

BCC Mtg. Date: Nov. 30, 2021

EFFECTIVE DATE: December 3, 2021

ORDINANCE NO. 2021-46

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

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

(c) The objectives of this article include:

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

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

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

(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;

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

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

(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 enforcement of general requirements for other users; authorizes monitoring and enforcement activities; requires user reporting; and provides authority and guidelines for setting fees that equitably distribute the costs resulting from the county’s industrial waste

pretreatment, oil and grease prevention, and surcharge programs as established herein.

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

Sec. 37-703. Definitions and abbreviations.

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

Abnormally high strength compatible wastes shall mean wastewater containing biochemical oxygen demand (BOD), 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.

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

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

Administrative fine shall mean a punitive monetary charge unrelated to actual treatment costs, ~~that~~ ~~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~~, ~~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~~ ~~which~~ 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. § 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 ~~F.A.C. ch. 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.~~

Best management practices (BMP) shall mean schedules of activities, prohibitions ~~of or~~ practices, maintenance procedures, and 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 treatment requirements, operating procedures, and practices to control plant site runoff, ~~spills~~ spillage or leaks, industrial sludge or waste disposal, or drainage from raw materials storage, in accordance with rule 62-625.200(2), F.A.C.

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

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.

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

~~*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 organisms.~~

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 waste streams. ~~wastestreams.~~

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

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 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 building sewer.

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.

Bypass shall mean the intentional diversion of waste streams ~~wastestreams~~ 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°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.

~~Categorical industrial user (CIU) shall mean any new or existing significant industrial users (SIUs) in specific industrial categories that which have established separate regulations and categorical pretreatment standards as specified and pursuant to 40 Code of Federal Regulation (CFR) § Part 403.6, Chapter 1, 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.~~

~~Categorical pretreatment standards shall mean the national categorical pretreatment standards specifying pollutant discharge limits or quantities of pollutants that which apply to a specific 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.~~

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

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

Chemical oxygen demand (COD) shall mean the quantity of 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.

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, ~~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 ~~which~~ 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 milligrams per liter (~~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 ~~compliance~~ status.

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 62-625.420(1)(b)2., Chapter 62-625.420(1)(b)(2), F.A.C.

Contaminant shall mean any physical, chemical, biological, 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.

~~*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.~~

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 § 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.

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

Cooling water shall mean the discharge from air conditioning, cooling, or refrigeration systems that has ~~which have~~ been used for heat transfer purposes and that ~~which~~ 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 public owned treatment works (POTW) or wastewater facility ~~WWF~~ that receives discharges from users and conveys the resultant wastewater to the water reclamation facility ~~(WRF)~~. Such 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, ~~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.

Customer shall mean the user of the county wastewater system.

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

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

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

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

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

~~*Dilute waste stream-wastestream* shall mean, for purposes of the combined waste stream-wastestream formula, the average daily flow (at least a thirty30-day average) from: (a) boiler blowdown streams, noncontact cooling streams, stormwater streams, storm waterstreams, and demineralized backwash streams; provided, however, that where such streams contain a significant amount of pollutant and, and the combination of such streams, prior to treatment, with an industrial user's regulated process waste stream(s)-wastestream(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; ~~or (b) 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:~~

(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—wastestream contains only pollutants that—which are compatible with the POTW.

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

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. ch. 403.~~

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

Discharge permit. Refer to industrial—~~“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;”, current latest edition.

Domestic sewage or wastewater shall mean human body waste and the liquid wastes or water borne solid or grease wastes (sewage or wastewater) that are produced from noncommercial or nonindustrial activities, and which result from normal human living processes, which are of substantially similar origin and strength to

~~those typically produced in households, including bath and toilet waste, residential sewage or wastewater from sanitary conveniences, domestic laundry waste, or the preparation and handling of food residential kitchen waste and other similar waste from household or establishment appurtenances.~~

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

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

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

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

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

Enforcement response plan (ERP) shall mean ~~the Florida Department of Environmental Protection (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 this article, ~~as prepared in accordance with rule Chapter 62-625.500, F.A.C., as established by the BCC board of county commissioners, and adopted by county resolution.~~

Environmental Protection Agency (USEPA or 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, determined to equal the flow of three hundred fifty (350) the county rate resolution in gallons per day, whereby one (1) ERC shall have an 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.

Equivalent residential unit (ERU) shall mean the equivalent residential flow value (wastewater), specified in for an

~~establishment, determined to equal the flow of three hundred (300) 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 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, or an entity other than a household.

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

Existing source shall mean any source of discharge, the construction or operation that ~~which~~ commenced prior to the 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 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 Florida Statutes.

Florida Department of Environmental Protection (FDEP) shall mean the State of Florida Department of Environmental Protection, ~~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 the environment in the state authorized~~ created by F.S. § 20.255. FDEP is the approval authority for pretreatment programs in the state.

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 ~~Chapter~~ 64E-1, F.A.C. The FDOH through its National Environmental Laboratory Accreditation Program, ~~Program~~ is the approval authority for certification of analytical laboratories and analytical methods in the state.

~~*Flow proportional composite samples shall mean a sampling method which combines discrete aliquots of a sample collected over 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) method collects a constant sample volume at time intervals which vary based on the flow. That is, a two hundred (200) milliliters (ml) 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).~~

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

Medical wastes shall mean any solid waste or liquid that ~~wastes or liquids which~~ 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.

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.

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 sections~~ 307, 318, 402, ~~and~~ and 405 of the Act (~~Title 33 USC, Section 1342~~) for the discharge of pollutants from point sources into navigable waters, contiguous zones, ~~and~~ and oceans.

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, and ~~F.A.C. ch. rule 62-625.400, F.A.C., that which~~ absolutely prohibits the discharge of certain substances.

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

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~~ 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 section, provided that:

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

(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~~

(3) 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, 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

(4) 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 (1), (2), ~~or~~ (3) above but otherwise alters, replaces, or adds to existing process or production equipment; or

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

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

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

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

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

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

Noncontact cooling water shall mean water used for cooling purposes ~~that~~ ~~which~~ 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.

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

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

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

(3) Never discharges any untreated categorical process wastewater.

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 ~~(1)~~ or more of the pretreatment standards or program requirements as set forth in this article or one ~~(1)~~ 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 this article.

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, trap~~ and hold ~~solid, solid~~ 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 interceptor shall be to prevent oil and grease from entering the county POTW or WWF.

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, 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.~~

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 ~~which~~ alone or in combination with a discharge or discharges from other sources, is a cause of or significantly ~~contributes~~ contribute 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.

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

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

Person shall mean any 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 ~~copartnership, 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 States, any agency, any municipality, political subdivision, or public or private corporation or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall includes the feminine and, and the singular shall includes the plural where appropriate 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.

Pharmaceutical shall mean any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials). This definition includes, but is not limited to, dietary supplements as defined by the Federal Food, Drug and Cosmetic Act; prescription

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

Pollutant shall mean constituent(s) or foreign substance(s) that degrade the quality of the water so as 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) that are present in water as a result of discharging into 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.

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

Pollution prevention shall mean the use of materials, processes, or ~~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. ~~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.

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 its ~~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 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.~~

Process wastewater 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.

