 - Revocation of Waste Hauler Operating Permit

Revocation of Industrial Wastewater Discharge Permit
County May Refuse to Accept Hauled Waste
Rescind Authority for Waste Transporter/Hauler to Service Grease Traps,
Grease Interceptors, Oil and Water Separators, Sand Traps, or Pump Stations
in Orange County
Rescind Product Approval

3.21 Injunction

3.22 Respondent's/Violator's Appeal from Findings or Other Elements Will Be
Considered Waived If the Notice of Appeal Is Not Filed within the Time Frame for
Appeal

3.23 Use of the Code Enforcement Board or Code Enforcement Special
Magistrate (SM) Methodology Provided in Orange County Code Chapter 11

Section 4 - Time Frames for Responses for Appeal and Procedure for Appeal

4.1 Enforcement Time Frames; Flexibility; CA's Discretion; Appellate times
separate

4.2 Initial Enforcement Action Response; 30 days to notify; 30 days to respond

4.3 Requesting Escalating Enforcement Action

4.4 Follow-Up Actions; 10 working days to initiate

4.5 Emergency Enforcement Actions; immediate responses

4.6 Enforcement Actions for NOSNC; Permitted users' evaluations, violations, SNC
violations, 10 days to respond; 90-day compliance, publication of SNC

4.7 Time period for filing notice of appeal: 30 calendar days unless otherwise
notified

4.8 Time period for compliance with order: Appeal not automatic stay of
compliance

4.9 Appeals; General provisions; persons aggrieved may appeal; must be directly
affected; provisions exclude Division 2, and exclude Surcharge billing issues

4.10 Provisions made for Hearing examiner

4.11 Appeal Procedure; state whether notice final; person or user directly affected
may appeal final determination

4.12 Appeal through Administrative hearing, subjects for appeal

4.13 Appeal to be set for hearing, and inter alia, decision to be followed

4.14 Director's duty to schedule hearing, continuances, notices of hearing, method
of notice, contents of notice, right to bring evidence, witnesses

4.15 Powers, duties, requirements and limitations on the Hearing examiner;
administrative hearing rules

4.16 Oaths, subpoenas, ruling on motions, orders on discovery, regulation of
hearing, disposition of procedural requests, etc.; Hearing Examiner's powers, duties,
and requirements regarding such

- 4.17 Examiners: fines related to time; where fine amount is challenged: health concerns, cooperation, history, economics, knowledge, compliance costs; fine limits, power to remand, compliance statements, retention of jurisdiction, writing requirement, decision rendered within reasonable time
- 4.18 Compliance activities reviewed and monitored by Control Authority
- 4.19 Rules before the hearing examiner require due process, but not strict formality; testimony under oath; Minutes required; recordings where available; Hearings must be open to the public
- 4.20 Hearing the cases: Written Testimony
- 4.21 Examination and Cross-examination
- 4.22 Order by examiner must be issued with reasonable dispatch
- 4.23 Order by examiner must contain notice that it can be appealed
- 4.24 Examiner may set aside own order
- 4.25 General upper and lower limits on administrative fines
- 4.26 Continuous violation counted as separate violation each day it continues
- 4.27 Appeal of examiner to be by writ of certiorari
- 4.28 Enforcement remedies on refusal to comply
- 4.30 Administrative fine limitations don't apply if Director is compelled to enforce in Court or before some other tribunal

Section 5 - Enforcement Response Guide

- 5.1 Instructions for Using Enforcement Response Guide
- 5.2 Permit Administration
- 5.3 Monitoring Violations
- 5.4 Reporting Violations
- 5.5 Field Violations
- 5.6. Oil and Grease Management Program Violations
- 5.7. Best Management Practices Program Violations

EXECUTIVE SUMMARY

This Enforcement Response Plan (ERP) has been developed in accordance with 40 Code of Federal Regulations (CFR) 403.8(f)(5), Rule 62-625.500(2)(d), Florida Administrative Code (F.A.C.) and Orange County Sewer Use Ordinance (Orange County Code) Chapter 37, Article XX - Public and Private Sewer System Use Requirements.

Enforcement is an integral part of the Orange County Utilities Department's (OCUD's) pretreatment program. In the 1986 Pretreatment Compliance Enforcement Guidance, the Environmental Protection Agency (EPA) encouraged each control authority (CA) to develop an Enforcement Response Guide (ERG), which is a set of procedures describing how the CA will investigate industrial users and waste haulers (hereafter referred to as users) that are in violation and which enforcement actions the CA may take to respond to such violations. On November 23, 1988, the EPA proposed to require all CAs with approved pretreatment programs to develop and implement an ERP, and the Domestic Sludge Study (DSS) Regulations finalized the proposed rule in 40 CFR 403.8(f)(5).

This ERP shall be used in conjunction with the Orange County Code, Chapter 37, Article XX. The purpose of the County's ERP is two-fold. First, to ensure user(s) compliance with federal pretreatment regulations, local pretreatment regulations, and the provisions stipulated in Orange County Code Chapter 37, Article XX - Public and Private Sewer System Use Requirements. Second, to make certain that if the CA needs to enforce federal and local pretreatment standards and regulations, associated industrial wastewater discharge permit requirements, and the provisions stipulated in Orange County Code, Chapter 37, Article XX, that all users are treated fairly and equitably.

Key elements for an ERP:

- Description of who will act as the County's CA and how the CA will investigate instances of noncompliance.
- Description of the types of escalating enforcement response the CA will take in response to all anticipated types of user violations and the time periods within which the responses will take place.
- Identification by title of key personnel and their responsibility for implementing each type of enforcement response.

- CA pretreatment program's primary responsibility to enforce all applicable pretreatment requirements and standards as provided in 40 CFR Part 403 and Chapter 62-625, F.A.C.

In general, the following criteria will be used to evaluate violations by users:

- Nature of the violation
- Magnitude of violation
- Number of violations cited
- Duration of violation
- Effect on the receiving water, reclaimed water quality, residuals, and regulatory requirements
- Effect of violation on the water reclamation facility (WRF), personnel, and Orange County residents
- Compliance history of the users
- Good faith efforts by the users

SECTION 1 - METHODS TO INVESTIGATE NONCOMPLIANCE

The Orange County Utilities, Environmental Compliance Section (OCU-ECS) is designated as the CA to investigate the compliance status of users, using the following methods:

1.1 Field Inspections - The CA shall inspect each Industrial Pretreatment Program permittee, not less than twice a year, to evaluate compliance with federal and local pretreatment standards and regulations, industrial wastewater discharge permit requirements, and the provisions stipulated in Orange County Code Chapter 37, Article XX. During the facility site inspection, the inspector shall gather data necessary for the evaluation of compliance. This data includes facility observations, employee statements, analytical documents, waste manifests, waste disposal or recycle records, physical evidence, and other information supporting enforcement action resulting from noncompliance. Permittees under the hauled wastewater program and non-permitted users on the Oil and Grease Prevention Program shall be inspected not less than once per year, in accordance with Orange County Code Chapter 37, Article XX.

1.2 Regulatory Sampling - The regulatory sampling shall be carried out by the CA in accordance with the Florida Department of Environmental Protection (FDEP) Field Sampling Standard Operating Procedure. These personnel shall collect representative samples of the user's wastewater discharge to the WRF (where possible) and prepare and deliver collected samples to a certified laboratory for analysis according to FDEP regulatory requirements. If a representative sample cannot be collected, then a sample from the process generating the pollutants of concern will be collected for compliance evaluation.

1.3 Document Review - The CA shall review and analyze user documents, which are required by the users, to determine compliance status, such as, self-monitoring reports (SMRs), notice of violation (NOV) responses, compliance schedule milestones, baseline monitoring reports, spill/slug plans, best management practices plans (BMPPs), toxic organic management plans (TOMPs), and any other information pertaining to Orange County Code Chapter 37, Article XX program compliance.

1.4 Meetings - Formal and informal meetings with users are used to obtain and share information related to any aspect of the program requirements and may be used to investigate compliance status and technical issues, such as users' classification, additional sampling procedures or location, pretreatment requirements, laboratory analyses, BMPPs, and/or other requirements to ensure compliance.

1.5 Increased Monitoring - Increased self-monitoring and/or regulatory sampling may be required to monitor compliance status.

1.6 Interaction with Other Agencies - The FDEP; Orange County Environmental Protection Department (OC-EPD); Orange County, County Attorney Office (OC-CAO); EPA Criminal Investigation Division (EPA-CID), and the Federal Bureau of Investigation (FBI) are agencies used to further investigate user's' compliance status.

1.7 Search for Non-Permitted Users - All users connected with the WRF and discharging industrial wastewater and/or commercial wastewater containing pollutants of concern may require a permit prior to discharge or for the continued discharge to the WRF in accordance with Orange County Code Chapter 37, Article XX.

SECTION 2 - PERSONNEL FOR ENFORCEMENT

2.1 Field Personnel; Duties; Limits on Authority - Field personnel are the first line of enforcers for pretreatment standards and requirements. If a user denies entry to the field personnel or withdraws this consent during an inspection, the Environmental Compliance Section's Environmental Coordinator shall be contacted for access to the site. Documented telephone calls to users regarding compliance may be made by the inspector(s), as indicated in Section 5, Enforcement Response Guide. Inspectors under the Orange County pretreatment program may include managers, supervisors, program specialists, field inspectors or technicians, engineers, environmental compliance officers, or any other certified personnel. Field personnel may:

- Make a telephone call.
- Issue a field NOV (FNOV).
- Request/issue a warning letter.

2.2 Environmental Coordinator - Duties; Limits on Authority - The duties of the EC include the preparation of enforcement action cases against noncomplying users. The actions taken by the EC include:

- Issue warning letter.
- Issue NOV.
- Issue notice of significant noncompliance (NOSNC).
- Request/approve compliance meeting.
- Request cost recovery.
- Request penalty.

The EC has a major role in the enforcement responses initiated by the OCU-ECS to help users achieve and maintain compliance.

2.3 Manager - Duties; Limits on Authority - The Division or Section Manager, as designated by the Director, has the full responsibility for the following enforcement actions taken against noncomplying users. These responsibilities include:

- Penalty Approval
- Compliance Schedule Approval

- Show Cause Meeting Request
- Cease and Desist Order Request
- Emergency Suspension Request
- Petition for Civil Penalties
- Performance Bond Request
- Letter of Credit Request (See ERG Note 16.)
- Water Supply Severance Request

2.4 Orange County Utilities Department Director - Duties; Limits on authority

- The OCUD Director (Director) approves the following enforcement actions, which are severe in nature:

- Issue Cease and Desist Order
- Show Cause Meeting Approval Determination
- Termination of Discharge
- Performance Bond
- Letter of Credit (See ERG Note 16.)
- Water Supply Severance

The Director requests the following enforcement actions from the County Attorney's office, which are severe in nature:

- Injunctive relief
- Civil penalties
- Criminal prosecution

The Director also acts as the chairperson for initial show cause meetings by the users regarding enforcement actions and penalties.¹

¹ *Although a show cause meeting has certain characteristics of a hearing, with the Director applying his or her knowledge and judgment to a given showing by a respondent, what he or she issues as a result of the meeting, such as a Compliance Order, is not a judgment, but a final determination for purposes of appeal to the third-party hearing examiner.*

2.5 Legal Counsel - Orange County - County Attorney's Office - Duties: Limits on Authority - Orange County - County Attorney's Office (OC-CAO) provides legal counsel for the CA and has a significant role in the support and preparation of formal enforcement actions against users who are found to be in significant noncompliance (SNC) with Orange County Code. When enforcement actions, such as obtaining search warrants² to inspect users' facilities, or civil and/or criminal suits need to be filed, the legal counsel for the CA charts out the strategy, gathers evidence, petitions the courts, and argues the case for the CA.

2.6 Orange County Sheriff's Office - Duties: Limits on authority - If the OCU-ECS field personnel (inspectors) are denied access to a facility, which prevents investigation of potential environmental crimes, the inspector shall notify the OCU-ECS EC. The OCU-ECS EC may request a search warrant² in accordance with Orange County Code Chapter 37 Article XX, Sec. 37-748. The search warrant² shall be served at reasonable hours by the CA personnel in the company of a uniformed police officer of Orange County or the local municipality. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

SECTION 3 - ENFORCEMENT TOOLS, TRACKING, AND FOLLOW-UP

This section describes available enforcement actions used by the CA. The enforcement philosophy is escalating; that is, violations are addressed at the lowest appropriate level with the least formality and proceed to more formal levels with increasing actions and penalties until compliance is achieved. However, it should be noted that the enforcement action is not contingent upon any sequence of prior enforcement actions, and, depending upon the scenario, any level of enforcement tools may be used for the initial action. Below is the list of available enforcement tools used by the CA.

3.1 Compliance Request - A compliance request is an informal but very effective enforcement action. A compliance request may be made either in person (during field inspections, site visits, or in meetings) or by telephone, e-mail or a faxed correspondence. Depending on the circumstance, the inspector or enforcement

² See references to administrative "inspection" warrants below, where criminal activity is not suspected. A "search" warrant is a term of art referring to a search in a criminal investigation.

coordinator may take this action. Many users will consider the action seriously and try to comply immediately or at least as soon as practicable. If a user continues to be in noncompliance, the enforcement action must be escalated. Internal policy is the source for this action, and the provision is not shown in the Orange County Code. It is a courtesy for our customer. It is not final and therefore not appealable.

3.2 Warning Letter - The warning letter, signed by the CA, may be used by staff as an informal tool, which documents that the users' representative is aware and knowledgeable of requirements to achieve compliance. This document, which is hand delivered via certified mail, identifies the nature of noncompliance and time frames to comply, and requires signatures by the users' representative. See 37-749(a)(1) Orange County Code. Usually, this is a final determination, where notice thereon so indicates. If it is final, then it is appealable to the hearing examiner.

