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ORDINANCE NO. 2021-_____

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

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

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

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

**ARTICLE XX
PUBLIC AND PRIVATE SEWER SYSTEM USE
REQUIREMENTS
DIVISION 1. GENERAL PROVISIONS**

Sec. 37-701. Short title.

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

Sec. 37-702. Purpose and policy.

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

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

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

(c) The objectives of this article include:

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

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

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

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

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

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

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

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

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

Sec. 37-703. Definitions and abbreviations.

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

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

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

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

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

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

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

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

124 *Aliquot* shall mean a portion of a sample.

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

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

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

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

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

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

145 *Authorized representative of the user* shall mean and may be:

146 (1) — If the user is a corporation:

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

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

155 a. Is authorized to make management decisions
156 that govern the operation of the regulated facility, including having
157 the explicit or implicit duty of making major capital investment
158 recommendations;

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

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

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

170 (2) ~~If the user is a partnership or sole proprietorship; a~~
~~general partner or proprietor, respectively;~~

172 (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~~
174 ~~government facility, or their designee.~~

176 (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.~~

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

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

194 *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.

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

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

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

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

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

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

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

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

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

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

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

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

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

268 *Categorical pretreatment standards* shall mean the national
categorical pretreatment standards specifying pollutant discharge
270 limits or quantities of pollutants ~~that~~ ~~which~~ apply to a specific
category of users, as established by EPA in accordance with
272 ~~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~~
274 ~~through 471, Chapter I, Subchapter N,~~ and adopted by reference in
~~chapter F.A.C. ch. 62-625, F.A.C.~~

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

280 ~~*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~~
282 ~~procedures.~~

284 *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
286 dichromate reflux method as described in EPA’s “Methods for the

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

290 *Chronic violation* shall mean violations in which ~~sixty-six~~
(66) percent or more of all the wastewater measurements taken for
292 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
294 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);~~
296 ~~Chapter I, Subchapter N and chapter~~ Chapter 62-625, F.A.C.

298 *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
300 a fine, it will have a separate range of severity from that of
administrative fines. ~~But see also definition, for this~~ Also for the
302 purposes herein, see the definitions, of code enforcement board and
code enforcement special master fines, in chapter 11, Orange
304 County Code.

306 *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,”
308 current latest edition.

310 *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
312 categorical user is combined with other ~~waste streams~~ wastestreams
prior to treatment as set forth in 40 CFR ~~§ 403.6, Chapter I,~~
314 ~~Subchapter N and chapter~~ Chapter 62-625.410(6), F.A.C.

316 ~~*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.~~

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

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

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

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

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

344 *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
346 compliant ~~compliance~~ status.

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

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

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

360 *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,~~
362 ~~Subchapter N,~~ 40 CFR ~~§ Part~~ 403.12, ~~Chapter I, Subchapter N and~~
chapter ~~Chapter~~ 62-625.510, F.A.C.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

450 *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
452 determined by the procedures in EPA’s “Methods for the Chemical
Analysis of Water and Wastes” or “Standard Methods;”, current
454 ~~latest~~ edition.

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

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

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

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

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

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

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

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

486 ~~*Environmental Protection Agency (USEPA or EPA)* shall~~
487 ~~mean the United States Environmental Protection Agency or, where~~
488 ~~appropriate, the term may also be used as a designation for the~~
489 ~~administrator or other duly authorized official of such agency.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

590 *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.

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

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

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

606 *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
608 consideration of time. Sampling period shall not exceed ~~fifteen (15)~~
minutes.

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

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

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

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

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

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

624 a. Exhibits ~~Exhibit~~ a characteristic of a
hazardous waste as defined in 40 CFR ~~§§ Sections~~ 261.20 through
626 262.24; ~~or~~

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

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

634 d. Not excluded from regulation as a hazardous
waste.

636 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
638 261, 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,
640 and therefore not a hazardous waste pharmaceutical, if it is
legitimately used/reused (e.g., lawfully donated for its intended
642 purpose) or reclaimed. An over-the-counter pharmaceutical, dietary
supplement, or homeopathic drug is not a solid waste, as defined in
644 40 CFR § 261.2, and therefore not a hazardous waste
pharmaceutical, if it has a reasonable expectation of being
646 legitimately used/reused (e.g., lawfully redistributed for its intended
purpose) or reclaimed.

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

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

656 (2) Distribute, sell, or dispense pharmaceuticals,
including over the counter pharmaceuticals, dietary supplements,
homeopathic drugs, or prescription pharmaceuticals. This definition
658 includes, but is not limited to, wholesale distributors, third-party
logistics providers that serve as forward distributors, military
660 medical logistics facilities, hospitals, psychiatric hospitals,
ambulatory surgical centers, health clinics, physician offices, optical
662 and dental providers, chiropractors, long-term care facilities,
ambulance services, pharmacies, long-term care pharmacies, mail-
664 order pharmacies, retailers of pharmaceuticals, veterinary clinics,
and veterinary hospitals. This definition does not include
666 pharmaceutical manufacturers, reverse distributors, or reverse
logistics centers.