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

~~*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 flow conditions normally prevailing in public sewers, with no particle greater than one half (1/2) inch (0.125 centimeters) in any dimension. The installation and operation of any garbage grinder equipped with a motor of three fourths (3/4) horsepower or greater shall be subject to the review and approval by the county.~~

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.

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

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

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

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~~~~ensure~~ the accuracy, precision, reproducibility, ~~and~~~~and~~ representativeness of the reported data.

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

Reclaimed water shall mean highly water~~or~~~~treated wastewater that, which, as a result of treatment of wastes, is suitable for direct, nonpotable beneficial reuses 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 that would not occur otherwise.~~

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

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-wastestream~~ 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~~~~or~~ liquid residues that are generated during the treatment of wastes or wastewater in a pretreatment or treatment facility. Typically, ~~residuals-residuals~~ do not include grit, screenings, ~~or~~~~or~~ incinerator ash. Refer to biosolids or sludge.

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

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

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

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

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 § ~~Part~~ 403.12(b) and (g), ~~Chapter I, Subchapter N and rule Chapter~~ 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 subsurface ~~impervious tank designed to temporarily retain sewage on-site or similar waterborne wastes together with:~~

(1) ~~— A sewer line 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, with solid pipe, with joints sealed, connecting the impervious tank with a plumbing stub out; and~~

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

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

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

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

Severe property damage shall mean substantial physical damage to property, the user's treatment facilities so as to render them inoperable, ~~or of~~ 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.

Sewage shall mean a combination of the water-carried 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.

~~*Sewage treatment plant.* Refer to “Wastewater treatment plant” or “Water reclamation facility.”~~

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

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

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

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

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

~~*Shall* shall be inferred “mandatory” or “must”. *May* shall be inferred “allowed” or “permissible”. permissive or discretionary.~~

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

- (1) A discharge flow of ~~ten thousand (10,000)~~ gallons or more per day during any day of any calendar year; ~~or~~
- (2) A discharge containing one ~~(1)~~ or more of the compatible pollutants; or
- (3) A discharge ~~that which~~ 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 WWF ~~that which~~ meets one ~~(1)~~ or more of the following criteria:

- (1) Discharges a flow of ~~twenty five thousand (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, storm water and boiler blowdown wastes; or~~
- (2) Contributes a process waste stream ~~that which~~ makes up more than five ~~(5)~~ 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; ~~or~~
- (3) ~~Is subject Subject~~ to a national categorical pretreatment standard as described in 40 CFR, ~~Subchapter N, Parts 405 through 471-474~~ and as adopted by reference in ~~chapter Chapter~~ 62-660, F.A.C.; ~~or~~
- (4) Discharges one ~~(1)~~ or more of the federally defined “priority pollutants”; or toxic pollutants, as defined pursuant to ~~Section section~~ 307 of the Act, Florida Statutes or in any applicable local, state, ~~or or~~ federal rules; ~~or~~
- (5) ~~Is found Found~~ by the county, EPA, ~~or 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~~
- (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 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~~ 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.

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 that ~~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~~ ~~or~~ biological oxidation of wastes or wastewater at a pretreatment or treatment facility. Refer to biosolids or residuals.

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

Slug discharge or *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 (5) ~~times the average~~ 24-hour ~~twenty-four 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 this article, ~~or~~ to the extent that the discharge interferes with the operation of the collection system or treatment works or, ~~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 ~~wastestream~~ 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 ~~and~~ clean-up.

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 clean-up ~~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~~ and American Water Works Association. The reference is a compendium of generally recognized and approved analytical protocols for constituents in domestic and industrial wastewaters.

State shall mean the State of Florida.

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

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

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 this 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.

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

Surface water(s) ~~waters~~ shall mean any water course, 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.

Suspended solids or total suspended solids (TSS) shall mean 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 protocols or Standard Methods, current edition.

Technical review criteria (TRC) shall mean violations in which ~~thirty-three (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, or requirement~~ including instantaneous limits, as defined by 40 CFR ~~§ Part~~

403.3(1), ~~Chapter I, Subchapter N,~~ multiplied by the applicable 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.

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

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

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 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 (~~1/2~~) of that value shall be used in this determination.

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 "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~~ 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.

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 ~~that contain~~ containing less than twenty (20) carbon atoms and are extractable into an organic liquid.

~~*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

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

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

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

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~~ ~~or~~ careless or improper operation as described in 40 CFR § 403.16(a) and ~~rule~~ Chapter 62-625.840, F.A.C.

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

Waste hauler. Refer to transporter ~~"Transporter"~~ and user. ~~"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 WWF, as set forth in section 37-739 of this article.

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 liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities, and institutions or other sources, together with

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

Wastewater constituents and characteristics shall mean the individual chemical, physical, bacteriological, and radiological 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.

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

Wastewater facility (WWF) shall mean any or all of the following: the entire county sewerage system or POTW; ~~the, the~~ county's wastewater treatment plant or WRF, the county's reuse and disposal system, including any sewers that convey wastewater to the 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 county, users of the county POTW or WWF and as defined in rule Chapter 62-625.200(24), F.A.C.

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. ~~flowstream. Refer to water reclamation facility.~~

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

~~*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.~~

Water reclamation facility (WRF) shall mean that portion of the county wastewater system ~~that which~~ is designed to provide treatment of sewage or wastewater (domestic and industrial wastes) to a level such that the discharge meets the criteria and, ~~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 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

NPDES - National Pollutant Discharge Elimination System

O&G - Oil and grease

O&M – Operation and maintenance

OGPP - Oil and Grease Prevention Program

POTW - Publicly owned treatment works

PPM - Parts per million

RCRA - Resource Conservation and Recovery Act

SIU - Significant industrial user

SNC - Significant noncompliance

SWDA - Solid Waste Disposal Act

TDS - Total dissolved solids

TKN - Total kjeldahl nitrogen

TN - Total nitrogen

TOMP - Toxic Organics Management Plan

TRPH - Total recoverable petroleum hydrocarbons

TSS - Total suspended solids

TTO - Total toxic organics

U.S.C. - United States Code

WRF - Water reclamation facility

WWF - Wastewater facility

(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.

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

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

(b) Notwithstanding any provisions or sections of this article to the contrary, the county reserves the absolute right, to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the county wastewater system by 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.

(c) No statement in this article shall be construed as preventing any special agreement or arrangement between the county and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the county for 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.

(a) The director and other duly authorized personnel or staff of the county bearing proper credentials and identification shall have the right to enter the premises of any user without prior notice for the purposes of inspection, observation, measurement, sampling, ~~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.

(b) Duly authorized personnel or staff of the county bearing proper credentials and identification shall be permitted to enter all private properties through which the county holds a duly negotiated easement, or which property holds an industrial 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.

Sec. 37-706. Confidential information.

Pursuant to the requirements set forth in ~~F.S.~~ ch. 119, F.S. (the “Public Records Act”, as may be amended from time to time), information and data on a user obtained from reports, surveys, industrial wastewater discharge permit applications, waste hauler operating permit applications, industrial wastewater discharge permits, ~~and and~~ monitoring programs, waste hauler operating permits, information from the director’s inspection and sampling activities, ~~and and~~ waste disposal manifests, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable federal or state laws. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report ~~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~~ 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.

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

~~Safety rules.~~ While performing the necessary work on private properties referenced in section 37-705, duly authorized 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.