3.3 Compliance Meeting - The compliance meeting is an informal tool for informing the users of their noncompliant status that results in a corrective action agreement to achieve compliance in 90 days or other enforcement action as necessary. The term is not defined in §749: It's considered a Courtesy for our customer; utilities requests it. It is not final, and not appealable, per se. Its purpose is for development of a compliance schedule, which would be final, enforceable, and appealable, or for the development of a Consent Agreement, which would be final and enforceable, if signed by respondent, but not appealable.

ADMINISTRATIVE ENFORCEMENT

3.4 Field Notice of Violation - An FNOV is an NOV issued by the field staff for a user's noncompliance with the provisions of the Oil and Grease Management Program and non-permitted users not operating under a Best Management Plan (BMP), as defined by Orange County Code Chapter 37 Article XX, Sections 37-754 and 37-744.³ The FNOV clearly states the nature of the noncompliance and requires the user to comply with a specific remedial action within the notated time frame. FNOVs are followed up by the ECS after the notated time frame has elapsed to confirm the required action has been taken. If compliance has not been achieved, escalating enforcement will be taken. See 37-703(definitions): See §§37-749(a)(1): With penalty: See also 37-749(b) (\$1000;) and 37-749(g)(1) and (6). Unless special

³ *Orange County would not likely be able to tell whether the non-permitted operator was operating under BMP without the permit having been previously screened, supervised, and granted.*

language is placed in the notices indicating otherwise, both NOVs and FNOVs are considered a final determination for appeal, in all cases. ⁴

3.5 Notice of Violation (See ERG Note 3.) - Whenever a user has violated the Orange County Code Chapter 37, Article XX, ~ permit, or any provision of 40 CFR 403 or 62-625, F.A.C., an NOV may be issued (by the EC), pursuant to Orange County Code Chapter 37 Article XX, Section 37-749.

The NOV clearly states the noncompliance and requires the user to respond in writing to the violation within 30 working days of the receipt date of this notice. The user's response shall include a written plan for the satisfactory correction and prevention thereof, including proposed specific actions to be taken. See 37-703(definitions): See §§37-749(a)(1): With penalty: See 37-749(b) (\$1000;) 37-749(g)(1) and (6). It is considered a final determination for appeal, in all cases.

3.6 Compliance Schedule - The compliance schedule is a schedule of requisite remedial activities or milestones necessary for a user to achieve compliance with all pretreatment program requirements. A compliance schedule is typically set forth in the user's industrial wastewater discharge permit, waste hauler operating permit, consent order, or other enforcement documents.

3.7 Show Cause Order - Defined in 37-703 (under "administrative order"). See also 37-749(d)(1): "The Director may order a user who has violated ... , to appear before the Director and show cause why the proposed enforcement action should not be taken." This show cause order itself is a final determination for purposes of appeal.

3.8 Show Cause Meeting - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-749(d), the Director and/or Section Manager may order a user who has violated or continues to violate any provision of the article, an industrial wastewater discharge permit, or any other order issued hereunder or any other pretreatment standard or requirement to appear before the Director/Section Manager and show cause why the proposed enforcement action should not be taken. Provided for in 37-703 (under "administrative order"), the meeting itself is not punitive, but a show cause order that requires the meeting to begin with would likely state that "the Director has found the respondent in violation," which would count as a final determination, and the order to come in and show cause would therefore be final

⁴ The language will always state affirmatively that the notices may be appealed. Only where there is language making an exception to that standard will the effect be otherwise.

also. Therefore, the time for appeal starts from the issuance of the show cause order. In the meantime, the respondent could come in and attempt to show the Director why he or she thinks the Director is in error, but the setting of the time for the show cause meeting does not itself stay the running of the time for the appeal of the underlying finding of violation, unless special language is placed therein to that effect.

3.9 Compliance Orders - When the CA finds that a user has violated or continues to violate any provision of the article, an industrial wastewater discharge permit, or any other order issued hereunder or any other pretreatment standard or requirement, the Director may issue an order for the user responsible for the discharge directing that the user come into compliance within a specified period of time, pursuant to Orange County Code Chapter 37 Article XX, Section 37-749(e). Defined in 37-703 (definitions), a Compliance Order is a final determination for appeal in all cases, unless otherwise specified.

3.10 Cease and Desist Order - When a user is found violating the Orange County Code Chapter 37, Article XX, permit, any order issued hereunder, or any other pretreatment standard or requirement, the user may be issued an order to cease and desist all such discharge, pursuant to Orange County Code Chapter 37 Article XX, Section 37-749(f). The Cease and Desist Order directs the user to:

1. Immediately comply with all Orange County Code Chapter 37, Article XX requirements; and
2. Take such appropriate remedial or preventive action as may be necessary to properly address a continuing or threatened violation, including halting operation and/or terminating discharge.

Defined in 37-703(definitions): Final determination for appeal in all cases, unless otherwise specified.

3.11 Administrative Penalties - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-749(g), administrative penalties are enforcement actions used by the CA before taking severe enforcement action, such as termination of service or water service severance. Any users found to have violated any provision of the Orange County Code Chapter 37, Article XX, permit, any order used hereunder, or any other pretreatment standard or requirement may be penalized. Each instance on which noncompliance occurs and each day a violation continues

shall be deemed a separate and distinct violation. Final determination for appeal in all cases, unless otherwise specified.

3.12 Administrative Fine - This is a specific type of an administrative penalty, which shall mean a punitive monetary charge unrelated to actual treatment costs and is assessed by the CA rather than a court for enforcement of the requirements herein. Where an administrative fine is upheld by a hearing officer, or the amount is changed by that officer, but the assessment of a fine is still upheld, or where an administrative fine is likewise upheld, or the amount is changed by a court, the fine does not lose its identity as an administrative fine because it may be so modified. Administrative fines are also distinguished from civil penalties or civil fines due to their separate matrix and range of severity.

3.13 Emergency Suspension - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-749(h), the Director may suspend a user's permit after formal notice to the user whenever such suspension is necessary to stop an actual or threatened discharge that reasonably appears to be an imminent or substantial endangerment to the health or welfare of persons or causes the WRF to be noncompliant. Any users notified of a suspension of their permit shall immediately stop or eliminate the noncompliant wastewater discharge. If the user fails to immediately comply with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WRF or degradation to the quality of its receiving stream, reclaimed water, or residuals or cause noncompliance with regulatory requirements or endangerment to any person. The Director may reinstate the permit or, in cases where the user does not require a permit, authorize resumption of the discharge when the user has demonstrated to the Director the elimination of the noncomplying discharge. Final determination for appeal in all cases, unless otherwise specified. This is a profound and rare action that is not commenced unless there is a high likelihood of severe and imminent damage, and an appeal does not toll immediate suspension.

3.14 Termination of Discharge - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-749(i), a user shall be subject to termination of discharge for the following actions or inactions:

- Violation of OCUD-issued permit conditions
- Any program requirements contained in Orange County Code Chapter 37, Article XX

- Failure to accurately report wastewater (discharge) constituents and characteristics
- Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge to the Orange County's wastewater system
- Refusal to provide the CA access to the user's premises for the purpose of inspection, monitoring, or sampling
- Violation of the pretreatment standards or requirements referenced in Orange County Code Chapter 37 Article XX, Section 37-735 through 37-737, Section 37-747, and Section 37-756

Termination of discharge is a term of art that is defined as a physical blockage or cutting off a discharge. For purposes of enforcement, that action may be taken by the respondent/owner or, if respondent/owner refuses, is unable to do so, or absent, then by personnel from OCUD or persons contracted to do the work. Such users shall be notified of the proposed termination of their discharge. To require, in an order, a termination of discharge and include a notice that the County will terminate the discharge at respondent's cost, if such is not done, is a final determination for appeal in all cases, unless otherwise specified. This is a profound and rare action that is not commenced unless there is a high likelihood of severe and imminent damage, and an appeal does not toll immediate suspension.

See "Injunctive 'Relief'" regarding reconnection or interference with County Personnel or contract employees in connection with Termination.

3.15 Judicial Enforcement - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-750, if any person is discharging wastewater to the Orange County WRF that is in violation of the provisions of the Orange County Code Chapter 37, Article XX or any order or permit issued hereunder after being ordered to discontinue such discharge (pursuant to Orange County Code Chapter 37 Article XX, Section 34-139), the Director, through the OC-CAO, may commence an action in the name of the County for appropriate legal or equitable relief in the Circuit Court for Orange County.

a. Injunctive Relief - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-750(a), the Director, through the OC-CAO, may commence an action in the name of the County for injunctive relief, that restrains or compels the specific performance of the provisions of the Orange County Code Chapter 37, Article XX.

b. Civil Penalties (distinguished from administrative penalties) - Civil penalty shall mean, but not be limited to, a monetary fine issued by a court against a violator in a civil case for enforcement of the requirements herein. If a court's Civil Penalty is a fine, it will have a separate range of severity from that of administrative fines. But see also definition, for this purpose, of Code Enforcement Board (CEB) and Code Enforcement Special Magistrate (SM) fines, in Chapter 11, Orange County Code, and as further described herein above.

Pursuant to Orange County Code Chapter 37 Article XX, Section 37-750(b), any user who has violated or continues to violate the Orange County Code Chapter 37, Article XX, any order or permit issued hereunder, or any other pretreatment standard or requirement shall be liable to the County to the maximum civil penalty permitted, plus actual damages incurred by Orange County per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the Director may recover 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 CA. The County, through the Director and the OC-CAO, shall petition the court to impose, assess, and recover such sums. In determining the amount of liability, the County shall request that the court 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 - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-750(c), any user who willfully or negligently violates any provision of the Orange County Code Chapter 37, Article XX, permit, order issued hereunder, or any other pretreatment requirement shall, upon conviction, be punished by the maximum civil penalty permitted under state law per violation per day, imprisonment, or both. 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 the Orange County Code Chapter 37, Article XX, permit, or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under the Orange County Code Chapter 37, Article XX, shall, upon conviction, be punished by the maximum civil penalty permitted under state law per violation per day, imprisonment, or both.

3.16 Supplemental Enforcement - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-751, the CA may initiate the following supplemental enforcement actions for a user's failure to comply with Orange County Code Chapter 37, Article XX requirements:

a. Performance Bond - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-751(a), the Director may decline to reissue a permit to any user that has failed to comply with the provisions of the Orange County Code Chapter 37, Article XX, permit, or order issued hereunder, unless such user first files a performance bond, payable to Orange County.

b. Letter of Credit - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-751(a), the Director may decline to reissue a permit to any user that has failed to comply with the provisions of the Orange County Code Chapter 37, Article XX, permit, or order issued hereunder, unless such user first files a Letter of Credit (LOC), payable to Orange County. This LOC may be required for:

- Special circumstances that require an immediate source of revenue for cleanup or repair
- Construction of wastewater pretreatment facilities
- Collection of a suspended fine

c. Water Supply Severance - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-751(c), whenever a user has violated or continues to violate the provisions of the Orange County Code Chapter 37, Article XX, permit, or order issued hereunder, water service to the user may be severed, and service will only recommence at the user's expense, after the user has satisfactorily demonstrated its ability to comply. The County shall not be responsible for any damages incurred by a user caused by, or related to, the water supply being severed. This is a final determination for purposes of appeal. (See ERG Note 15.)

d. Search Warrants⁵ - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-748(c), if CA personnel have been refused access to a building, structure,

⁵ More specifically referred to in the Florida statutes, Section 933.20, as administrative "Inspection Warrants," except those issued during criminal investigations. See Section 933.20; "Inspection warrant"; definition.--As used in ss. 933.20-933.30, "inspection warrant" means an order in writing, in the name of the people, signed by a person competent to issue search warrants pursuant to s. 933.01, and directed to a state or local official, commanding him or her to conduct an inspection required or authorized by state or local law or rule relating to municipal or County

or property or any part thereof, and if the CA personnel have demonstrated probable cause to believe that there may be a violation of this chapter or that there is a need to inspect as part of a routine inspection program by the CA to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the County attorney may appear before any magistrate empowered to issue warrants in criminal cases and provide an affidavit and apply for the issuance of a warrant in the manner provided by law ⁶.

3.17 Notice of Significant Noncompliance (See ERG Note 3.) - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-749(a)(b) or Rule 62-625.500(2)(b)8, F.A.C., the CA notify a user (in writing) that is found to be in SNC with Orange County Code Chapter 37 Article XX requirements and will annually publish the list of all users in SNC in the daily newspaper with the largest circulation in Orange County. A user is defined to be in SNC (of the Orange County Code) if the user's noncompliance meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all wastewater measurements for the same pollutant parameter taken during a rolling six-month period exceed (by any magnitude) a numeric pretreatment standard, limit, or requirement, including instantaneous limits;
2. Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all the wastewater measurements taken for the same pollutant parameter during a rolling six-month period equal or exceed the product of the numeric pretreatment standard, limit, or requirement, including instantaneous limits as defined in 40 CFR 403.3(1) multiplied by the applicable TRC criteria ($TRC = 1.4$

building, fire, safety, environmental, animal control, land use, plumbing, electrical, health, minimum housing, or zoning standards.

⁶ *If the requirements of Section 933.21 have been properly followed up to that point, the County Attorney may so appear and request the issuance of the warrant. However, that section provides: An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the place, dwelling, structure, or premises to be inspected and the purpose for which the inspection is to be made. In addition, the affidavit shall contain a statement that consent to inspect has been sought and refused or a statement setting forth facts or circumstances reasonably justifying the failure to seek such consent. Owner occupied family residences are exempt from the provisions of this act.*

for biochemical oxygen demand [BOD], chemical oxygen demand [COD], total suspended solids [TSS], TOC, IDS, and oil and grease [O&G]; and TRC = 1.2 for all other pollutants except pH) in accordance with 40 CFR 403.8(f)(2)(viii)(B) and the F. A. C.;

3. Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the CA determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of wastewater personnel or the general public);
4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the County's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within 90 days after a scheduled date, a compliance schedule milestone contained in a control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic SMRs, and reports on compliance with compliance schedules;
7. Failure to provide waste acceptance sampling results and manifest information to the CA prior to the discharge of hauled waste to the CA.
8. Failure to accurately report compliance; or
9. Any other violation or group of violations that the CA determines will adversely affect the operation or implementation of County's the pretreatment program, its WRF, or WRF compliance with regulatory permits or requirements.