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

670 or user may appeal the enforcement decision, interpretation, or order
672 of the director, described only in that section, established by the
674 ~~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.

676 ~~High strength wastewater surcharge shall mean the~~
additional charge made in excess of the sewer service charge
678 assessed against commercial or industrial users of the county WWF
or commercial or industrial users outside the county system who are,
680 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.

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

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

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

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

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

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

714 *Infiltration* shall mean water unintentionally entering the
county wastewater system from sanitary building drains and sewer
716 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.

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

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

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

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

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

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

746 *Interference* shall mean a discharge, ~~that which~~ alone or in
conjunction with a discharge(s) ~~or discharges~~ from other sources,
748 inhibits or disrupts the county's POTW or WWF, its treatment
processes or operations, ~~or or~~ its biosolids ~~bio solids~~ processes, use,
750 ~~use~~ or disposal; and ~~therefore~~ therefore, constitutes or causes a
violation of the county's NPDES or FDEP permit(s) (including an
752 increase in the magnitude or duration of a violation) or; ~~or~~ the
prevention of wastewater biosolids ~~bio solids~~ reuse or disposal in
754 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, ~~reecycling~~ and disposal or recycling of residuals.

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

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

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

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

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

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

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

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

806 *Monthly average* shall mean the sum of all daily discharges
measured during a calendar month, divided by the number of daily
discharges measured during that calendar month.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

924 Review Section policies, and Orange County Utilities Standards and
Construction Specifications Manual, installed inside the building
926 and constructed to separate, ~~trap, trap~~ and hold ~~solid, solids~~, oil, and
~~and~~ grease substances from animal or vegetable sources that are
928 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.

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

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

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

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

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

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

960 ~~*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~~
962 ~~immediate development.~~

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

966 *Pass through* shall mean the discharge of pollutants through
968 the POTW or any other portion of the county wastewater system into
970 waters of the state or nation in quantities or concentrations that
972 ~~which~~ alone or in combination with a discharge or discharges from
974 other sources, is a cause of or significantly ~~contributes~~ contribute to
976 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.

978 *Periodic compliance report or self-monitoring report* shall
980 mean a status report summarizing compliance with pretreatment
982 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.

984 *Permit* shall mean a document issued to the county by
986 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.

988 *Person* shall mean any individual, partnership, or
990 association, the State of Florida or any agency or institution thereof,
992 the United States or any agency or institution thereof, or any
994 municipality, political subdivision, public or private ~~co~~partnership,
996 firm, company, association, society, corporation, or other joint stock
998 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
include the feminine ~~and, and~~ the singular shall include the plural
where appropriate indicated by the context.

1000 *pH* shall mean a measure of the acidity or alkalinity, of a
1002 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.

1004 *Pharmaceutical* shall mean any drug or dietary supplement
1006 for use by humans or other animals; any electronic nicotine delivery
1008 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

1010 drugs as defined by 21 CFR § 203.3(y); over-the-counter drugs;
1012 homeopathic drugs; compounded drugs; investigational new drugs;
pharmaceuticals remaining in non-empty containers; personal
1014 protective equipment contaminated with pharmaceuticals; and
clean-up material from spills of pharmaceuticals. This definition
does not include dental amalgam or sharps.

1016 *Pollutant* shall mean constituent(s) or foreign substance(s)
1018 that degrade the quality of the water so as to impair or adversely
1020 affect the usefulness or function of the water or pose a hazard to
1022 public health or the environment. Constituent(s) or foreign
1024 substance(s) that are present in water as a result of discharging into
1026 said water or waters with the following wastes, but is not limited to:
1028 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
municipal, agricultural and industrial wastes. Examples of
pollutants include pH, temperature, TSS, turbidity, color, CBOD,
COD, toxicity, odors, metals, ~~and~~ and organics. Refer to
contaminant.

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

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

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

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

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

1054 reduction or alteration can be obtained by physical, chemical, or
1056 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.~~)
1058 and 40 CFR § ~~Part 403.5, Chapter I, Subchapter N,~~ unless allowed
by an applicable pretreatment standard. Appropriate pretreatment
1060 technology includes control equipment, such as equalization tanks
of facilities, for protection against surges or slug loading that might
1062 interfere with or otherwise be incompatible with the county WWF.
However, where wastewater from a regulated process is mixed in an
1064 equalization facility with unregulated wastewater or flows from
another regulated process, the discharge from the equalization
1066 facility must meet an adjusted pretreatment limit using the combined
waste stream-wastestream formula.

1068 *Pretreatment facilities* shall mean the equipment, structures
and processes that are configured together for the treatment of user
1070 waste streams-wastestreams prior to discharge to the county
wastewater system.