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

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

director's satisfaction. All work shall be done by a contractor experienced in sewer rehabilitation work. Additional integrity tests shall be performed by the owner at no cost to the county as deemed necessary by the director to certify the integrity and operation of the private wastewater collection system. No person shall make 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.

(e) The county shall have the right to inspect all private wastewater collection systems and appurtenances, and to cause 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.

(f) The owner of a private wastewater collection system 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 private wastewater collection system shall be responsible for 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 was first identified from the owner's private wastewater collection system. The owner shall take whatever measures are necessary to protect the public health and the environment from contamination due to the sewage overflow. The owner shall ~~clean-up~~ clean up overflows or spills as soon as possible after discovery in accordance 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 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

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

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

d. Stormwater, other unpolluted drainage, noncontact (uncontaminated) cooling water, or ~~or~~ other unpolluted waters may be discharged to a specifically designated 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.

(2) *Specific prohibitions.* No person or user shall discharge or cause to be discharged substances, materials, waters, or ~~or~~ wastes if it appears likely, in the opinion of the director, that such wastes can harm any component of the county WWF, ~~or~~ or have an adverse effect on the receiving stream, effluent disposal facilities, 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 ~~her~~ opinion as to the acceptability of these wastes, the director will give consideration to such factors as the quantities of subject wastes; quantities of subject wastes in relation to the flows and velocities in the sewers; materials, ~~materials~~ of construction or current condition or age of the sewers; nature, ~~nature~~ of the sewage treatment processes; capacity, ~~capacity~~ of the wastewater treatment plant; degree, ~~degree~~ of treatability of the wastes by the county WWF; and, ~~and~~ other pertinent factors. Specific prohibited wastes or substances that ~~which~~ shall not be discharged, introduced, or ~~or~~ contributed by a user to the county WWF include:

a. Any liquids, solids, or ~~or~~ wastes that, ~~which~~, by reason of their nature or quantity are, or may be, either alone or in combination with other substances, sufficient to cause a 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 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 reading over ~~ten~~ (10) percent of the ~~lower explosive limit~~ (LEL) as calibrated using propane for ~~one hundred~~ (100) percent of the meter.

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

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.

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

d. Any solid or viscous substances in 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 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.~~

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

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 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 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.

t. Any waters or wastes containing products of mineral oil origin, or petroleum products, such as oil, 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.

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

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

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

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

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

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

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

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

(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~~ 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 may come into effect in the future. The federal categorical pretreatment standards specify quantities or concentrations of pollutants or pollutant properties ~~that~~ which 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 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 have been incorporated by reference in chapter

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

(d) All federal categorical pretreatment requirements 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.

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

(f) When wastewater subject to a federal categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall determine the applicable alternative 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.~~

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

(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.~~

Sec. 37-737. County local limits.

(a) *Intent.* The county's local limits are established by ~~county resolution~~ to protect its WRF-WWF against pass through and 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 requirements in applicable NPDES and FDEP permits for the county WRF-WWF, and the terms and conditions in agreements for the reuse of reclaimed water and residuals.

(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 developed using standard procedures, calculations, and methods~~

~~acceptable to FDEP to protect against pass through, interference, protection of county POTW or WWF employees, and adverse affects 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.~~

(be) County local limits shall be established by county resolution ~~and the table of local limits currently set forth within this article will be repealed 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 ~~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 ~~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 request at Orange County Utilities Water Reclamation Division, Environmental Compliance Section, and a copy of the resolution adopting or modifying the local limits is available from the clerk of the BCC.

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

~~(d) — No person shall discharge wastewater to the county POTW or WWF 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 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:~~

- ~~(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) — Delinquent in paying past charges/fees;~~
- ~~(4) — The wastes could cause operational and maintenance problems, be detrimental to the health and safety of county personnel; or~~
- ~~(5) — 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 WWF for the following:~~

- ~~(1) — Violations of the provisions of the waste hauler operating permit, the industrial wastewater discharge permit, this article 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 WWF in accordance with the rate schedules adopted by the board of county commissioners. 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 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 of 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).~~

~~(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 this article, 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; prevent pass-through or interference; to protect the quality of the water body receiving the county POTW’s or WWF’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 WWF.~~

~~(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 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;~~

~~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 (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;~~

~~c. — 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~~

~~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 (2) 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 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.~~

~~(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 WWF 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 or WWF, 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; and~~

~~(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;~~

~~(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 of~~ 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.

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

This provides for the implementation of BMP programs for 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.

(a) *Purpose and intent.*

(1) *Purpose.* The purposes of ~~this section is to 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 established by county resolution. The objectives of the best management programs include:~~

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

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

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 volume of discharge or the magnitude of the contribution (loading) from the generator (user); and

d. 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.

(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 wastewater system. Implementation of ~~best management BMP~~ program(s) will allow a reduction in the loadings of the contaminants ~~constituents~~ of concern to the county wastewater system.

(b) *General criteria.*

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

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

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

~~(c) — Reporting requirements.~~

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

~~(2) — 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 Part 403, Chapter I, Subchapter N, Chapter 62-625, F.A.C., or industrial wastewater discharge permits.~~

~~(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 discharge permit.~~

~~(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, F.A.C., section 37-745 and section 37-747.~~

~~(d) — Recordkeeping.~~

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

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

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

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

~~(e) Compliance inspections and monitoring. 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 this article. 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.~~

~~(f) Enforcement.~~

~~(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 37-749 through section 37-751 of this article and the county's enforcement response plan (ERP).~~

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

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

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

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

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

~~e. Perform the requisite monitoring;~~

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

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

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

~~(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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(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~~

~~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.~~

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

~~(3) Off site management.~~

~~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 treatment, recovery and disposal.~~

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

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

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

~~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 discharge to the county WWF.~~

~~b. 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.~~

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

~~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 (recovery) processes.~~

~~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 established local limit for silver for the corresponding WRF service area (as identified and referenced by county resolution), or those 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)~~

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

~~(i) *Spill containment plans.*~~

~~(1) 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 plan and in section 37-744 for pollution prevention/best management plans.~~

~~(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.~~

Sec. 37-745. Industrial wastewater discharge permits.

(a) The county hereby establishes an industrial wastewater discharge permit. The county may include such provisions, terms, and ~~and~~ conditions in the industrial wastewater discharge 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, 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:

(1) No SIU-significant industrial user or non-significant CIU shall discharge into the county wastewater system or to any county wastewater service area that discharges wastewater to a receiving city or jurisdictional utility WWF or wastewater 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 permit from the director. A SIU-significant industrial user or a non-significant CIU with a valid industrial wastewater discharge permit (either individual or generic permit), and that-which has filed a timely application pursuant to section 37-745(b) of this article, may continue to discharge for the time period specified therein.

(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.

(3) Any violation of the terms and conditions of an industrial wastewater discharge permit shall be deemed a violation of this article and subjects the permittee to the enforcement 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. Obtaining an industrial wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements and other applicable federal, state, ~~and~~ and local laws.

(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 the effective date of this article shall, within ~~sixty~~ (60) days after said date, apply to the director for an industrial wastewater discharge permit in accordance with this article.

(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 POTW or WWF. An application for the industrial wastewater discharge permit, in accordance with section 37-745(e), shall be submitted to the director at least ~~one hundred twenty~~ (120) days in advance of the date ~~that~~ which any discharge to the county WWF will begin or recommence.