3.18 Method of Tracking - Enforcement actions are maintained by the CA. The date of the initial violation begins the tracking of the user's noncompliance. When compliance is achieved, this provides closure of the enforcement case.

After violation detection, requests for enforcement actions are prepared with appropriate documentation; an enforcement action initiated by ECS will be taken within 30 days. The enforcement action is then entered in the database and monitored for compliance with established milestone due dates.

3.19 Follow-Up Procedures - Failure to achieve compliance invokes the next level of enforcement. Generally, escalating enforcement proceeds as follows:

a. Telephone logs, inspection reports, field issued NOV's, and/or other enforcement tools documenting required actions having completion dates shall be verified by ECS 10 working days after their due date. Failure of the users to achieve compliance shall require an issuance of a request for escalated enforcement actions.

b. An issued NOV requires a user's response within 30 working days. The NOV shall be considered closed on the date when compliance is achieved.

c. If compliance isn't achieved by the user using the above tools, then the OCU-ECS Section Manager may request cease and desist orders, termination of service, water supply severance, or any judicial enforcement as provided by the Orange County Code Chapter 37, Article XX.

3.20 Appealable and Non-Appealable Elements and Determinations - The Director's⁷ determinations, findings, permit conditions, or requirements may or may not be appealable to a disinterested board or hearing examiner, depending on their content and the circumstances surrounding them. The following is a summary showing which ones may be appealed, and which may not.

Telephone Call - Internal policy, not shown in code. Courtesy for customer. Not final, and not appealable.

Warning Letter - See 37-749(a)(1): May be final determination, where notice thereon so indicates. If final, then appealable to hearing examiner.

NOV/NOSNC - See 37-703(definitions) with or without Penalty §§37-749(a)(1), with penalty: 37-749(b) (\$1000;); 37-749(g)(1) and (6): Final determination for appeal, in all cases.

Compliance Meeting - Not defined in §749: Courtesy for customer; utilities requests it. Not final. Purpose is for development of Consent Agreement.

⁷ In virtually all cases, when the language in this ERP says "Director," it is intended to include those individuals occupying managerial and code enforcement officer's positions to which the Director has specifically or by inference delegated authority. The exceptions to that general rule are always made clear by context or by specific provision, such as where only the Director chairs a show cause hearing.

Consent Agreement - Not directly defined in code. Enforceable agreement between County and respondent. Not a consent order, but similar in effect if signed by respondent. Not appealable if signed by respondent and County.

Consent Order - See 37-703(definitions) and 37-749(c): Final resolution and enforceable. Not appealable if signed by respondent. If refused by respondent, must be appealed within specific time.

Show Cause Order - Defined in 37- 703: (under “administrative order”). See also 37-749(d)(1): Final determination.

Show Cause Meeting - Provided for in 37- 703: (under “administrative order”). See also 37-749(d): Meeting not a final determination.

Compliance Order - Defined in 37-703 and see 37-749(e): Final determination for appeal in all cases, unless otherwise specified.

Cease and Desist Order - Defined in 37-703(definitions), 37-749(f): Final determination for appeal in all cases, unless otherwise specified.

Emergency Suspension - See 37-749(h): Final determination for appeal in all cases, unless otherwise specified.

Termination of Discharge - See 37-749(i): Final determination for appeal in all cases, unless otherwise specified.

Civil Penalties - See 37-749(g) or 37-750(b): Final determination for appeal in all cases, unless otherwise specified.

Performance Bond - See 37-751(a): Final determination for appeal in all cases, unless otherwise specified, or agreed to in writing by respondent.

Letter of Credit - Final determination for appeal where not agreed to in writing by respondent. LOC may be required where special circumstances exist requiring an immediate source of revenue for cleanup, repair, etc.

Liability Insurance - See 37-751(b): Final determination for appeal in all cases, unless otherwise specified.

Water Severance - See 37-749(c) and 37-751(c): Final determination for appeal in all cases, unless otherwise specified.

Rescind Authority for Waste Transporter/Hauler to Discharge into County Wastewater System - See 37-739 Final determination for appeal in all cases, unless otherwise specified.

Rescind Authority to Discharge to the Orange County Wastewater System - See 37-739, 37-746(h), 37-749(h), 37-749(i), 37-754: Final determination for appeal in all cases, unless otherwise specified.

Revocation of Waste Hauler Operating Permit - See 37-749: Final determination for appeal in all cases, unless otherwise specified.

Revocation of Industrial Wastewater Discharge Permit - See 37-739, 37-745(a), 37-746(h): Final determination for appeal in all cases, unless otherwise specified.

County May Refuse to Accept Hauled Waste - See 37-739: Final determination for appeal in all cases, unless otherwise specified.

Rescind Authority for Waste Transporter/Hauler to Service Grease Traps, Grease Interceptors, Oil and Water Separators, Sand Traps, or Pump Stations in Orange County - See 37-739: Final determination for appeal in all cases, unless otherwise specified.

Rescind Product Approval - See 37-754 Final determination for appeal in all cases, unless otherwise specified.

3.21 Injunction - See 37-750: Used when immediate action must be taken to abate irreparable harm. Requires delegated authority. See 37-750: to act or permission from governing authority but may be used at very early stage. (Outside consideration of appeal to hearing examiner.)

3.22 Respondent's/Violator's Appeal from Findings or Other Elements Will Be Considered Waived If the Notice of Appeal Is Not Filed within the Time Frame for Appeal - A respondent/violator must file a notice of appeal and request for hearing with the Director within the period for such or such right will be considered waived by respondent/violator. See time frames for responses, in Section 4 below.

3.23 Use of the "Code Enforcement Board"(CEB) or "Code Enforcement Special Magistrate" Methodology Provided in Orange County Code Chapter 11 - Nothing in the provisions herein shall prevent the Public Utilities Department from using the above CEB or SM methodology, which has been available prior to the establishment of this ERP and the amendment of Article XX of Chapter 37, establishing the requirement for this ERP.

SECTION 4 - TIME FRAMES FOR RESPONSES FOR APPEAL AND PROCEDURE FOR APPEAL

4.1 Enforcement Time Frames; Flexibility; CA's Discretion; Appellate times separate - One of the foundations of effective enforcement is the timely response upon discovery of a violation. Therefore, time frames are an important aspect of the OCUD's ERP. The actual time frames to be incorporated into the ERP are left to the discretion of each CA.⁸ By leaving this decision to the CA, the EPA and FDEP recognize the need for local (OCU-ECS) flexibility in determining appropriate responses. See subsection 4.7 below for time frames for appeal.

4.2 Initial Enforcement Action Response; 30 days to notify; 30 days to respond - The OCU-ECS shall identify and document all noncompliance events as soon as detected. Once the violation is detected, the initial enforcement action shall be issued within 30 days. The following internal procedures will support the 30-day time frame.

The users in violation shall respond in writing, within 30 days of the receipt date of this notice. The response shall include a written plan for the satisfactory correction and prevention thereof, including specific actions to be taken.

4.3 Requesting Escalating Enforcement Action - A request for escalated enforcement action shall be completed within five working days of documented continued noncompliance. This request shall include support documentation (i.e., a copy of the initial enforcement action, copy of users permit, report of analytical results, chain of custody, industrial SMR, corporate officers' list, inspection report, inspection site photos, or any other documents or evidence to support the enforcement case file).

The OCU-ECS is responsible for preparation of the request and case documentation. Once prepared, these case documents shall be submitted to the OCU Environmental Coordinator for review and preparation of a draft enforcement action document. This draft shall be reviewed and approved within five working days of receipt by the Manager for execution or forwarded to the appropriate C.A. personnel for execution.

⁸ *Though discretion is liberally delegated to the C.A.s by the Director and by operation of this document, the time frames themselves are usually appealable under this ERP and the Orange County Code, with provisions available for the respondents to request a temporary stay.*

Within five working days of receipt of an approved request for escalated enforcement action, the Manager shall review, approve, and sign the final enforcement document. The enforcement document(s) are then delivered via certified mailing.

4.4 Follow-Up Actions; 10 working days to initiate – Within 10 working days of receipt of the initial enforcement action response by the users, the OCU-ECS shall initiate follow-up action. This follow-up action may include penalty determination, escalated enforcement action, or case closure.

4.5 Emergency Enforcement Actions; immediate responses - Violations that threaten health, property, the environment, water, reclaimed water quality, residuals quality, or regulatory requirements are considered emergencies and shall receive immediate responses, such as halting the discharge or termination of service. The Orange County Code Chapter 37, Article XX has provisions for termination of both sewer and water services, if the situation warrants that such drastic enforcement actions to be taken.

4.6 Enforcement Actions for NOSNC; Permitted users' evaluations, violations, SNC violations, 10 days to respond; 90-day compliance, publication of SNC - All permitted users will be evaluated for SNC at the end of each quarter for the previous six-month period.

NOSNC identification and issuance time frames for the CA will be as follows:

- a. The violations of all users will be evaluated monthly to determine the facility's compliance status meets the criteria for SNC.
- b. The users found in SNC will be issued written correspondence identified as an NOSNC.
- c. Within 10 days of receipt of the NOSNC, the user shall contact the EC to schedule a compliance meeting within the next 30 days.
- d. The users will be given a 90-day period to achieve compliance.
- e. Failure to achieve compliance in item d above will place the user in a 90-day enforceable compliance schedule.
- f. All users determined to be in SNC for any period of the reporting year will be published in the daily newspaper with the largest circulation in Orange County prior the date of the submittal of the CA's Annual Pretreatment Report to the FDEP.

4.7 Time period for filing notice of appeal: 30 calendar days unless otherwise notified - Except where a time frame for appeal of a matter is specified in such notices or other papers given to respondent by the Director, or where a time is specified for appeal in the Orange County Code for a particular issue, a respondent violator shall have 30 calendar days to file any notice of appeal of such determination, finding, requirement, etc. If such notice is not received by the Director within that period, the appeal of that determination, etc., is waived.

4.8 Time period for compliance with order: Appeal not automatic stay of compliance - Except where a time period for compliance with the order is to be stayed, as stated in the NOV or other similar paper, or a request for stay is granted, the filing of an appeal does toll or stay the required compliance.

4.9 Appeals; General provisions; persons aggrieved may appeal; must be directly affected; provisions exclude Division 2 and exclude Surcharge billing issues - Persons aggrieved as a result of the enforcement proceedings set out herein, or by certain other determinations by the Director or his or her designees, shall have an opportunity to have their grievances heard by a neutral third party. However, only a user directly affected by the decision or enforcement order or interpretation has standing to bring such an appeal, and the appeals procedure referenced in this section does not include appeals pursuant to Division 2 of Article XX, the ordinance relating to septic tanks or package or interim treatment plants because an appeals mechanism for these issues is provided for elsewhere in the ordinance. Surcharge billing issues, pursuant to Section 37-755(h), are not appealable hereunder.

4.10 Provisions made for Hearing examiner - The Board of County Commissioners having created the position of hearing examiner by ordinance, the hearing examiner shall conduct the hearing in accordance with the rules and regulations set forth herein.

4.11 Appeal Procedure; state whether notice final; person or user directly affected may appeal final determination - All notices of enforcement decision, violation, or interpretation of code or orders by the Director must include notice whether those are final determinations for purposes of appeal under this chapter. Any person or user directly affected may appeal the final enforcement decision, interpretation or order of the Director described herein, to the hearing examiner above.

4.12 Appeal through Administrative hearing, subjects for appeal - The appeal will be accomplished through an administrative hearing, initiated by appellant's

filing of a notice of appeal in writing to include the decision, interpretation, or order being appealed and the grounds for the appeal. The notice of appeal shall be sent to the address indicated on the instrument being appealed, not later than 30 days after the receipt date. Appeals sent (postmarked) after 30 days from receipt by the County shall not be considered for appeal by the hearing examiner. The appeal shall relate to the following decisions about which the user is alleged to be in violation:

- An industrial wastewater discharge permit
- A waste hauler operating permit
- An enforcement order issued hereunder
- Any pretreatment standard or requirement
- A show cause order issued under this ordinance
- Denial of a variance under this ordinance
- Any provision of Article XX, Chapter 37, Orange County Code (except as described in subsection 37-749 Orange County Code

4.13 Appeal to be set for hearing, and inter alia, decision to be followed - Upon receipt of a timely request for an administrative hearing, the matter shall be set for hearing on the next regularly scheduled hearing date that shall not exceed 90 days from County receipt of the hearing request, or be less than 30 days, unless involving emergency suspensions. The decision of the Director shall be complied with until the Director's decision is altered, amended, or reversed by the appeals hearing examiner or a court.

4.14 Director's duty to schedule hearing, continuances, notices of hearing, method of notice, contents of notice, right to bring evidence, witnesses - After the date that the notice of appeal is filed with the Director, the Director shall schedule a hearing date before the hearing examiner for the purpose of considering the appeal, based upon the grounds set forth in the notice of appeal and the provisions in Chapter 37, Article XX. The hearing may be continued by the hearing examiner on his or her own motion, or at the request of the Director or the appealing party for good cause shown. A notice of the hearing scheduled to consider the appeal shall be provided to the person filing the appeal by hand delivery or by registered/certified mail setting forth the time and place of the hearing and providing notification that, should any person decide to appeal the decision of the hearing examiner, a verbatim record may

be necessary, and the appellant shall make arrangements for securing such a transcript. The hearing notice shall include, but not be limited to, the following:

- a. Place, date and time of the hearing
- b. Right of the violator to present witnesses and evidence and conduct cross-examination
- c. A conspicuous statement reflecting the requirements of Chapter 286, Florida Statutes, that a person deciding to appeal a decision of a hearing examiner regarding the decision thereof, will need to ensure that a verbatim record of the proceedings is made

4.15 Powers, duties, requirements and limitations on the Hearing examiner; administrative hearing rules - Prior to the administrative hearing, the hearing officer shall have reviewed the written documents issued and received, including written testimony, so long as the individual author of written testimony has indicated thereon that he or she will be present at the hearing to verify and be cross-examined on it. At the administrative hearing, the designated hearing examiner shall verify his or her jurisdiction over the matters under appeal and thereafter shall consider the evidence and arguments presented in the hearing and may affirm the decision, interpretation, or order of the Director; modify the decision if technically justified by the appellant under this ordinance, based on information presented by the appellant at the hearing; or reverse same.