(d) *Compliance required.* No permit holder shall discharge industrial sewage or wastewater in excess of the quantity, rate of discharge, or quality specified in the industrial wastewater ~~discharge-discharger~~ permit. Any user desiring to modify the conditions in ~~its-their~~ industrial wastewater discharge permit or ~~change-changes~~ the nature of ~~its-their~~ discharge to the county WWF, including ~~a change-changes~~ that affect required BMPPs, require BMP required best management program compliance, or affect the potential for a slug discharge, ~~shall-shall~~ apply for an amendment or modification to said permit that includes the need for a slug control plan or BMPP, modification to existing slug control plans or BMPPs, or other actions to prevent such discharges, pursuant to 40 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.

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

(1) Name, address, telephone number, and facility location of applicant, and owner of the premises that from which industrial wastes are intended to be discharged;:-

(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;:-

(3) Average daily and peak hourly wastewater flow rates, including daily, monthly, and ~~and~~ seasonal variations, if any;:-

(4) ~~Information, monitoring~~ Monitoring data and analyses on the nature and characteristics of the wastes and wastewater that the user proposes to discharge, or currently discharges to the county WWF. Sample collection and analysis shall 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 62-625.600(1)(e)(b), F.A.C., as amended. Analyses shall be performed by a FDOH-certified laboratory;:-

(5) Schedule of all industrial process waste flows 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;:-

(6) Estimated time and duration of the discharge(s) within a ~~twenty (20)~~ percent tolerance;:-

(7) Site plans, floor plans, mechanical and plumbing plans, and ~~and~~ details to show all non-irrigation water lines and mains, water meter locations, building drains and waste lines, building sewers, sewer connections, and appurtenances by the size, location, and ~~and~~ elevation;:-

(8) Each product by type, amount, process or processes, and ~~and~~ rate of production;:-

(9) Type and amount of raw materials stored on-site ~~on-site~~ and processed (average and maximum amounts per day);:-

(10) Number and type of employees, and current hours of operation for the facility;:-

(11) Information on the pretreatment facility, if 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 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

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

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

(i) ~~{Denial of application by director.}~~ The director may deny any application for an industrial wastewater discharge permit 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:~~

- (1) Incomplete application;
- (2) Failure to respond to a request for additional information in a timely manner;
- (3) Submittal of false or inaccurate information or data;
- (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;

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

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

(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~~

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

(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 resolutions and county rate resolutions, ~~and~~ ~~and~~ to obtain the necessary permits. The user retains the right to reapply for an industrial wastewater discharge permit, appeal the decision of the director in accordance with this article and other county ordinances, ~~or~~ ~~or~~ pursue other administrative, judicial, ~~or~~ ~~or~~ civil remedies.

(k) Special permits for commercial or industrial users. The county may require a permit under this section for commercial or industrial users to regulate the discharge of wastes and wastewater to a community or intercepting sewer that have the 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. Such wastes and wastewaters include, but are not limited to:

(1) Chloride;

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

(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;

(5) Pharmaceuticals; or

(6) Mercury or other toxic chemicals.

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

(a) *Duration.* The duration of the industrial wastewater discharge permit shall be for a specified time period, not to exceed five ~~(5)~~ years from the stated effective date. An industrial 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.

(b) *Mandatory contents/conditions.* Contents of the industrial wastewater discharge permit shall include those 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 public and the county's employees; facilitate residuals management, disposal, or ~~or~~ reuse; and prevent or provide for protection against damage to the county WWF. The industrial wastewater discharge permits shall contain, but need not be limited to, the following conditions:

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

(2) A statement that the industrial wastewater discharge permit is nontransferable without prior notification to the 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;

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

(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 applicable pretreatment standards by SIUs, the dictation that all sampling performed in a manner be representative of the discharge conditions of the reporting period, the reporting of all monitoring results by all SIUs, notification, and recordkeeping requirements and may include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and ~~and~~ local laws;

(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~~ 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:

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

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

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

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

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

(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 pretreatment facilities, county employees performing a final facility inspection, and ~~and~~ completion of the applicable forms;

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

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

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

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

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

(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.

(2) In the applicant's petition, the appealing party shall identify wastewater provisions in the industrial discharge 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.

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

(4) The director shall inform the applicant within ~~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 to be denied. Decisions not to issue, not to modify, or not to 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.

(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 ~~notifying~~ the permittee in writing thereof, including, ~~but~~ but not limited to, factors ~~factor~~ such as any one ~~(1)~~ or more of the following reasons:

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

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

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

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

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

(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

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

(h) *Revocation.* The director may revoke, and the permittee will be notified in writing thereof, an industrial wastewater discharge permit as issued pursuant to the provisions of 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:

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

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

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

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

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

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

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

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

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

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

- (11) Tampering with monitoring equipment or compliance samples;
- (12) Failure to pay fines or penalties;
- (13) Failure to pay wastewater charges or fees;
- (14) Failure to provide proper notification to the director and the county POTW or WWF for slug, accidental discharges, ~~or~~ or bypass flows during emergency situations;
- (15) Failure to meet compliance schedules or comply with consent orders;
- (16) Issuance of a new industrial wastewater discharge permit;
- (17) A discharge, ~~that, which~~ in the opinion of the director, may interfere or be deleterious to the operation or maintenance of the county wastewater system ~~or, or~~ threaten human health or safety; or
- (18) Cessation of the discharge or closure of the facility.

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

(j) *Void permits.* Industrial wastewater discharge 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 new industrial wastewater discharge permit to that user.

Sec. 37-747. Reporting requirements.

(a) *Baseline monitoring reports.*

(1) Within either ~~one hundred eighty~~ (180) days after the effective date of a federal categorical pretreatment standard, or the final administrative decision on a category 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, whichever is later, existing SIU and categorical users currently

discharging to or scheduled to discharge to the county WWF or discharging to any receiving city or jurisdictional utility WWF or wastewater system (for users located within the county's wastewater service area but discharging wastewater to a WWF not owned or operated by the county) shall submit to the director a report that ~~which~~ contains the information listed in paragraph (2) below. At least ~~ninety~~ (90) days prior to commencement of their discharge, new and existing SIU sources, non-significant CIU sources, and sources that become categorical users subsequent to the promulgation of an application categorical standard shall, ~~shall~~ 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 area 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.

(2) Users described in paragraph (1) above shall submit, but not be limited to, the following information ~~set forth below~~:

a. *Identifying information.* The names and titles of the authorized representative(s) and contact person(s), 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.

b. *Environmental permits.* A list of any federal, state, and ~~and~~ local environmental control permits held by or for the facility.

c. *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classification code(s) of the operation(s) carried out by the 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

during the period from [insert month, day, year] to [insert month, day, year]: (1) The facility described as [insert facility name] met the definition of a non-significant categorical industrial user as described in 40 CFR section 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].”

i. Compliance schedule. If additional pretreatment, O&M, BMPs, ~~and/or and/or~~ BMPPs will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment, O&M, BMPs, ~~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.

~~j. i-~~ Signature and certification. All ~~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.

(b) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by section 37-747(a)(2)(i)(h) of this article:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. Such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation.;

(2) No increment referred to in the compliance schedule above shall exceed nine ~~(9)~~ months.;

(3) The user shall submit a progress report to the director no later than ~~fourteen~~ (14) days following each date in the schedule and the final date of compliance. 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.

(2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and 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.

(3) If a user subject to the reporting requirements in this section monitors any pollutant more frequently than required by the director using the procedures prescribed in section 37-747(k) 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.

(e) *Reports of changed conditions.*

(1) Each user shall notify the director of any planned significant changes to the user's operations or production system ~~that which~~ might alter the nature, characteristics, quality, or volume of its wastewater at least ~~thirty~~(30) days before the change.

(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 wastewater discharge permit application pursuant to section 37-745 of this article.

(3) The director may issue an industrial wastewater discharge permit under section 37-746 of this article, or; ~~or~~ modify an existing industrial wastewater discharge permit pursuant to section 37-746(e)~~(d)~~ of this article in response to changed conditions or anticipated changed conditions.

(4) For purposes of this requirement, significant changes include, but are not limited to, considerations such as:

- a. Changes to the sampling outfall(s);
- b. Increase of ~~twenty~~(20) percent or more of the monthly average daily flow;
- c. Increase of ~~ten~~(10) percent or more of the annual average daily flow;
- d. Discharge of any previously unreported pollutants;
- e. Changes to the BMP or BMPP as needed to comply with a pretreatment standard, county local limits 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~~, 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

~~62-625.600(1)(e)6., Chapter 62-625.600(1)(e)(6), F.A.C., or as amended;~~ and shall be determined at the control manhole for the user, or upon suitable samples taken at the control manhole. In the event that no control manhole is available, the control manhole shall 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.

(4) Required reports shall be based upon data obtained through sampling and analysis performed during the period covered by the report and that this shall be representative of conditions occurring during the reporting period. The director will indicate the frequency of monitoring necessary to assess and assure 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.

(k) *Sample analysis.*

(1) All analysis of pollutants, including protocols and detection limits used for characterization of wastewater and 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 62-625.600(1)(e)6., Chapter 62-625.600(1)(e)(6), F.A.C., or as amended,~~ unless otherwise specified in an applicable categorical pretreatment standard. If the references cited herein do not contain 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.

(2) Annual costs for activities required pursuant to section 37-748 shall be recovered, at the option of the county, 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.~~

~~(2)~~(3) All records pertaining to matters ~~that~~-which are the subject of any enforcement or litigation activities brought by the county pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals shall have expired.

~~(3)~~(4) The director shall have the right to inspect the 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.

Sec. 37-748. Compliance monitoring.

(a) *Right of entry: Inspection and monitoring.*

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

(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 with its security guards so that, upon presentation of suitable identification, the director, the director's designee, or ~~or~~ duly authorized county personnel shall be permitted to enter without delay for the purposes of determining compliance with this article or performing specific responsibilities.

(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 user's discharge to the county wastewater system, or observe the user's operations and discharge.

(4) The director may require the user to install monitoring equipment as necessary to assess the characteristics and quantity of the discharge to the county wastewater system. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own sole expense. All devices used to measure wastewater flow and quality (characteristics) shall be calibrated at least annually to ensure their accuracy.

(5) Any temporary or permanent obstructions to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the director and shall not be replaced. The costs of

clearing such access shall be 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 are~~ quite broad and, extremely technical, and are. ~~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~~ ~~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

limited to, monthly or other long-term average local limits, State of Florida standards, ~~and/or~~ ~~and/or~~ federal categorical pretreatment standards, fines shall be assessed for each day during the period of violation.

(2) Penalties may be assessed for each occurrence, each ~~24-hour~~ ~~twenty-four hour~~ period, ~~and~~ ~~and for~~ each prohibited discharge ~~exceedance~~ ~~exceedence~~ of a federal categorical pretreatment standard, state standard, ~~or~~ county local limit 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.

(3) Unpaid charges, fines, and penalties shall, after ~~thirty~~ (30) calendar days, be considered delinquent and shall be 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 charges, fines, and penalties.

(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 being notified of the fine. The request must include a non-refundable violation appeals process charge in accordance with section 37-709, and fees established by county resolution. Where a request has merit, the director may convene a meeting on the matter. In the event the user's request for reconsideration is successful, the payment of the applicable portion of the fine, together with any interest accruing thereto, shall be returned to the user. The director may seek reimbursement of all prosecutorial costs, ~~including~~ ~~including~~, but not limited to, the costs of preparing enforcement actions (~~such~~, ~~such~~ as notices and orders) ~~laboratory~~, ~~laboratory~~ costs, consultant's fees, ~~and~~ sampling and inspection expenses, and assess these costs directly to the user. The provisions of this section shall apply only to the amount of such fine ~~and~~, ~~and~~ shall not substitute for the appeal provisions related to the correctness, appropriateness, accuracy, ~~or~~ ~~or~~ legality of the underlying charge itself.

(5) Imposition of a fine shall not preclude, or be a prerequisite for, taking any other action against the user.

(6) The county's ERP shall be established in accordance with ~~rule~~ ~~Section~~ 62-625.500, F.A.C., and will be, 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 goes into effect. The county's ERP shall, ~~at~~ ~~contain~~ ~~at~~ a minimum ~~identify methods~~; ~~methods~~ of investigating noncompliance, ~~identify~~ personnel responsible for enforcement, ~~describe~~ ~~the~~ types of

escalating enforcement responses, time frame for responses, enforcement tools, tracking, ~~and~~ follow-up, and an enforcement response guide inclusive of the penalty matrix. The county's ERP shall be established at a public hearing at which ~~all the users and all others~~ who are interested shall have an opportunity to be heard concerning the proposed county ERP. Notice of such public hearing setting forth the proposed schedule or schedules of the county's ERP shall be given by one ~~(1)~~ publication in a newspaper published in the county at least ~~ten~~ (10) days before the date fixed in such notice for the hearing, ~~that which~~ may be adjourned from time to time. After such hearing, such schedule or schedules shall be kept on file in the office of the director and shall be open ~~at all times~~ to public 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.*

(1) The director may immediately suspend a user's discharge, after written or ~~/~~verbal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge ~~that which~~ reasonably appears to present or cause an imminent or substantial endangerment to the county wastewater system, environment, or to the health, safety, or welfare of the 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.

(2) Any user notified to suspend ~~of a suspension~~ ~~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 ~~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~~ ~~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;

- d. Any pretreatment standard or requirement;
- e. To review a show cause order issued under this ordinance;
- f. Denial of a variance under this ordinance; or
- g. Any provision of this article except as follows:
 - i. The appeal-~~appeals~~ procedure referenced in this section ~~article~~ does not include appeals pursuant to division 2 of this article relating to septic tanks or package or interim treatment plants ~~since an appeals mechanism for these issues is provided for elsewhere in this chapter~~; and
 - ii. The appeal-~~appeals~~ procedure referenced in this section is ~~are~~ not applicable to appeals related to county surcharge program billing issues, ~~pursuant to section 37-755(h) of this article.~~

Only a user directly affected by the decision or enforcement order or interpretation has standing to bring such an appeal.