4.16 Oaths, subpoenas, ruling on motions, orders on discovery, regulation of hearing, disposition of procedural requests, etc. - Hearing examiner's powers, duties, and requirements regarding such: Prior to and during the hearing, the examiner may:

- Administer oaths and affirmations.
- Issue subpoenas authorized by law, including those requiring the attendance of witnesses and the production of documents and other items that may be used as evidence.
- Rule upon motions presented and offers of proof and receive relevant evidence.
- Issue appropriate orders to effectuate discovery.
- Regulate the course of the hearing.
- Dispose of procedural requests or similar matters.

- Enter any order, consistent with the authority granted by this division, to carry out the purposes of this section.
- Make final orders and issue findings of fact and conclusions of law.
- Enter agreed final orders upon motion of the parties.
- Upon motion by the Director or CA, enter finalized settlements as final orders.
- Enter final orders that require compliance with the standards, rules, and provisions established by this chapter and with any license condition and may specify a reasonable time for such compliance.
- Render unchallenged fines, fees, or penalties into final orders.
- Enter orders resolving administrative review of final Director/CA decisions.
- Order that the violator conduct appropriate actions as necessary to correct the violation and any environmental damage and to ensure compliance with this chapter.
- The hearing examiner may affirm the CA's compliance requirements or establish his or her own compliance requirements.
- The hearing examiner may consider and review the CA's determination and assessment against the violator of reasonable costs incurred by the County in the enforcement of this chapter.
- The hearing examiner may issue an order setting aside or withdrawing an order for good cause shown.
- Enter other orders and consider other issues as necessary for the exercise of the hearing examiner's jurisdiction.

4.17 Examiners: fines related to time; where fine amount is challenged: health concerns, cooperation, history, economics, knowledge, compliance costs; fine limits, power to remand, compliance statements, retention of jurisdiction, writing requirement, decision rendered within reasonable time -

- Entry of orders regarding certain fines related to reasonable time: If the hearing examiner finds that the fine, fee, or penalty was issued by the Director before the reasonable time expired, the hearing examiner may enter an order finding that a fine, fee, or penalty should occur but is not required to agree with the assessment of the applicable fine against the violator or the amount. However, if the hearing examiner finds that the alleged violator has not complied by the time of the hearing, the hearing

examiner may choose, on cause shown, to disregard the failure of the CA to provide a reasonable time for the alleged violator to come into compliance and agree with the entry of the fine.

- Entry of orders regarding fines where issue of existence of violation has been determined at the hearing to exist, where the Director has previously ordered a specific fine to be paid, and the appellant contests the amount or duration in days of the fine: If it is determined by the hearing examiner, from a preponderance of the evidence after receiving all of the competent relevant evidence, that the respondent (alleged violator) has violated a provision of this chapter, and/or the existence of the violation is or was not the issue, and a specific fine amount has been demanded, the hearing examiner may affirm the decision, interpretation, or order of the Director regarding that fine; modify the decision if technically justified by the appellant under this ordinance based on information presented by the appellant at the hearing; or reverse same. Specifically, the hearing examiner may order that the civil penalty determined by the CA be upheld and ratified as is, upheld at a reduced level, eliminated altogether, or upheld at an increased level. The hearing examiner may consider, during the review of a penalty, among other issues, the following:

- o The potential extent of the health concerns, damage to the WRF, and/or environmental damage;

- o The violator's cooperation with the CA in taking remedial action to correct the violation and any environmental damage and/or to perform other mitigation prior to the hearing;

- o History of noncompliance before and after the violation;

- o Economic benefit of noncompliance;

- o Whether the violator knew or should have known that it was not complying with this chapter;

- o The amount necessary to ensure immediate and continued compliance with this chapter; and/or

- o The amount of money or its equivalent expended by the violator to correct the violation or to come into compliance with this chapter.

- Hearing examiner's limitations regarding the amount of fines: During the appeal hearing of a fine, fee, or penalty, the hearing examiner may exceed the schedule of civil penalties for fines, fees, or penalties and ratify the assessment of a fine per day

not to exceed a cumulative total of \$10,000 per day. Notwithstanding that limit, the hearing examiner may not exceed the amount of penalty established in the schedule of civil penalties in accordance with the ERP merely because the respondent has exercised its right to an appellate hearing.

- **Hearing examiners power to remand:** During the hearing of an appeal, the hearing examiner may remand the matter with instructions that the issuance of a new general NOV be considered when the violation is not identified in the schedule of civil penalties for fines, fees, or penalties but causes or may cause substantial harm, health issues, WRF noncompliance, or degradation of the environment or is a substantial violation or SNC of this chapter.
- **Compliance requirements:** May be stated generally or, upon delegation by the hearing examiner, established by the CA.
- **Retention of jurisdiction:** The hearing examiner shall retain jurisdiction until the compliance activities have been completed to ensure compliance with this chapter.
- **Decisions in writing:** Any decision by the hearing examiner shall be in writing, setting forth findings of fact conclusions of law, and an order determining the outcome.
- **Decision within reasonable time:** At the conclusion of the hearing, or within a reasonable time thereafter, depending on the complexity and difficulty of the issues, facts, and law, the hearing examiner shall issue the above findings of fact and conclusions of law and, based on evidence of record and conclusions of law, issue an order affording the proper relief consistent with powers granted by this chapter.

4.18 Compliance activities reviewed and monitored by Control Authority - The violator's compliance activities shall be reviewed by the CA to ensure compliance with the hearing examiner's order and this chapter and shall be conducted in accordance with the CA requirements and/or pursuant to an appropriate CA permit.

4.19 Rules before the hearing examiner require due process, but not strict formality; testimony under oath; Minutes required; recordings where available; Hearings must be open to the public - All testimony before the hearing examiner shall be under oath. The Florida Evidence Code shall not apply (i.e., formal rules of evidence shall not apply), but fundamental due process shall be observed and shall govern the proceedings. Nor shall strict adherence to the Florida Rules of Civil Procedure apply, but the hearing shall otherwise comply with the requirements of due process, as follows:

- Formal rules of evidence not applying, nonetheless irrelevant, immaterial, or unduly repetitious evidence shall be excluded, and all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether such evidence would be admissible in a trial in the courts of this state.

- Minutes shall be kept of all hearings. Where available, a video record shall be made, but if such is not available, an audiotape recording with each speaker identifying himself or herself for the record shall be made.

- All hearings and proceedings shall be open to the public.

4.20 Hearing the cases: Written Testimony - The hearing examiner shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded, as stated above. The hearing examiner shall take testimony from the inspector, alleged violator, and any witnesses. The hearing examiner may, at the examiner's sole discretion, consider sworn written testimony, prior to the hearing, so long as (1) the original and one copy have been sent to the hearing examiner and the opposing party by U.S. mail not later than 15 calendar days, evidenced by postmark, prior to the hearing; (2) the witness giving the written testimony gives a sworn written assurance therein that he or she will be present at the hearing to be cross-examined on it; and 3) the witness is present at the hearing.

4.21 Examination and Cross-examination - Examination and cross-examination shall be allowed, as follows: A hearing examiner, or the counsel to the hearing examiner, if any, may inquire of any witness before the hearing examiner. The respondent or his or her attorney and the County staff, including, but not limited to, the officer/inspector or member of the County Attorney's staff, shall be permitted to inquire of any witness before the hearing examiner and present brief opening and closing statements.

4.22 Order by examiner must be issued with reasonable dispatch - At the conclusion of the hearing, or within a reasonable time thereafter, the hearing examiner's determination shall be issued, as stated above.

4.23 Order by examiner must contain notice that it can be appealed - The order by the hearing examiner must include a statement that any person aggrieved by the order who was a party before the hearing examiner may appeal in accordance with the procedures shown in this chapter. A certified copy of such order may be recorded in the public records of the County and shall constitute notice to any subsequent

purchasers, successors, and assigns if the matter concerns real property, and the findings therein shall be binding upon the respondent and, if the issue concerns real property, any subsequent purchasers, successors, and assigns.

4.24 Examiner may set aside own order - If an order is recorded in the public records pursuant to this subsection, the hearing examiner may issue an order setting aside or withdrawing it for good cause shown, recording it in the public records. (A hearing is not required to issue an order withdrawing or setting aside such order.)

4.25 General upper and lower limits on administrative fines - At an NOV hearing, an administrative fine, if upheld by the hearing examiner, assessed against the violator on a per day basis, shall be in an amount, determined by the hearing examiner, not to exceed a maximum cumulative amount of \$50,000 per case and shall not be less than \$1,000 per violation per day. If the case is not presented on appeal as one for a running fine per day but instead reviewed on the case of a single incident or fixed (non-running daily) fine, the maximum single fine shall not exceed \$10,000 per case. More than one case against, and appealed by, the respondent, may be presented on appeal, and a fine may reach the same limit on that case as in the first case, except where the hearing examiner determines that there is significant overlap between the two cases, in which circumstance both may, in the discretion of the hearing examiner, be combined into one case to avoid abuse.

4.26 Continuous violation counted as separate violation each day it continues - Each day during any portion of which a violation of this chapter occurs constitutes a separate violation, except that the cumulative total may not exceed \$10,000 [GDI], whether couched as a separate charge or a running fine on the same charge, unless [GDI] the violation is not the same or very similar.

4.27 Appeal of examiner to be by writ of certiorari - The Director/CA or appealing party may challenge the hearing examiner's decision hereunder by filing a petition for writ of certiorari in the circuit court of the County within 30 days of the hearing examiner's written decision.

4.28 Enforcement remedies on refusal to comply - If the respondent violator refuses to comply with the Director/CA's orders and fails to appeal within a reasonable time to the hearing examiner or beyond to such appellate courts as are provided by law or fails to comply with the results of the review on appeal, the CA may avail itself of such remedies as are available under the law, including, but not limited to, the filing of a "Statement of Violation and Request for Hearing" before the Orange County Code Enforcement Special Magistrate, established under Chapter

162, Florida Statutes, which authority is set forth in Chapter 11, Orange County Code.

4.30 Administrative fine limitations don't apply if Director is compelled to enforce in Court or before some other tribunal. The limitations on the administrative fine levels shown above shall not apply and be considered waived in any case if the respondent does not comply as exemplified above (i.e., the above limits shall be considered to apply to the Director/CA or hearing examiner only and shall not be considered a defense to a fine exceeding the dollar limitations on a fine assessed by the CA or, if appealed, affirmed by the hearing examiner, if such later fine should be set by a code enforcement board, code enforcement special magistrate, court of law, or other legal authority).

SECTION 5 - ENFORCEMENT RESPONSE GUIDE

5.1 Instructions for Using the Enforcement Response Guide

- a. Locate the type of noncompliance in the NONCOMPLIANCE column.
- b. In the NATURE OF VIOLATION column, identify the most accurate description of the severity of the violation.
- c. Assess the appropriateness of the recommended response(s) in the ENFORCEMENT ACTION column. Document the rationale for selecting the enforcement response if the minimum enforcement action is not used initially. Repeat violations for the same violation will subject the user to the following penalties, at minimum:
 - Second offense = two times the defined enforcement action penalty amount
 - Third offense = three times the defined enforcement action penalty amount
 - Fourth or more offense = four times the defined enforcement action penalty amount
- d. For those violations that are identified in the field by County staff, an FNOV may be issued by the County prior to and/or in addition to the initiation of the enforcement action items identified in the ENFORCEMENT ACTION column.
- e. The County personnel identified in the PERSONNEL column will then apply the enforcement response(s) identified in the ENFORCEMENT ACTION column to the users. Specify corrective action and the response required from the users.

f. County personnel identified in the PERSONNEL column will then follow up with escalating response(s) identified in the ENFORCEMENT ACTION column if the users' response is not received or is received late or if the violation continues.