~~(3) — The appeals hearing examiner shall not hear appeals pursuant to division 2 of this article relating to septic tanks 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 section.~~

~~(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, interpretation, or-~~or~~ order of the director. The notice of appeal shall be filed with the director and, ~~and~~ shall include the decision, interpretation, or-~~or~~ order being appealed and the grounds for the appeal. The decision of the director shall be complied with until the director's decision is altered, amended, or-~~or~~ reversed by the hearing examiner ~~on appeals~~ or a court.

(45) 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 this ordinance. The hearing may be continued by the clerk or chairperson 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 consider the appeal shall be provided to the person filing the appeal, by hand delivery or ~~by~~ certified mail, ~~setting~~ ~~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 ~~must~~ ~~shall~~ make arrangements for securing such a transcript. The hearing notice shall include, but not be limited to, the information required in the county's ERP, ~~and the following:~~

(56) *Hearing on appeal.* All ~~of~~ the requirements necessary for due process ~~and, and necessary~~ for determination and disposition of the appeal, including, but not limited to, verification of jurisdiction, consideration of evidence, testimony (which shall be under oath), argument presented, ~~and~~ affirmance, modification, ~~or~~ ~~or~~ reversal of the decision, interpretation, ~~or~~ ~~or~~ order of the director, 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 shall apply, but the hearing shall otherwise comply with the requirements of due process. Refer to the county's ERP for more detailed rules and procedures for the hearing on appeal.

(67) The ~~BCC board of county commissioners~~ shall provide clerical and administrative personnel as may be reasonably required.

(78) The order by the hearing officer must include a statement that any person aggrieved by the order who was a party before the hearing officer may appeal, in accordance with the procedures shown in this chapter ~~and, and~~ in the county's ERP.

(89) If an order is recorded in the public records pursuant to this section, the hearing officer may issue an order setting aside or withdrawing it ~~for, for~~ good cause shown, recording it in the public records.

(940) A hearing is not required to issue an order withdrawing or setting aside such order.

(1044) The director or the appealing party may challenge the hearing officer's decision hereunder by filing a 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~~ 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

be severed by the director. Service shall recommence, at the user's expense, only after the user has satisfactorily demonstrated to the director its ability to comply with this article, the industrial wastewater discharge permit or waste hauler operating permit, or 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.

(d) *Public nuisances.* A violation of any provision of this article, an industrial wastewater discharge permit, a waste hauler 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.

(e) *Contractor listing.* Users ~~that~~ ~~which~~ have not achieved compliance with applicable pretreatment standards and requirements or waste hauler operating permit requirements are not eligible to receive a contractual award for the sale of goods or 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.

(f) *Letter of credit.* 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 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.

Sec. 37-752. Affirmative defenses to discharge violations.

(a) *Upset.*

(1) For the purpose of this section, ~~upset~~ ~~“upset”~~ means an incident in which there is unintentional and temporary noncompliance with county local limits ~~and/or, and/or~~ categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. An upset shall

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

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

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

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

c. The user has submitted the following information to the director within ~~twenty-four (24)~~ 24-hours of becoming aware of the upset. If the information is provided orally, a written report shall be provided within five ~~(5)~~ days in accordance ~~accordance~~ with the notification procedures in section 37-747(f). Information shall include, but may not be limited to:

1. A description of the indirect discharge and the cause of noncompliance;

2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance and the causes for the upset conditions.

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

(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.

(5) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility, until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(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 of~~ 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

discharges, interference or pass through, including endangering the health of county 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 director's exercise of emergency authority to halt or prevent such a discharge;

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

(6) Failure to provide within ~~thirty~~ (30) days after the due date, any required reports, including ~~BMRs~~ ~~baseline monitoring reports~~, reports on compliance with federal categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to provide waste acceptance sampling results and information to the director prior to the discharge of hauled waste to the county POTW or WWF;

(8) Failure to accurately report noncompliance;
or

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

Sec. 37-754. County oil and grease prevention program (OGPP).

(a) *Purpose.* The purpose of this section is to provide for the implementation of the county's oil and grease prevention program (OGPP). The objective of the county's OGPP is to minimize the introduction of ~~fat-soluble~~ ~~fat-soluble~~ wastes, including petroleum-based hydrocarbons, into the county WWF.

(b) ~~*Limits established.*~~ 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~~ ~~petroleum-based~~ hydrocarbons for all nonresidential users discharging wastewater to the county POTW or WWF, users in the county's OGPP, ~~and as well as~~ the county's pretreatment program. Program requirements are outlined under separate cover of the Wastewater Discharge and Industrial Pretreatment Standards Technical Manual.

(c) *General criteria.*

(1) The discharge by any nonresidential user to the county WWF of certain liquids or wastes may be prohibited or limited pursuant to the provisions of this article.

(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.

(3) Wastes containing oil and grease, inert solids, ~~or or~~ solids originating from foods or beverages, ~~beverages~~ including materials processed through garbage grinders, shall be directed to the county-approved oil and grease interceptor or oil and grease trap.

(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.

(5) Sanitary facilities and other similar fixtures shall not be connected to the oil and grease interceptor/trap ~~or or~~ the oil and water ~~water~~ separator.

(6) Liquid wastes shall be discharged to the oil and grease interceptor/trap ~~or or~~ oil and water ~~water~~ separator through the inlet pipe only and in accordance with the design and operating ~~operating~~ specifications for the device.

(7) Oil and grease interceptors/traps and oil and water ~~water~~ separators shall be installed in accordance with the county building codes, ~~in accordance with~~ Florida Building Code, ~~and~~ county-approved plans and specifications created to implement this ordinance, and development review requirements and in a location ~~that which~~ provides easy and safe access at all times for inspections, cleaning, and ~~and~~ proper maintenance, such as routine pumping. Oil and grease interceptors and oil and water ~~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 and water ~~water~~ separator prior to installation.

(8) Nonresidential establishments (users) that prepare, process, ~~or or~~ serve food, beverages, ~~or or~~ food/beverage products shall install an oil and grease interceptor. Nonresidential establishments that have the potential to discharge wastes containing petroleum-based ~~petroleum-based~~ oil and grease, such as commercial laundries (laundries that clean uniforms, rags, rugs, ~~or or~~ mats that are stained with petroleum-based oils or ~~laundries~~ that use oils to remove stains), car washes, and ~~and~~ automotive-related facilities, shall have an oil and water ~~water~~ separator. Other 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~~ 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,~~ 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.~~

~~d. Provide the director with seventy-two (72) hours' advanced notice upon the expiration or change of status of the ownership, management, designated facility private pump station staff or contractor.~~

~~e. Provide for a sign, posted on or adjacent to the pump station site (preferably on the control panel). The sign size should be approximately twelve (12) inches by eighteen (18) inches, white background with black letters. The letters should be legible. The sign shall state the following minimum information:~~

- ~~i. "Private Sanitary Sewer Pump Station"~~
- ~~ii. "In Case of Emergency contact the following numbers:~~
- ~~iii. "Facility Owned by:~~
~~Name: ()~~
~~Phone Number: ()"~~
- ~~iv. "Facility Maintained by:~~
~~Name: ()~~
~~Phone Number: ()"~~
- ~~v. "Station Number: ()"~~

~~f. The name and the number referenced in section 37-754(c)(11)e.iv., above, 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 twenty four hour response phone number for the contracted company/individual/owner's maintenance staff.~~

~~g. The station number referenced in section 37-754(c)(11)e.v., above, shall be assigned by the county.~~

~~h. 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 WWF may be harmed thereby.~~

~~(12) 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.

~~(13) 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.~~

~~(d) General design criteria.~~

~~(1) Oil and grease interceptors/traps and oil/water separators shall be designed and constructed in accordance with this article, county building code, 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 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 and one hundred (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.~~

~~(2) Oil and grease interceptors/traps and 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.~~

~~(3) 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.~~

~~(4) Under the sink oil and grease traps shall be prohibited for new facilities. Some facilities that discharge less than fifty (50) gallons per minute (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).~~

~~(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.~~

~~(e) — *Capacity.* 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 “Manual of Standards and Specifications for Wastewater and Water Main Construction.” 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 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.*~~

~~(1) — *New facilities.*~~

~~a. — After the effective date of this article, 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.~~

~~b. — Sizing calculations shall be in accordance with the criteria and formulas set forth in the latest 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.~~

~~c. — 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.~~

~~d. — The director may require a user to submit calculations for determining the capacity of the oil and grease management devices or facilities.~~

~~(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.~~

~~(2) — 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 liquid, 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 into the county POTW or WWF, storm sewer, storm drain or natural stream. All discharges shall be at a State approved facility permitted to accept this type wastewater. Top skimming of floating materials, solids or liquids of oil and grease interceptors, or oil/water separators is strictly prohibited.~~

~~(3) — Oil and grease interceptors and oil/water separators shall be pumped out completely and cleaned at least once 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 collection system. Oil and grease traps shall be inspected at a minimum frequency of once every seven (7) days, a log of inspection dates must be maintained on site and all excessive solids and fats, grease and oil removed at that time, and the entire device cleaned (all contents completely removed) at least every ninety (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 section 37-754(g)(6) of this article.~~

~~(4) — 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 section 37-754(g)(3) herein (above) 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 are accurate. At minimum, the user’s variance request must include the following:~~

- ~~a. — A signed oil and grease management device minimum pump-out requirement variance request form;~~
- ~~b. — A copy of all facility menus (if available) or 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);~~

e. — ~~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~~

~~twenty-five (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. In application of this rule, the depth of floating oil and grease shall not 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.~~

~~b. — An oil and grease interceptor shall be considered out of compliance if the oil and grease layer on top exceeds six (6) inches; or the solids layer on the bottom exceeds twelve (12) inches; or 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 eighty (80) percent. An oil/water separator shall be considered out of compliance if the retained oil layer is leaking into the discharge; 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 bottom exceeds twelve (12) inches; or the containment area or vault is flooded; or the removal efficiency of the device, as determined through sampling and analysis, is less than seventy-five (75) percent.~~

~~(7) — 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 this article. 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 which 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 thirty (30) days of the waste removal date.~~

~~(8) — Flushing or washing the oil and grease interceptor/trap or oil/water separator with water having a temperature in excess of one hundred forty (140) degrees Fahrenheit (°F) shall be strictly prohibited.~~

~~(9) — 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 or 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.~~

~~(10) — 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 WWF prior to product approval by the director, at the expense of the user. All product approval requests must be requested in writing to the director. Product approval for bacterial additives may be granted by the director upon the user's written request for product approval, the user's completion of all product evaluation and sampling protocol activity requirements and the user's submittal of evaluation and sampling protocol report that concludes that the product does not adversely impact the county's POTW or WWF, 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 WWF or 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 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. wastestream.~~

~~(11) — All maintenance of oil and grease management devices, including proper disposal, shall be performed by the user at the user's sole expense.~~

~~(h) — *Registration certificate.*~~

~~(1) — 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 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~~

~~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 twelve 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 thirty (30) days of the waste removal date.~~

~~(2) — 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 twelve (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 made for ready and 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 Part 136, Chapter I, Subchapter D, and Chapter 62-160, F.A.C.~~

~~(3) — The user shall mail a copy of the completed waste disposal manifest or non-hazardous waste disposal manifest, documenting the pump-out activity and the proper disposal of waste within thirty (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.~~

~~(4) — The user shall maintain a file onsite 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 is not 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 Part 403, Chapter I, Subchapter N, Chapter 62-625, F.A.C., and section 37-747(n) of this article.~~

~~(5) — 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 this article.~~

~~(6) — Enforcement.~~

~~a. — A notice of violation shall be issued to a user for failure to:~~

- ~~i. — Submit the required user survey in a timely manner;~~
- ~~ii. — Report pumping activities to the county within the designated time frame on a county-approved waste disposal manifest;~~
- ~~iii. — Properly maintain (clean out or pump) the oil and grease trap/intereceptor, pump station or oil and grease separator, or sand and grit separator in accordance with the provisions of this article and as stated on the oil and grease discharge registration certificate;~~
- ~~iv. — 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;~~
- ~~v. — Retain and preserve a file of records onsite at all times;~~
- ~~vi. — Provide access to logs, files, records for inspection or monitoring activities;~~
- ~~vii. — Properly complete and sign logs, waste disposal manifests or records required by this ordinance;~~
- ~~viii. — Obtain or renew the oil and grease discharge registration certificate; or~~

~~ix. — Pay the appropriate program fees or assessed penalties.~~

~~b. — A notice of violation shall also be issued for the following:~~

- ~~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;~~
- ~~ii. — Violation of any terms or conditions of the county's OGPP registration certificate (issued by the county);~~
- ~~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;~~
- ~~iv. — Refusal of immediate access to the user's premises;~~
- ~~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;~~
- ~~vi. — Failure to provide advance notice of the transfer of business ownership of a facility registered in the county's OGPP;~~
- ~~vii. — Failure to pay fines;~~
- ~~viii. — Failure to pay sewer charges, surcharges or administrative fees;~~
- ~~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;~~

- ii. ~~Collect a sample and assess the appropriate surcharge in 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;~~
- iv. ~~Assess a reasonable fee for each additional facility compliance inspections, sample collection and laboratory analyses, or other monitoring activities;~~
- v. ~~Assign the user to the surcharge program;~~
- vi. ~~Terminate water and wastewater service; or~~
- vii. ~~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 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 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 ~~interceptors/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.~~

~~(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 may not be 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 (1) monitoring activity per billing period. Charges for additional sample collection and laboratory analyses may be assessed on a daily basis as long as 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 a significant industrial user shall obtain an industrial wastewater discharge 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~~ 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.

(3) The director may impose restrictions, prohibitions, ~~or~~ other conditions on the discharge in accordance with the provisions of this article.

(4) The director may limit the volume and duration of the discharge to the county wastewater system. The user shall be responsible for measurement of the flow to the county wastewater system at the user's sole expense. The flow monitoring device shall be provided, installed, and ~~and~~ maintained in accordance with the guidelines set forth by the director.

(5) The user shall not discharge these types of flows without prior written notice from the director or issuance of an industrial wastewater discharge permit.

(c) *Leachate.*

(1) Leachate shall be considered a solid waste. Solid waste leachate handling facilities shall be placed on a concrete pad with a floor drain. The concrete pad shall be adequate to properly accommodate the solid waste handling equipment and containers. The concrete pad shall be bermed and sloped towards the floor drain.

(2) The floor drain shall be plumbed to the building sewer system, upstream of the oil and grease interceptor or the oil and water ~~/water~~ separator.