ENFORCEMENT RESPONSE GUIDE

Orange County Personnel Codes:

I = Field Personnel (Environmental Technician or Environmental Specialist)
EC = Environmental Coordinator M = Section Manager or Division Manager
D = Director A = Orange County Attorney

5.2 PERMIT ADMINISTRATION VIOLATIONS

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.2.A. Discharge to the County without an industrial wastewater discharge permit	1. Unaware of permit requirements. Failure to apply. [37-745(a)], [37-745(b)], [37-745(e)]	<u>For Nature of Violations 1-3:</u> a) Compliance Request ¹ b) Warning Letter ² c) NOV w/\$250 Penalty ³ d) Compliance Meeting ⁴	<u>For EA:</u> a-b) I, EC c-d) EC
5.2.B. Discharge of hauled industrial wastewater to the County without an industrial wastewater discharge permit	2. Failure to submit wastewater survey. [37-746(h)(8)] 3. Failure to submit Baseline Monitoring Report. [37-747(a)], [37-745(e)], [37-753(a)(6)]	<u>For Nature of Violation 4:</u> a) Compliance Request ¹ b) Warning Letter ² c) NOV w/\$500 Penalty ³ d) Compliance Meeting ⁴	<u>For EA:</u> a) I, EC b-d) EC
5.2.C. Servicing a grease trap, grease interceptor, oil and water separator, sand trap, or lift station that discharges to the County without a Waste Hauler Operating Permit	4. Failure to submit permit application. [37-745(b)], [37-745(c)], [37-745(e)], [Manual, Chapter 6] 5. Failure to respond or provide an adequate response within 30 days of CA issuance of NOV or NOSNC. [37-749(b)]	<u>For Nature of Violation 5⁽²⁶⁾:</u> a) NOSNC w/\$1,000 Penalty ³ b) Compliance Meeting ⁴ c-1) Show Cause Order ⁷ c-2) Show Cause Meeting ⁶ d) Consent Order ⁸ e) Compliance Order ⁹ f) Cease and Desist Order ¹⁰ g) Emergency Suspension ¹¹ h) Termination of Discharge ¹² i) Civil Penalties ¹³ j) Criminal Prosecution ¹⁴ k) Performance Bond ¹⁵ l) Letter of Credit ¹⁶ m) Liability Insurance ¹⁷ n) Water Severance ¹⁸	<u>For EA:</u> a-b) EC c-d) M e-h) D i-k) A l-n) D
5.2.D. Discharge to the County septage receiving station or other Director-approved areas without a Waste Hauler Operating Permit	6. Harm to the CA, wastewater facility (WWF), and/or the environment. [37-735(a)], [37-745(i)]	<u>For Nature of Violation 6^(26, 27):</u> a) NOSNC w/\$5,000 Penalty ³ b) Compliance Meeting ⁴ c-1) Show Cause Order ⁷ c-2) Show Cause Meeting ⁶ d) Consent Order ⁸ e) Compliance Order ⁹ f) Cease and Desist Order ¹⁰ g) Emergency Suspension ¹¹ h) Termination of Discharge ¹² i) Civil Penalties ¹³ j) Criminal Prosecution ¹⁴ k) Performance Bond ¹⁵ l) Letter of Credit ¹⁶ m) Liability Insurance ¹⁷ n) Water Severance ¹⁸	<u>For EA:</u> a-b) EC c-d) M e-h) D i-k) A l-n) D

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.2.E. Discharging or operating without renewing permit	1. Permit application not received 120 days before the permit expiration date. [37-746(i)]	<u>For Nature of Violations 1-4:</u> a) Compliance Request ¹ b) Warning Letter ² c) NOV w/\$500 Penalty ³ d) Compliance Meeting ⁴	<u>For EA:</u> a) I, EC b-d) EC
5.2.F. Discharging or operating without modifying permit	2. Waste hauler operating permit application not received 60 days before the permit expiration date. [37-746 (i)]		
	3. Permit application not received before the effective date of change. [37-745(d)]		
	4. Failure to respond or provide an adequate response within the time frame specified in the enforcement correspondence after CA issuance of NOV or NOSNC. [37-749(b)]	<u>For Nature of Violation 5 ⁽²⁶⁾:</u> a) NOSNC w/\$1,000 Penalty ³ b) Compliance Meeting ⁴ c-1) Show Cause Order ⁷ c-2) Show Cause Meeting ⁶ d) Consent Order ⁸ e) Compliance Order ⁹ f) Cease and Desist Order ¹⁰ g) Emergency Suspension ¹¹ i) Termination of Discharge ¹² j) Performance Bond ¹⁵ k) Letter of Credit ¹⁶ l) Liability Insurance ¹⁷ m) Water Severance ¹⁸ n) Civil Penalties ¹³ o) Criminal Prosecution ¹⁴	<u>For EA:</u> a) EC b-d) M e-m) D n-o) A

5.3 MONITORING VIOLATIONS

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.3.A. Failure to provide pretreatment	1. Pretreatment equipment not working properly. [37-741(h)], [37-747(d)(2)]	<u>For Nature of Violation 1:</u> a) NOV w/\$1,500 Penalty ³ b) Compliance Meeting ⁴ c) Compliance Schedule ⁵	<u>For EA:</u> a-b) EC c) M
	2. Failure to install monitoring equipment. [37-741], [37-748(a)(4)(b)], [37-748(b)] 3. Pretreatment equipment not installed. [37-741], [37-742] 4. Failure to respond or provide an adequate response within 30 days of CA issuance of NOV or NOSNC. [37-749(b)]. 5. Causing harm to the WWF, the environment, and/or WWF personnel. [37-735(a)], [37-735(b)], [37-745(i)]	<u>For Nature of Violations 2-4 (26, 27):</u> a) NOSNC w/\$2,000 Penalty ³ b) Compliance Meeting ⁴ c) Compliance Schedule ⁵ d-1) Show Cause Order ⁷ d-2) Show Cause Meeting ⁶ e) Consent Order ⁸ f) Compliance Order ⁹ g) Cease and Desist Order ¹⁰ h) Emergency Suspension ¹¹ i) Termination of Discharge ¹² j) Civil Penalties ¹³ k) Criminal Prosecution ¹⁴ l) Performance Bond ¹⁵ m) Letter of Credit ¹⁶ n) Liability Insurance ¹⁷ o) Water Severance ¹⁸ <u>For Nature of Violation 5 (26, 27):</u> a) NOSNC w/\$5,000 Penalty ³ b) Compliance Meeting ⁴ c) Compliance Schedule ⁵ d-1) Show Cause Order ⁷ d-2) Show Cause Meeting ⁶ e) Consent Order ⁸ f) Compliance Order ⁹ g) Cease and Desist Order ¹⁰ h) Emergency Suspension ¹¹ i) Termination of Discharge ¹² j) Civil Penalties ¹³ k) Criminal Prosecution ¹⁴ l) Performance Bond ¹⁵ m) Letter of Credit ¹⁶ n) Liability Insurance ¹⁷ o) Water Severance ¹⁸	<u>For EA:</u> a-b) EC c-e) M f-i) D j-k) A l-o) D <u>For EA:</u> a-b) EC c-e) M f-i) D j-k) A l-o) D
5.3.B. Sample collection violation	1. Failure to collect sample as required by permit. [37-746(b)(4)], [37-747(h)]	<u>For Nature of Violation 1:</u> a) Compliance Request ¹ b) Warning Letter ² c) NOV w/\$250 Penalty plus cost of analysis for ea. parameter ³ d) Compliance Meeting ⁴	<u>For EA:</u> a) I, EC b-d) EC

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.3.B. Sample collection violation, Continued...	<p>2. Failure to collect sample at permitted sample point. [37-746(b)]</p> <p>3. Failure to provide representative sample or monitoring results. [37-747(d)(2)], [37-747(e)(2)], [37-747(j)]</p> <p>4. Failure to respond or provide an adequate response within 30 days of CA issuance of NOV or NOSNC. [37-749(b)]</p>	<p><u>For Nature of Violations 2-3:</u></p> <p>a) Warning Letter ²</p> <p>b) NOV w/\$1,000 Penalty ³</p> <p>c) Compliance Meeting ⁴</p> <p><u>For Nature of Violation 4 ^(26, 27):</u></p> <p>a) NOSNC w/ \$2,000 Penalty ³</p> <p>b-1) Show Cause Order ⁷</p> <p>b-2) Show Cause Meeting ⁶</p> <p>c) Cease and Desist Order ¹⁰</p> <p>d) Termination of Discharge ¹²</p>	<p><u>For EA:</u></p> <p>a-c) EC</p> <p><u>For EA:</u></p> <p>a-b) EC, M</p> <p>c-d) D</p>
5.3.C. Permit limit violation, County local limits violation, or Categorical limits violation	<p>1. A parameter violation (excluding pH), with no harm to the CA, the WWF, and/or the environment, and does not meet the definition as a SNC, having discharge that is:</p> <p>1a) > The Limit but less than 2 Times the Limit</p> <p>1b) ≥ 2 Times the Limit but less than 3 Times the Limit</p> <p>1c) ≥ 3 Times the Limit but less than 4 Times the Limit</p> <p>1d) ≥ 4 Times the Limit but less than 6 Times the Limit.</p> <p>Where the Limit may be a federal pretreatment standard or limit, County local limit or specified industrial wastewater discharge permit limit, or pretreatment standard. [37-736], [37-737], [37-756(b)], [Manual, Chapter 7]</p>	<p><u>For Nature of Violation 1a:</u></p> <p>a) Warning Letter ²</p> <p>b) NOV w/\$250 Penalty for each parameter in violation ³</p> <p>c) Compliance Meeting ⁴</p> <p><u>For Nature of Violation 1b:</u></p> <p>a) Warning Letter ²</p> <p>b) NOV w/\$325 Penalty for each parameter in violation ³</p> <p>c) Compliance Meeting ⁴</p> <p><u>For Nature of Violation 1c:</u></p> <p>a) Warning Letter ²</p> <p>b) NOV w/\$400 Penalty for each parameter in violation ³</p> <p>c) Compliance Meeting ⁴</p> <p><u>For Nature of Violation 1d:</u></p> <p>a) Warning Letter ²</p> <p>b) NOV w/\$500 Penalty for each parameter in violation ³</p> <p>c) Compliance Meeting ⁴</p>	<p><u>For EA:</u></p> <p>a-c) EC</p> <p><u>For EA:</u></p> <p>a-c) EC</p> <p><u>For EA:</u></p> <p>a-c) EC</p> <p><u>For EA:</u></p> <p>a-c) EC</p>

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
Items 5.3.C.-5.3.D. Continued...	<p>Violation 1. Continued... 1e) > 6 Times the Limit</p> <p>Where the Limit may be a federal pretreatment standard or limit, County local limit or specified industrial wastewater discharge permit limit, or pretreatment standard. [37-736], [37-737], [37-756(b)], [Manual, Chapter 7]</p> <p>2. Failure to respond or provide an adequate response within 30 days of CA issuance of NOV or NOSNC. [37-749(b)], [Manual, Chapter 7]</p> <p>3. A parameter violation meeting the definition of SNC, resulting in no harm to the WWF and/or the environment, interference, and/or pass through. [37-736], [37-737], [37-756(b)], [Manual, Chapter 7]</p> <p>4. A parameter violation resulting in harm to the WWF and/or the environment, interference, and/or pass through. [37-736], [37-737], [37-756(b)], [Manual, Chapter 7]</p>	<p>For Nature of Violation 1e: a) Warning Letter ² b) NOV w/amount per Figure 1 calculation ³ c) Compliance Meeting ⁴</p> <p>For Nature of Violations 2-3 ^(26, 27): a) NOSNC w/\$2,000 Penalty for each parameter in violation ³ b) Compliance Meeting ⁴ c) Compliance Schedule ⁵ d) Consent Order ⁸ e-1) Show Cause Order ⁷ e-2) Show Cause Meeting ⁶ f) Compliance Order ⁹ g) Cease and Desist Order ¹⁰ h) Emergency Suspension ¹¹ i) Termination of Discharge ¹² j) Civil Penalties ¹³ k) Criminal Prosecution ¹⁴ l) Performance Bond ¹⁵ m) Letter of Credit ¹⁶ n) Liability Insurance ¹⁷ o) Water Severance ¹⁸</p> <p>For Nature of Violation 4 ^(26, 27): a) NOSNC w/\$5,000 Penalty for each parameter in violation ³ b) Compliance Meeting ⁴ c) Compliance Schedule ⁵ d) Consent Order ⁸ e-1) Show Cause Order ⁷ e-2) Show Cause Meeting ⁶ f) Compliance Order ⁹ g) Cease and Desist Order ¹⁰ h) Emergency Suspension ¹¹ i) Termination of Discharge ¹² j) Civil Penalties ¹³ k) Criminal Prosecution ¹⁴ l) Performance Bond ¹⁵ m) Letter of Credit ¹⁶ n) Liability Insurance ¹⁷ o) Water Severance ¹⁸</p>	<p>For EA: a-c) EC</p> <p>For EA: a-b) EC c-e) M f-i) D j-k) A l-o) D</p> <p>For EA: a-b) EC c-e) M f-i) D j-k) A l-o) D</p>

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.3.E. Compliance schedule violation	<p>1. Failure to meet a compliance schedule milestone date that is less than 30 days late from the due date, without affecting the final compliance milestone date. [37-736(c)], [37-747(b)]</p> <p>2. Failure to meet a compliance schedule milestone date that is 30 days or more late from the due date or affecting the final compliance milestone date. [37-736(c)], [37-747(b)]</p>	<p><u>For Nature of Violation 1:</u></p> <p>a) Warning Letter ²</p> <p>b) NOV w/\$250 Penalty ³</p> <p>c) Compliance Meeting ⁴</p> <p><u>For Nature of Violation 2 ^(26, 27):</u></p> <p>a) NOSNC w/\$1,000 Penalty ³</p> <p>b) Compliance Meeting ⁴</p> <p>c) Consent Order ⁸</p> <p>d-1) Show Cause Order ⁷</p> <p>d-2) Show Cause Meeting ⁶</p> <p>e) Compliance Order ⁹</p> <p>f) Cease and Desist Order ¹⁰</p> <p>g) Emergency Suspension ¹¹</p> <p>h) Termination of Discharge ¹²</p> <p>i) Civil Penalties ¹³</p> <p>j) Criminal Prosecution ¹⁴</p> <p>k) Performance Bond ¹⁵</p> <p>l) Letter of Credit ¹⁶</p> <p>m) Liability Insurance ¹⁷</p> <p>n) Water Severance ¹⁸</p>	<p><u>For EA:</u></p> <p>a-c: EC</p> <p><u>For EA:</u></p> <p>a-b: EC</p> <p>c-d: M</p> <p>e-h: D</p> <p>i-j: A</p> <p>k-n: D</p>
5.3.F. pH violation	<p><u>1. pH violations:</u> <u>Low pH Violation High pH Violation</u></p> <p>1a) 5.1-5.9 9.6-10.0</p> <p>1b) 3.1-5.0 10.1-12.0</p> <p>1c) 2.1-3.0 12.1-13.0</p> <p>1d) < 2.0 > 13.1 [37-737(k)], [37-749(g)(7)]</p> <p>2. Any violation causing corrosive damage, hazard, or harm to the WWF and/or to the environment or endangering WWF personnel.</p>	<p><u>For Nature of Violation 1a:</u></p> <p>a) Warning Letter ²</p> <p>b) NOV w/\$150 Penalty ³</p> <p>c) Compliance Meeting ⁴</p> <p><u>For Nature of Violation 1b:</u></p> <p>a) Warning Letter ²</p> <p>b) NOV w/\$300 Penalty ³</p> <p>b) Compliance Meeting ⁴</p> <p><u>For Nature of Violation 1c:</u></p> <p>a) Warning Letter ²</p> <p>b) NOV w/\$500 Penalty ³</p> <p>c) Compliance Meeting ⁴</p> <p><u>For Nature of Violation 1d-2 ^(26, 27):</u></p> <p>a) NOSNC w/\$2,000 Penalty ³</p> <p>b) Compliance Meeting ⁴</p>	<p><u>For EA:</u></p> <p>a-c) EC</p> <p><u>For EA:</u></p> <p>a-c) EC</p> <p><u>For EA:</u></p> <p>a-c) EC</p> <p><u>For EA:</u></p> <p>a-b) EC</p> <p>c) M</p>

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.3.G. Hauled wastewater, Continued...	<p>2. Failure to supply analytical results for hauled industrial waste. [Manual, Chapter 6]</p> <p>3. Failure to request County approval of hauled industrial wastewater prior to disposal or attempt to dispose waste. [Manual, Chapter 6]</p> <p>4. Discharge, trucking, hauling, or transportation of hazardous wastes (as a defined in 40 CFR 261 or 10 CSR 25-4.261, or as amended) or prohibited waste (as defined by Chapter 37 Article XX) to the County WWF for treatment or disposal. [Manual, Chapter 6]</p> <p>5. Disposing hauled waste at a location not designated or approved by the CA. [Manual, Chapter 6]</p> <p>6. Failure to respond or provide an adequate response within 30 days of CA issuance of NOV or NOSNC. [37-749(b)].</p>	<p><u>Nature of Violations 1-2⁽²⁷⁾.</u> <u>Continued...:</u> g) Show Cause Order ⁷ h) Show Cause Meeting ⁶ i) Compliance Order ⁹ j) Cease and Desist Order ¹⁰ k) Emergency Suspension ¹¹ l) Termination of Discharge ¹² m) Civil Penalties ¹³ n) Criminal Prosecution ¹⁴ o) Performance Bond ¹⁵ p) Letter of Credit ¹⁶ q) Liability Insurance ¹⁷ r) Rescind authority to discharge to County wastewater system ²⁰ s) Revocation of waste hauler operating permit ²¹ t) Rescind authority for waste transporter/hauler to service, etc., grease traps, grease interceptors, oil and water separators, sand traps or pump stations in Orange County ²² u) Revocation of industrial wastewater discharge permit ²³</p> <p><u>For Nature of Violations 3-6 ^(26, 27).</u> a) NOSNC w/\$1,000 Penalty ³ b) Compliance Meeting ⁴ c) Consent Order ⁸ d-1) Show Cause Order ⁷ d-2) Show Cause Meeting ⁶ e) Compliance Order ⁹ f) Cease and Desist Order ¹⁰ g) Emergency Suspension ¹¹ h) Termination of Discharge ¹² i) Civil Penalties ¹³ j) Criminal Prosecution ¹⁴ k) Liability Insurance ¹⁷ l) Rescind authority to discharge to County wastewater system ²⁰ m) Revocation of waste hauler operating permit ²¹ n) Rescind authority for waste transporter/hauler to service, etc., grease traps, grease interceptors, oil and water separators, sand traps or pump stations in Orange County ²² o) Revocation of industrial wastewater discharge permit ²³</p>	<p><u>For EA:</u> g) M h-l) D m-n) A o-u) D</p> <p><u>For EA:</u> a) EC b-d) M e-h) D i-j) A k-o) D</p>

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.3.H. Dilution of industrial wastewater discharge	1. Industrial wastewater discharge is diluted in lieu of providing adequate pretreatment. [37-738]	<u>For Nature of Violation 1^(26, 27):</u> a) NOSNC w/ \$2,000 Penalty ³ b) Compliance Meeting ⁴ c) Consent Order ⁸ d-1) Show Cause Order ⁷ d-2) Show Cause Meeting ⁶ e) Compliance Order ⁹ f) Cease and Desist Order ¹⁰ g) Emergency Suspension ¹¹ h) Termination of Discharge ¹² i) Civil Penalties ¹³ j) Criminal Prosecution ¹⁴ k) Performance Bond ¹⁵ l) Letter of Credit ¹⁶ m) Liability Insurance ¹⁷ n) Water Severance ¹⁸ o) Imposition of mass-based limitations ²⁵	<u>For EA:</u> a-b) EC c-e) M f-i) D j-k) A l-o) D
5.3.I. Slug load/spill occurrence, prohibited discharge, or other discharge not otherwise specified	1. Causing no harm to the WWF and/or the environment and/or causing interference and/or pass through. [37-735(a)], [37-735] 2. Failure to notify CA of slug load/spill or discharge. [37-743(c)], [37-747(f)], [37-747(i)]	<u>For Nature of Violation 1:</u> a) Compliance Request ¹ b) Warning Letter ² c) NOV w/\$500 Penalty ³ d) Compliance Meeting ⁴ <u>For Nature of Violation 2^(26, 27):</u> a) NOSNC w/ \$2,000 Penalty ³ b) Compliance Meeting ⁴ c) Consent Order ⁸ d-1) Show Cause Order ⁷ d-2) Show Cause Meeting ⁶ e) Compliance Order ⁹ f) Cease and Desist Order ¹⁰ g) Emergency Suspension ¹¹ h) Termination of Discharge ¹² i) Civil Penalties ¹³ j) Criminal Prosecution ¹⁴ k) Performance Bond ¹⁵ l) Letter of Credit ¹⁶ m) Liability Insurance ¹⁷ n) Water Severance ¹⁸	<u>For EA:</u> a) I, EC b-d) EC <u>For EA:</u> a-b) EC c-e) M f-i) D j-k) A l-n) D

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.3.I. Slug load/spill occurrence, prohibited discharge, or other discharge not otherwise specified, Continued...	3. Causing harm to the WWF and/or the environment and/or causing interference and/or pass through. [37-735(a)], [37-743(c)], [37-747(f)], [37-747(i)]	<u>For Nature of Violation 3^(26, 27):</u> a) NOSNC w/ \$5,000 Penalty ³ b) Compliance Meeting ⁴ c) Consent Order ⁸ d-1) Show Cause Order ⁷ d-2) Show Cause Meeting ⁶ e) Compliance Order ⁹ f) Cease and Desist Order ¹⁰ g) Emergency Suspension ¹¹ h) Termination of Discharge ¹² i) Civil Penalties ¹³ j) Criminal Prosecution ¹⁴ k) Performance Bond ¹⁵ l) Letter of Credit ¹⁶ m) Liability Insurance ¹⁷ n) Water Severance ¹⁸	<u>For EA:</u> a-b) EC c-e) M f-i) D j-k) A l-n) D
5.3.J. Failure to mitigate noncompliance or halt production or discharge	1. No harm to the WWF and/or the environment and/or causing interference and/or pass through. [37-749(a)] 2. Failure to respond or provide an adequate response within 30 days of CA issuance of NOV or NOSNC. [37-749(b)].	<u>For Nature of Violation 1:</u> a) NOV w/ \$1,000 Penalty ³ b) Compliance Meeting ⁴ <u>For Nature of Violation 2^(26, 27):</u> a) NOSNC w/ \$2,000 Penalty ³ b) Compliance Meeting ⁴ c) Compliance Schedule ⁵ d) Consent Order ⁸ e-1) Show Cause Order ⁷ e-2) Show Cause Meeting ⁶ f) Compliance Order ⁹ g) Cease and Desist Order ¹⁰ h) Emergency Suspension ¹¹ i) Termination of Discharge ¹² j) Civil Penalties ¹³ k) Criminal Prosecution ¹⁴ l) Performance Bond ¹⁵ m) Letter of Credit ¹⁶ n) Liability Insurance ¹⁷ o) Water Severance ¹⁵	<u>For EA:</u> a-b) EC <u>For EA:</u> a-b) EC c-f) M g-j) D k-l) A m-o) D

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.3J. Failure to mitigate noncompliance or halt production or discharge, Continued...	3. Harm to the WWF and/or the environment and/or causing interference and/or pass through. [37-749(a)], [37-750(a)], [37-751]	<u>For Nature of Violation 3^(26, 27):</u> a) NOSNC w/ \$5,000 Penalty ³ b) Compliance Meeting ⁴ c) Compliance Schedule ⁵ d) Consent Order ⁸ e-1) Show Cause Order ⁷ e-2) Show Cause Meeting ⁶ f) Compliance Order ⁹ g) Cease and Desist Order ¹⁰ h) Emergency Suspension ¹¹ i) Termination of Discharge ¹² j) Civil Penalties ¹³ k) Criminal Prosecution ¹⁴ l) Performance Bond ¹⁵ m) Letter of Credit ¹⁶ n) Liability Insurance ¹⁷ o) Water Severance ¹⁸	<u>For EA:</u> a-b) EC c-f) M g-j) D k-l) A m-o) D

5.4 REPORTING VIOLATIONS

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.4.A. SMRs or other enforcement document response received late or not received	<ol style="list-style-type: none"> 1. Documents are received late. [37-753], [37-747(m)] 2. Documents are received later than specified by permit or not received. [37-753], [37-747(m)] 3. Non-response to enforcement action (i.e., NOV, NOSNC, Compliance Order, Consent Order, Cease and Desist Order). [37-753], [37-747(m)] 4. Enforcement action response documents, corrective action documents, or all other compliance-related documents not received on the agreed upon due date. [37-753], [37-747 (m)] 	<p><u>For Nature of Violation 1:</u></p> <ol style="list-style-type: none"> a) Compliance Request ¹ b) Warning Letter ² c) Compliance Meeting ⁴ <p><u>For Nature of Violations 2-4</u> ^{26, 27:}</p> <ol style="list-style-type: none"> a) NOSNC w/ \$500 Penalty ³ b) Compliance Meeting ⁴ c) Consent Order ⁸ d-1) Show Cause Order ⁷ d-2) Show Cause Meeting ⁶ e) Compliance Order ⁹ f) Cease and Desist Order ¹⁰ g) Emergency Suspension ¹¹ h) Termination of Discharge ¹² i) Civil Penalties ¹³ j) Criminal Prosecution ¹⁴ k) Performance Bond ¹⁵ l) Letter of Credit ¹⁶ m) Liability Insurance ¹⁷ n) Water Severance ¹⁸ 	<p><u>For EA:</u></p> <ol style="list-style-type: none"> a) I, EC b-c) EC <p><u>For EA:</u></p> <ol style="list-style-type: none"> a-b) EC c-e) M f-i) D j-k) A l-n) D
NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.4.B. SMRs are not properly documented	<ol style="list-style-type: none"> 1. Failure to submit all the required documents with SMR, sample chain of custody, report of laboratory analyses, etc. [37-747(d)] 	<p><u>For Nature of Violation 1:</u></p> <ol style="list-style-type: none"> a) Compliance Request ¹ b) Warning Letter ² c) NOV w/ \$250 Penalty ³ d) Compliance Meeting ⁴ 	<p><u>For EA:</u></p> <ol style="list-style-type: none"> a) I, EC b-d) EC

5.4.C. Failure to report correctly	<ol style="list-style-type: none"> 1. SMR not signed or certified as required by permit. [37-747(d)] 2. Data improperly reported or not reported. [37-747(d)] 3. Incorrect method of analysis used. [37-747(k)] 4. Failure to report samples collected. [37-747(a)], [37-747(d)], [37-747(f)], [37-747(g)], [37-747(h)] 5. The submittal of inadequate reports or failure to submit required Toxic Organics Management Plan, Total Toxic Organics Non-Discharge Certification Statement, Accidental Discharge Slug Control Plan, BMPP, or other reports requested by the CA. [37-743], [37-744], [37-746], [37-747] 	<p><u>For Nature of Violations 1-4:</u></p> <ol style="list-style-type: none"> a) Compliance Request ¹ b) Warning Letter ² c) NOV w/ \$250 Penalty ³ d) Compliance Meeting ⁴ <p><u>For Nature of Violation 5:</u></p> <ol style="list-style-type: none"> a) Compliance Request ¹ b) Warning Letter ² c) NOV w/ \$250 Penalty ³ d) Compliance Meeting ⁴ e) Compliance Schedule ⁵ 	<p><u>For EA:</u></p> <ol style="list-style-type: none"> a) I, EC b-d) EC <p><u>For EA:</u></p> <ol style="list-style-type: none"> a) I, EC b-d) EC e) M
5.4.D. Notification of parameter violation	<ol style="list-style-type: none"> 1. Failure to notify CA of parameter violation within 24 hours. [37-753], [37-747(h)] 2. Failure to resample permitted discharge point/outfall for violation parameter(s) and report result to CA. [37-747(h)] 	<p><u>For Nature of Violations 1-2:</u></p> <ol style="list-style-type: none"> a) Compliance Request ¹ b) Warning Letter ² c) NOV w/\$250 Penalty ³ d) Compliance Meeting ⁴ 	<p><u>For EA:</u></p> <ol style="list-style-type: none"> a) I, EC b-d) EC
5.4.E. Reporting false information	<ol style="list-style-type: none"> 1. Reports were falsified in lieu of compliance. [37-736(h)], [37-753(h)] 	<p><u>For Nature of Violation 1 (26, 27):</u></p> <ol style="list-style-type: none"> a) NOSNC w/\$2,000 Penalty ³ b) Compliance Meeting ⁴ c) Consent Order ⁸ d-1) Show Cause Order ⁷ d-2) Show Cause Meeting ⁶ e) Compliance Order ⁹ 	<p><u>For EA:</u></p> <ol style="list-style-type: none"> a-b) EC c-e) M
NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL

5.4.E. Reporting false information, continued	1. Reports were falsified in lieu of compliance, continued [37-736(h)], [37-753]	<u>Nature of Violation 1</u> ^(26, 27) <u>Cont.:</u> f) Cease and Desist Order ¹⁰ g) Emergency Suspension ¹¹ h) Termination of Discharge ¹² i) Civil Penalties ¹³ j) Criminal Prosecution ¹⁴ k) Performance Bond ¹⁵ l) Letter of Credit ¹⁶ m) Liability Insurance ¹⁷ n) Water Severance ¹⁸	<u>For EA:</u> f-i) D j-k) A l-n) D
5.4.F. Hauled wastewater Reporting violation	1. Improper identification of waste on waste manifest form. [37-739], [Manual, Chapter 6] 2. Falsifying/omitting information on waste manifest form. [37-739], [Manual, Chapter 6] 3. Failure to provide documentation of ultimate disposal location of waste rejected by CA. [37-739], [Manual, Chapter 6]	<u>For Nature of Violation 1:</u> a) Compliance Request ¹ b) Warning letter ² c) NOV w/\$1,000 Penalty ³ <u>For Nature of Violations 2-3</u> ^(26, 27) : a) NOSNC w/\$2,000 Penalty ³ b) Compliance Meeting ⁴ c) Consent Order ⁸ d-1) Show Cause Order ⁷ d-2) Show Cause Meeting ⁶ e) Compliance Order ⁹ f) Cease and Desist Order ¹⁰ g) Emergency Suspension ¹¹ h) Termination of Discharge ¹² i) Civil Penalties ¹³ j) Criminal Prosecution ¹⁴ k) Performance Bond ¹⁵ l) Letter of Credit ¹⁶ m) Liability Insurance ¹⁷ n) Water Severance ¹⁸ o) Rescind Authority to Discharge to the Orange County wastewater ²⁰ p) Revocation of waste hauler operating permit ²¹ q) Rescind authority for waste transporter/hauler to service, etc., grease traps, grease interceptors, oil and water separators, sand traps or pump stations in Orange County ²² r) Revocation of industrial wastewater discharge permit ²³	<u>For EA:</u> a) I, EC b-c) EC <u>For EA:</u> a) EC b-d) M e-h) D i-j) A k-r) D

5.5 MISCELLANEOUS VIOLATIONS

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.5.A. Miscellaneous violations, including: <ul style="list-style-type: none"> Facility inspection Vandalism Denied access Bypass 	<ol style="list-style-type: none"> Inadequate record keeping or copies of records are denied. [37-743], [37-744], [37-746], [37-747], [37-747(n)] Failure to report changes in discharge. [37-747(e)] Facility Access is denied. [37-747(n)], [37-748(a)] Access to facility records is denied. [37-747(n)], [37-748(a)] Sample Collection is denied. [37-748(a)] CA sampling equipment found tampered or damaged, while monitoring the user. [37-748(a)] Detection of unauthorized bypass. 	<p><u>For Nature of Violations 1-2:</u></p> <ol style="list-style-type: none"> Compliance Request ¹ FNOV NOV w/\$500 Penalty ³ Compliance Meeting ⁴ <p><u>For Nature of Violations 3-7*:</u> (26, 27, 28)</p> <ol style="list-style-type: none"> NOSNC w/\$1,000 Penalty ³ Compliance Meeting ⁴ Compliance Schedule ⁵ Consent Order ⁸ 1) Show Cause Order ⁷ 2) Show Cause Meeting ⁶ Compliance Order ⁹ Cease and Desist Order ¹⁰ Emergency Suspension ¹¹ Termination of Discharge ¹² Civil Penalties ¹³ Criminal Prosecution ¹⁴ Performance Bond ¹⁵ Letter of Credit ¹⁶ Liability Insurance ¹⁷ Water Severance ¹⁸ Rescind Authority to Discharge to the County wastewater system ²⁰ Revocation of waste hauler operating permit ²¹ Revocation of Industrial Wastewater Discharge ²³ 	<p><u>For EA:</u></p> <ol style="list-style-type: none"> I, EC EC <p><u>For EA:</u></p> <ol style="list-style-type: none"> EC M D A D

5.6 OIL AND GREASE MANAGEMENT PROGRAM VIOLATIONS

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.6.A. Maintenance logs, records, or waste manifests are not current or available	<ol style="list-style-type: none"> Inadequate record keeping or copies of records are denied. [37-754], [Manual, Chapter 3, Part 10] 	<p><u>For Nature of Violations 1:</u></p> <ol style="list-style-type: none"> Compliance Request ¹ FNOV ¹⁹ NOV w/ \$125 Penalty ³ 	<p><u>For EA:</u></p> <ol style="list-style-type: none"> I, EC EC

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.6.A. Maintenance logs, records, or waste manifests are not current or available, Continued...	2. Failure to submit required waste manifest to the CA within 30 days of the pump out event. [37-754(i)], [Manual, Chapter 3, Part 10]	<u>For Nature of Violations 2-3:</u> a) Compliance Request ¹ b) FNOV ¹⁹ c) NOV w/ \$125 Penalty ³	<u>For EA:</u> a-b) I, EC c) EC
5.6.B. Waste manifest reporting	3. Failure to provide safe or easy access to inspection devices or sample points. [37-754(c)], [Manual, Chapter 3, Part 10]	<u>For Nature of Violations 4-6:</u> a) Compliance Request ¹ b) FNOV ¹⁹ c) NOV w/ \$250 Penalty ³	<u>For EA:</u> a) I, EC b-c) EC
5.6.C. Program survey submittal	4. Failure to complete program survey. [37-754(i)], [Manual, Chapter 3, Part 10]	<u>For Nature of Violations 7-8⁽²⁷⁾</u> a) Compliance Request ¹ b) FNOV ¹⁹ c) NOV w/\$500 Penalty ³ d) Compliance Meeting ⁴ e) Consent Order ⁸ f-1) Show Cause Order ⁷ f-2) Show Cause Meeting ⁶ g) Compliance Order ⁹ h) Cease and Desist Order ¹⁰ i) Emergency Suspension ¹¹ j) Termination of Discharge ¹² k) Civil Penalties ¹³ l) Criminal Prosecution ¹⁴ m) Performance Bond ¹⁵ n) Letter of Credit ¹⁶ o) Liability Insurance ¹⁷ p) Water Severance ¹⁸ q) Rescind Authority to Discharge to the Orange County wastewater system ²⁰ r) Revocation of waste hauler operating permit ²¹	<u>For EA:</u> a-b) I, EC c) EC d-f) M g-k) D l-m) A n-r) D
5.6.D. Discharge without prior authorization	5. Discharge fats, oils, or grease to the County without prior approval or program registration. [37-754(h)], [Manual, Chapter 3, Part 10]		
5.6.E. Inadequate access	6. Failure to provide emergency notification signage on private lift station facilities. [37-754(c)]		
5.6.F. Inadequate emergency contact signage	7. Failure to properly maintain and/or remove wastes from private wastewater collection systems, required traps, interceptors, or separators; perform repairs; or maintain device integrity to design specifications. [37-754(c)], [Manual, Chapter 3, Part 10]		
5.6.G. Trap/interceptor not cleaned or maintained	8. Failure to provide for all required collection system equipment, trap, interceptor or separator facilities, equipment and/or inspection/ sampling access points. [37-754(d)], [Manual, Chapter 3, Part 10]		
5.6.H. Inadequate private collection system, trap, interceptor, or separator equipment or design			
5.6.I. Private lift station operation and maintenance deficiency			
5.6.J. No grease trap, grease interceptor, or oil separator			
5.6.K. Bypass treatment or discharge of wastes without sufficient treatment			
5.6.L. Pass through of grease or oils			

Orange County Utilities
WASTEWATER DISCHARGE AND INDUSTRIAL PRETREATMENT STANDARDS
TECHNICAL MANUAL

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
<p>Items 5.6.A-5.6.L. continued</p> <p>5.6.M. Discharge of unauthorized additives</p> <p>5.6.N. Program noncompliance not otherwise specified</p> <p>5.6.O. Continued noncompliance</p>	<p>9. Failure to maintain a contract for the operation, maintenance, and repair of private lift stations, or providing a contractor with insufficient experience or emergency response coverage, or failure to provide County prior notice of changes to contractor status. [37-754(c)]</p> <p>10. Failure to provide required grease trap, grease interceptor, or oil/water separator. [37-754(c)]</p> <p>11. Bypassing treatment devices; failure to discharge greasy or oily wastewater and/or solids to required grease trap, grease interceptor, or oil/water separator devices; flushing traps, interceptors, or separators, or decanting/returning grease, oils, wastewater, or solids back to the trap, interceptor, or oil/water separator or to the wastewater system without treatment from a County-approved treatment device. [37-754(c)]</p> <p>12. Causing the pass through of fats, oil, or grease to the County. [37-754(c)]</p> <p>13. Use of or discharge of unauthorized or prohibited additives such as commercial bacteria, emulsifiers, enzymes. [Manual, Chapter 3, Part 7]</p> <p>14. Failure to respond or provide an adequate response within 30 days of CA issuance of NOV or NOSNC or required compliance due date. [37-749(b)]</p>	<p><u>For Nature of Violations 9-14 ^(a7)</u></p> <p>a) Compliance Request¹</p> <p>b) FNOV¹⁹</p> <p>c) NOV w/\$1,000 Penalty³</p> <p>d) Rescind product approval²⁴</p> <p>e) Compliance Meeting ⁴</p> <p>f) Consent Order ⁸</p> <p>g-1) Show Cause Order ⁷</p> <p>g-2) Show Cause Meeting ⁶</p> <p>h) Compliance Order ⁹</p> <p>i) Cease and Desist Order ¹⁰</p> <p>j) Emergency Suspension¹¹</p> <p>k) Termination of Discharge¹²</p> <p>l) Civil Penalties ¹³</p> <p>m) Criminal Prosecution¹⁴</p> <p>n) Performance Bond ¹⁵</p> <p>o) Letter of Credit ¹⁶</p> <p>p) Liability Insurance¹⁷</p> <p>q) Water Severance¹⁸</p> <p>r) Rescind Authority to Discharge to the Orange County wastewater system²⁰</p> <p>s) Rescind authority for waste transporter/hauler to service, etc., grease traps, grease interceptors, oil and water separators, sand traps or pump stations in Orange County²¹</p> <p>t) Revocation of waste hauler operating permit ²¹</p>	<p><u>For EA:</u></p> <p>a-c) EC</p> <p>d-g) M</p> <p>h-l) D</p> <p>m-n) A</p> <p>o-t) D</p>

Orange County Utilities
WASTEWATER DISCHARGE AND INDUSTRIAL PRETREATMENT STANDARDS
TECHNICAL MANUAL

5.7 BEST MANAGEMENT PROGRAM

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.5.A. Failure to submit paperwork in a timely manner	1. Failure to comply with BMPP requirements and causing no harm to the WWF and/or the environment and/or causing interference and/or pass through. [37-746], [37-747], [37-749], [37-750], [37-751], [Manual, Chapter 2]	<u>For Nature of Violation 1:</u> a) Compliance Request ¹ b) FNOV ¹⁹ c) NOV w/\$500 Penalty ³ d) Compliance Meeting ⁴	<u>For EA:</u> a-b) I, EC c-d) EC d) M
5.7.B. Develop/implement BMPP		<u>For Nature of Violation 2:</u> a) Compliance Request ¹ b) FNOV c) NOV w/ \$1,000 Penalty ³ d) Compliance Meeting ⁴	<u>For EA:</u> a-b) I, EC c) EC d) M
5.7.C. Install BMPP pretreatment facilities or equipment	2. Failure to comply with permit-required BMPP requirements or implement or change the BMPP as needed to comply with a pretreatment standard, local limits, or pretreatment requirement and causing no harm to the WWF and/or the environment and/or causing interference and/or pass through. [37-746], [37-747], [37-749], [37-750], [37-751], [Manual, Chapter 2]	<u>For Nature of Violations 3-4²⁶</u> ²⁷⁾ a) NOSNC w/\$2,000 Penalty ³ b) Compliance Meeting ⁴ c) Consent Schedule ⁵ d-1) Show Cause Order ⁷ d-2) Show Cause Meeting ⁶ e) Consent Order ⁸ f) Compliance Order ⁹ g) Cease and Desist Order ¹⁰ h) Emergency Suspension ¹¹ i) Termination of Discharge ¹² j) Civil Penalties ¹³ k) Criminal Prosecution ¹⁴ l) Performance Bond ¹⁵ m) Letter of Credit ¹⁶ n) Liability Insurance ¹⁷ o) Water Severance ¹⁸ p) Rescind Authority to Discharge to the Orange County wastewater system ²⁰ q) Revocation of industrial wastewater discharge permit ²³	<u>For EA:</u> a-b) EC c-d) M e-i) D j-k) A l-q) D
5.7.D. Maintain pretreatment			
5.7.E. Failure to perform required monitoring			
5.7.F. Failure to properly maintain facility records			
5.7.G. Failure to provide required information or submit required reports	3. Failure to comply with BMPP requirements, causing harm to the WWF and/or the environment and/or causing interference and/or pass through. [37-746], [37-747], [37-749], [37-750], [37-751], [Manual, Chapter 2]		
	4. Refusal to comply with BMPP requirements or permit-required BMPP requirements or implement or change the BMPP as needed to comply with a pretreatment standard, local limits or pretreatment requirement. [37-746], [37-747], [37-749], [37-750], [37-751]		

Orange County Utilities
WASTEWATER DISCHARGE AND INDUSTRIAL PRETREATMENT STANDARDS
TECHNICAL MANUAL

Enforcement Action Key:

- ¹ **Compliance Request:** Internal policy, not shown in Orange County Code. Courtesy for customer. Not final, and not appealable.
- ² **Warning Letter:** See generally 37-749(a)(1). May be final determination, where notice thereon so indicates. If final, then appealable to hearing examiner.
- ³ **NOV/NOSNC:** See 37-703(definitions) w/ or w/o Penalty §§37-749(a)(1), with penalty: 37-749(b) (\$1000); 37-749(g)(1) and (6). Final determination for appeal, in all cases.
- ⁴ **Compliance Meeting:** Not defined in §749: Courtesy for customer; utilities requests it. Not final. Purpose is for development of Consent Agreement.
- ⁵ **Compliance Schedule:** See 37-703 (definitions); 37-753(a)(5) and (6); 37-746(b)(5); 37-746(h)(15); 37-747(a)(2)(h); 37-747(b); Manual, Chapter 3, Part 10; Manual, Chapter 6; and Manual, Chapter 7. Final, enforceable, and appealable, unless agreed to in writing and signed by the user/respondent. May be used for the development of Consent Agreement.
- ⁶ **Show Cause Meeting:** Provided for in 37-703 (under "administrative order"). See also 37-749(d).
- ⁷ **Show Cause Order:** Defined in 37-703 (under "administrative order"). See also 37-749(d)(1): "The director may order a user who has violated ... , to appear before the director and show cause why the proposed enforcement action should not be taken. This order is a final determination."
- ⁸ **Consent Order:** Defined in 37-703, and see 37-749(c). Final resolution, and enforceable, not appealable if signed by respondent. If refused by respondent, must be appealed within specific time.
- ⁹ **Compliance Order:** Defined in 37-703, and see 37-749(e). Final determination for appeal in all cases, unless otherwise specified.
- ¹⁰ **Cease and Desist Order:** Defined in 37-703 (definitions), 37-749(f). Final determination for appeal in all cases, unless otherwise specified.
- ¹¹ **Emergency Suspension:** See 37-749(h). Final determination for appeal in all cases, unless otherwise specified.
- ¹² **Termination of Discharge:** See 37-749(i). Final determination for appeal in all cases, unless otherwise specified.
- ¹³ **Civil Penalties:** See 37-749(g) or 37-750(b). Final determination for appeal in all cases, unless otherwise specified.
- ¹⁴ **Criminal Prosecution:** See 37-750(c).
- ¹⁵ **Performance Bond:** See 37-751(a). Final determination for appeal in all cases, unless otherwise specified or agreed to in writing by respondent.
- ¹⁶ **Letter of Credit:** Final determination for appeal where not agreed to in writing by respondent. Not in Orange County Code. However, LOC may be required where special circumstances exist requiring an immediate source of revenue for cleanup, repair, or collection of a fine suspended so long as respondent continues to correct violation, or suspended so long as respondent stays in compliance.
- ¹⁷ **Liability Insurance:** See 37-751(b). Final determination for appeal in all cases, unless otherwise specified.
- ¹⁸ **Water Severance:** See 37-749(j). Final determination for appeal in all cases, unless otherwise specified.
- ¹⁹ **Field Notice of Violation:** An FNOV is an NOV issued by the field staff for a user's noncompliance with the provisions of the Oil and Grease Management Program, Hauled

Orange County Utilities
WASTEWATER DISCHARGE AND INDUSTRIAL PRETREATMENT STANDARDS
TECHNICAL MANUAL

Wastewater Program, and non-permitted users not operating under a BMP, as defined by Orange County Code Chapter 37 Article XX, Sections 37-754 and 37-744. If compliance has not been achieved, escalating enforcement will be taken. See 37-703 (definitions). See §§37-749(a)(1): With penalty. See also 37-749(b) (\$1000;) and 37-749(g)(1) and (6). Unless special language is placed in the notices indicating otherwise, FNOVs are considered a final determination for appeal, in all cases.

²⁰ **Rescind Authority to Discharge to the Orange County Wastewater System:** See 37-746(h), 37-749(h), 37-749(i), and Manual Chapters 3 and 6. Final determination for appeal in all cases, unless otherwise specified.

²¹ **Revocation of Waste Hauler Operating Permit:** See Manual, Chapter 6. Final determination for appeal in all cases, unless otherwise specified.

Formatted: Font: Not Bold

²² **Rescind Authority for Waste Transporter/Hauler to Service, Etc., Grease Traps, Grease Interceptors, Oil and Water Separators, Sand Traps, or Pump Stations in Orange County:** See Manual, Chapter 6. Final determination for appeal in all cases, unless otherwise specified.

²³ **Revocation of Industrial Wastewater Discharge Permit:** See 37-745(a) and 37-746(h). Final determination for appeal in all cases, unless otherwise specified.

²⁴ **Rescind Product Approval:** See Manual, Chapter 3. Final determination for appeal in all cases, unless otherwise specified.

²⁵ **The Imposition of Mass-Based Limits:** See Manual, Chapter 7. Final determination for appeal in all cases, unless otherwise specified.

²⁶ Violation will place the user in SNC; in addition to the penalty imposed (per violation per day) and the publication of the user violation in a local newspaper, the user will be subject to any of the enforcement action identified above, as deemed appropriate by the CA, with escalating enforcement action to follow for continued noncompliance.

²⁷ Violation will also subject the user to additional penalties as compensation for all penalties assessed to the County by the FDEP or EPA resulting from the users discharge, and/or fees related to cost recovery for damage to County property or equipment, or additional maintenance required by the County to remove wastes, or harm to County personnel caused by the user's discharge to the WWF.

²⁸ Violation will also subject the user to additional penalties as compensation for damage to County property resulting from tampering or harming County equipment.

ENFORCEMENT RESPONSE GUIDE

FIGURE 1

**PENALTIES FOR WASTEWATER DISCHARGE VIOLATIONS IN EXCESS
OF SIX TIMES THE PRETREATMENT LIMIT (FEDERAL CATEGORICAL
STANDARD, LOCAL LIMIT, OR INDUSTRIAL WASTEWATER
DISCHARGE PERMIT LIMIT)**

Penalties for violations of pretreatment limits (i. e., federal categorical standards, local limits, or industrial wastewater discharge permit limits) in excess of six times the pretreatment limit shall be calculated using the following formula:

$$Y = \frac{[100 \times (X)] - (100)}{\text{Pretreatment Limit}}$$

Where:

Y = Penalty in dollars

X = Reported concentration level, expressed in same units as the pretreatment limit (federal categorical standard, local limit, or industrial wastewater discharge permit limit)

APPENDIX D

ORANGE COUNTY LOCAL LIMITS

Section D-1

Orange County Utilities
WASTEWATER DISCHARGE AND INDUSTRIAL PRETREATMENT STANDARDS
TECHNICAL MANUAL

APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS

BCC Mtg. Date: April 24, 2018

RESOLUTION

RESOLUTION ADOPTING ORANGE COUNTY LOCAL LIMITS¹ FOR WASTEWATER DISCHARGED TO THE COUNTY WASTEWATER SYSTEM

Resolution No. 2018- M-13

WHEREAS, the Board of County Commissioners establishes the necessary regulations for the use of public and private sewers and drains discharging to the Orange County Wastewater System in the interest of public health, safety, and welfare of citizens and residents of the County pursuant to its home rule powers granted to Orange County by the Florida Constitution, Chapter 125 of the Florida Statutes, and the Orange County Charter.

WHEREAS, the term "*Local Limits*" is defined in Section 37-703, Orange County Code, to mean "a discharge standard for non-residential or industrial users of the [Publicly-Owned Treatment Works] or [Wastewater Facility] in order to achieve the purposes of this article and for the County to comply with the conditions set forth in their [National Pollutant Discharge Elimination System] or [Florida Department of Environmental Protection] permits for effluent disposal, reuse, recycling, and disposal or recycling of residuals."

WHEREAS, Sections 37-737 and 37-755, Orange County Code, provide that the Local Limits for the direct and indirect contributors to the Orange County Wastewater System shall be established by resolution and likewise provided that they shall be amended by resolution.

WHEREAS, it is the intent of the Board of County Commissions that the adoption of Local Limits pursuant to this Resolution shall replace and supersede all other previously adopted Local Limits whether adopted by resolution or ordinance.

WHEREAS, the Board of County Commissioners hereby establishes new uniform requirements for the direct and indirect contributors to the Orange County Wastewater System to protect against Pass Through and Interference, as those terms are defined in Section 37-703, Orange County Code; and to comply with 1) the federal pretreatment regulations set forth by the United States Environmental Protection Agency general pretreatment regulations, Title 40, Code of Federal Regulations (CFR) Part 403, 2) the pretreatment regulations set forth by the Florida Department of Environmental Protection (FDEP), specifically Chapter 62-625, Florida Administrative Code (F.A.C.), 3) with the requirements in applicable National Pollutant Discharge Elimination System (NPDES) permits and FDEP-issued permits for Orange County Wastewater Facilities, and 4) the terms and conditions in agreements for the reuse of Orange County reclaimed water and residuals.

WHEREAS, the Board of County Commissioners now desires to establish and adopt the above-stated Local Limits, based on the results of treatment plant monitoring, water quality

¹ The terms "Local Limits" and "Orange County Local Limits" are interchangeable.

Orange County Utilities
WASTEWATER DISCHARGE AND INDUSTRIAL PRETREATMENT STANDARDS
TECHNICAL MANUAL

requirements, field investigation of industrial users, Orange County compliance with applicable Water Reclamation Facility permits and associated effluent disposal or reclaimed water standards or agreements, in accordance with FDEP pretreatment requirements set forth in Chapter 62-625, F.A.C., and as authorized by Section 37-737, Orange County Code.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Adoption of Revised Orange County Local Limits for all Users that Directly or Indirectly Discharge Wastewater to the Orange County Wastewater System. The Board of County Commissioners hereby adopts revised Orange County Local Limits attached hereto and by this reference incorporated in this Resolution as Exhibit "A."

Section 2. Intent.

(a) As of the effective date of this Resolution as set forth in Section 5 below, subject to the final approval of FDEP, [REDACTED]

[REDACTED] Orange County Local Limits shall be included as permit conditions and attached to each Industrial Wastewater Discharge Permit issued by Orange County.

Section 3. Implementation of Orange County Local Limits.

(a) Implementation of the revised Orange County Local Limits for users of County's Wastewater System will commence upon the effective date of this Resolution, subject to final approval of the FDEP.

(b) For those non-residential users with pollutant limits stated in active Industrial Wastewater Discharge Permits, the stated pollutant limits as established pursuant to federal categorical pretreatment regulations 40 CFR 403 shall prevail for those pollutants with federal limits that are more stringent than the Orange County Local Limits established by this Resolution.

Orange County Utilities
WASTEWATER DISCHARGE AND INDUSTRIAL PRETREATMENT STANDARDS
TECHNICAL MANUAL

(c) The stated federal categorical pretreatment standards established for a specific industry category (pursuant to federal categorical pretreatment regulations 40 CFR 403) that are more stringent than the Orange County Local Limits shall supersede the Orange County Local Limits for that specific industry category.

(d) Upon the Effective Date, all prior adopted Orange County Local Limits shall be of no force and effect.

Section 4. Severability and Provisions. If any provisions of this Resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provisions or applications, and to this end the provisions of this Resolution are declared severable.

Section 5. Effective Date. This Resolution shall take effect _____, 2018, subject to final approval of the Florida Department of Environmental Protection.

ADOPTED THIS _____ DAY OF APR 24 2018, 2018.

ORANGE COUNTY, FLORIDA
By: The Board of County Commissioners

By: Teresa Jacobs
Teresa Jacobs, County Mayor

Attest: Phil Diamond, CPA, County Comptroller
as Clerk of the Board of County Commissioners

By: Phil Diamond
Deputy Clerk



S:\Acotter\ORDRES\Local Limit Resolution 03-01-2018.Doc

EXHIBIT "A"
ORANGE COUNTY LOCAL LIMITS¹
FOR DIRECT AND/OR INDIRECT WASTEWATER DISCHARGES TO THE
ORANGE COUNTY WASTEWATER SYSTEM
Effective _____, 2018

Pollutant	Orange County Local Limit¹ (units in mg/L unless otherwise stated)
Antimony	0.90
Arsenic	0.90
Beryllium	0.25
Biochemical Oxygen Demand, 5-day ⁽²⁾	5,000 SWRF/15,000 County Wide
Boron	1.0 SWRF/BMP**County Wide
Cadmium	0.40
Chlorides ²	1,000 SWRF/BMP**County Wide
Chromium, Total	4.0 EWRF/0.20 County Wide
Cobalt	0.40
Copper	0.90
Cyanide	1.0
Lead	0.50
Lithium	0.50
Manganese	2.0
Mercury	0.005
Molybdenum	0.25
Nickel	1.75
Nitrogen, Total Kjeldahl ⁽²⁾	BMP**County Wide
Oil and Grease	100
pH (in S. U.'s)	5.5 – 10.5
Phenols, Total	4.0 SWRF/BMP**County Wide
Phosphorous, Total ⁽²⁾	BMP**County Wide
Selenium	0.45
Silver	0.125 EWRF/BMP** County Wide
Sodium	300 SWRF/BMP**County Wide
Thallium	0.50
Total Dissolved Solids	5,000 SWRF/BMP**County Wide
Total Suspended Solids ⁽²⁾	4,300 SWRF/15,000 County Wide
Zinc	1.75

Note - The above-stated limits apply Countywide, unless specified otherwise.

FOOTNOTES:

EWRF - Easterly Water Reclamation Facility Service Area only.

SWRF - South Water Reclamation Facility Service Area only.

¹ Local Limits as calculated and evaluated by Orange County and as approved by FDEP. Exceedence of the stated Local Limit will result in Enforcement Actions pursuant to the Orange County Enforcement Response Plan and chapter 37, Article XX of the County Code.

² Indicates the parameter has a Threshold Limit for assessing Environmental High Strength Surcharge fees, pursuant to Chapter 37, Article XX of the County Code and the County Rate Resolution. Specified pollutants detected above the stated Environmental Surcharge Limit will be assessed Environmental High Strength Surcharge Fees.

** Indicates User will minimize discharge of stated pollutant through the implementation of a site-specific Best Management Plan (BMP).

Orange County Utilities
WASTEWATER DISCHARGE AND INDUSTRIAL PRETREATMENT STANDARDS
TECHNICAL MANUAL