(3) A clean-out shall be provided for the floor drain. Minimum pipe diameter shall be four ~~(4)~~ inches.

(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.

(d) *Medical wastes.*

(1) Hospitals, clinics, medical or ~~/~~ dental practitioner offices, ~~officers~~, convalescent and nursing homes, medical or ~~/~~ dental laboratories, and ~~and~~ funeral homes shall dispose of medical wastes, pathological wastes, laboratory wastes, contaminated medical wastes, and ~~and~~ wastes from expired humans (corpses) in accordance with the most recent edition of the guidelines as published by EPA, the Centers for Disease Control and Prevention ~~centers for disease control~~ (CDC), the public health department, ~~or~~ other appropriate federal and state agencies.

(2) Toxic, biological, pharmaceutical, or contaminated wastes that ~~which~~ are not addressed by the aforementioned guidelines shall not be discharged to the county wastewater collection system without prior written permission from 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.

(3) Wastes containing excessive amounts of floatables or other debris that could cause clogs or blockages in the collection system, such as, but not limited to, rags, strings, feathers, glass, ~~or~~ other objects larger than one (4)-inch in size, and lint solids from commercial laundry wash water shall be directed to an interceptor with a screening device or other suitable device to prevent the passage of these solids into the county collection system.

(4) Sand and grit interceptors (traps) and screening devices shall be provided at the user's expense. The interceptor shall be installed, operated, ~~and~~ ~~and~~ maintained in accordance with the plans approved by the director and the manufacturer's recommendations.

(5) Sand and grit interceptors and screening devices shall be designed and installed to accommodate the anticipated range of flows from the user to the county wastewater system.

(6) Sand and grit interceptors and screening devices shall be installed for easy access, cleaning, and inspection. Sand and grit interceptors shall be serviced and emptied of their contents on a regularly scheduled basis to maintain efficient 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 cleaned at a minimum at the same frequency ~~at minimum~~ as the oil and water ~~water~~ separator device, where applicable. Operation and maintenance of the sand and grit interceptor shall be performed at the user's sole expense.

(7) Wastes removed from the sand and grit interceptors and screening devices shall not be discharged into the county wastewater system. The user shall maintain a log of cleaning activities and a file ~~on-site~~ ~~onsite~~ of the records and documents related to the sand and grit interceptor or screening device.

(8) Records and ~~/~~documents retained in the file should include, but not be limited to, as-built drawings, manufacturer's instructions, log(s) ~~log~~ of cleaning activities, receipts, hauler information, site inspection reports, and ~~and~~ 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).

(c) *Enforcement.* Failure to comply with the provisions set forth in this section may result in enforcement action by the director as specified in the county's ERP and ~~as referenced in~~ sections 37-749 through 37-751 of this article.

Sec. 37-759. Jurisdictional agreements and special agreements or arrangements.

(a) If, after the date of adoption of this ordinance, another local government or user located within such a local government's utility service area proposes to contribute wastewater to the county wastewater system, or if the county proposes to contribute wastewater to another local government, the director shall enter into an agreement with the contributing or receiving local government.

(b) Prior to entering into an agreement required by paragraph (a) above, ~~above~~, the director shall request the following information from the contributing local government (contributing jurisdiction):

(1) A description of the quality and volume of wastewater discharged to the county wastewater system by the contributing jurisdiction;

(2) An inventory or survey of all users located within the contributing jurisdiction that are discharging to the county wastewater system; and

(3) Such other information as the director may deem necessary.

(c) An agreement, as required by paragraph (a) above, ~~above~~, shall contain the following conditions:

(1) A requirement for the contributing jurisdiction to adopt an ordinance or implement regulations that are ~~which is~~ at least as stringent as this article and county local limits that ~~which~~ are acceptable to the director and comply with the county's local limits as specified and adopted by county resolution, indicating that discharges to the county WWF shall comply with the standards at least as stringent as those set out in sections 37-735 through 37-737 of this article and county local limits as specified and adopted by county resolution. The requirement shall specify that such contributing local government ~~and~~ limits shall be revised as necessary to reflect changes made to the county ordinance or the county resolution establishing the county's local limits during the term of any applicable agreement;

(2) A requirement for the contributing jurisdiction to submit a revised inventory or survey of users at least annually;

(3) A provision specifying that ~~which~~ pretreatment implementation activities, including industrial wastewater discharge permit issuance, facility inspection and sampling, and enforcement response, shall be conducted by the

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.

(4) A requirement for the contributing jurisdiction to provide the director with access to all information that the contributing jurisdiction obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing jurisdiction's wastewater at the point where it discharges to the county wastewater system;

(6) Requirements for monitoring the contributing jurisdiction's discharge;

(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, and any other duties deemed necessary by the director; and

(8) A provision specifying remedies available for breach of the terms of the agreement.

(d) The contributing jurisdiction that owns or operates the POTW has primary responsibility for permitting, compliance 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 contributing jurisdiction's ordinances, regulations, or ~~or~~ resolutions, or the county regulations imposed by any existing or new agreements, to impose and enforce pretreatment standards and requirements directly against noncompliant dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.

(e) ~~Special agreements and arrangements.~~ No statement contained in this article shall be construed as prohibiting ~~preventing~~ any special agreement or arrangement by and between the county, any other jurisdiction, or ~~or~~ any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the county, subject to payment therefor by the industrial concern, and provided that acceptance of such wastes does ~~do~~ not violate any applicable federal or state regulations, or ~~or~~ laws, or permits.

Sec. 37-760. Miscellaneous provisions.

The following are separate and distinct provisions applicable under this ordinance.

(1) *Compliance by industrial users.* Notwithstanding anything to the contrary contained in this article, no industrial user

shall discharge to the county wastewater system any toxic pollutants, ~~as~~ set forth in Appendix ~~"D"~~ ~~"B"~~ of 40 CFR 403, or any pollutant that may interfere, pass through, or otherwise be incompatible with the county wastewater system.

(2) *Applicable regulations and limitations.* State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this ordinance. The county reserves the right 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 the objectives stated at the beginning of this article. The revision(s) to discharge limitation(s) in this article or in individual industrial wastewater discharge permits shall be initiated by the director whenever necessary. All affected parties are assumed to know and to comply with all state and federal rules, requirements, and guidelines, including, but not limited to, the development, promulgation, and application of local limits; the appropriate use, or applicability, of combined waste stream ~~wastestream~~ formulas; and all industrial user and POTW monitoring and reporting requirements.

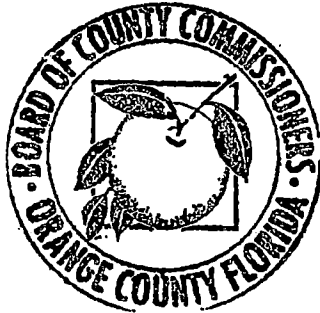
Sec. 37-761. Technical standards adopted.

The technical standards set forth in the Orange County, Florida Wastewater Discharge and Industrial Pretreatment 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 article. The technical standards contained therein are subject to periodic review and revision, amendment, or modification under the 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.

Secs. 37-762—37.780 -. Reserved.

Section 5. Effective Date. This ordinance shall take effect pursuant to general law.

ADOPTED THIS 30th DAY OF NOVEMBER, 2021.



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings,
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: *Katie Smith*
Deputy Clerk