1072 *Pretreatment program* shall mean the program that is
administered and enforced by the control authority in compliance
1074 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.

1076 *Pretreatment requirements* shall mean any substantive or
procedural requirement related to pretreatment, other than a
1078 pretreatment standard, that is imposed on an industrial user.

1080 *Pretreatment standards* shall mean any regulation
containing pollutant discharge limits, as established in F.S.-ch. 403,
1082 F.S., that which applies to industrial users, and includes the
prohibited discharge standards, categorical standards and local
limits.

1084 ~~*Private sewage or wastewater system* shall mean a sewage
collecting, treating, and disposal facility that is installed, maintained
1086 and owned by persons other than the county; and which may be
connected to the county wastewater system.~~

1088 *Private wastewater collection system* shall mean a
wastewater collection system installed, maintained, operated, and
1090 owned by persons other than the county; and that which may be
connected to the county wastewater system.

1092 ~~*Private wastewater disposal system* shall mean a wastewater
treatment and disposal facility maintained and owned by persons
1094 other than the county; and is not connected to the county wastewater
system.~~

1096 *Process wastewater* shall mean any water which, during
1098 manufacturing or processing, comes into direct contact with or
results from the production of or use of any raw material,
intermediate product, finished product, byproduct, or waste product.

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

1106 ~~*Properly shredded garbage* shall mean the wastes from the
preparation, cooking and dispensing of food that have been shredded
to such a degree that all particles will be carried freely under the
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.~~

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

1116 ~~*Proprietary information* shall mean information about a
commercial chemical, product, or process which is considered to be
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.~~

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

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

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

1140 *Quality assurance* shall refer to a
1141 management/administrative check on procedures and practices used
1142 during sampling and analysis that ~~ensures~~~~ensure~~ the accuracy,
1143 precision, reproducibility, ~~and~~~~and~~ representativeness of the
1144 reported data.

1145 *Receiving waters* shall mean the body of water or water
1146 course (canal, ditch, lake, river, stream or wetland) that receives the
1147 discharge from the POTW or is formed by the waters from such
1148 discharge.

1149 *Reclaimed water* shall mean highly water ~~or~~ treated
1150 wastewater that, which, as a result of treatment of wastes, is suitable
1151 for direct, nonpotable beneficial reuses or a controlled use by public,
1152 agricultural, commercial, resident, industrial, or institutional
1153 projects or development, and meets the requirements of chapter
1154 62-610, F.A.C that would not occur otherwise.

1155 ~~*Regulated wastestream* shall mean an industrial process~~
1156 ~~wastestream regulated by a national categorical pretreatment~~
1157 ~~standard.~~

1158 *Removal* shall mean a reduction in the amount of a pollutant
1159 in the WRF's effluent or alteration of the nature of a pollutant during
1160 treatment at the WRF. The reduction or alteration can be achieved
1161 by physical, chemical, or biological means and may be the result of
1162 specifically designed capabilities at the WRF or may be incidental
1163 to the operation of the treatment system. Dilution shall not be
1164 considered removal.

1165 *Representative sample* shall mean a sample collected from a
1166 ~~waste stream~~ ~~wastestream~~ that is as nearly identical as possible in
1167 composition to the larger volume of the flow stream that is being
1168 discharged to the county wastewater system during a normal
1169 operating day.

1170 *Residuals* shall mean the solid, semisolid, ~~or~~~~or~~ liquid
1171 residues that are generated during the treatment of wastes or
1172 wastewater in a pretreatment or treatment facility. Typically,
1173 ~~residuals~~ ~~residuals~~ do not include grit, screenings, ~~or~~~~or~~ incinerator
1174 ash. Refer to biosolids or sludge.

1175 *Reverse distributor* shall mean any person that receives and
1176 accumulates prescription pharmaceuticals that are potentially
1177 creditable hazardous waste pharmaceuticals for the purpose of
1178 facilitating or verifying manufacturer credit. Any person, including
1179 forward distributors, third-party logistics providers, and
1180 pharmaceutical manufacturers, that processes prescription
pharmaceuticals for the facilitation or verification of manufacturer
credit is considered a reverse distributor

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

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

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

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

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

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

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

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

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

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

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

1224 *Severe property damage* shall mean substantial physical
1226 damage to property, the user's treatment facilities so as to render
1228 them inoperable, ~~or 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.

1230 *Sewage* shall mean a combination of the water-carried
1232 wastes from residences, business buildings, institutions and
1234 industrial establishments, together with such ground, surface, and
stormwaters, and storm waters, and infiltration and inflow as, as
may be present. Refer to wastewater.

1234 ~~*Sewage treatment plant.* Refer to "Wastewater treatment
1236 plant" or "Water reclamation facility."~~

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

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

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

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

1248 ~~*Sewerage system or works* shall mean any processes,
1250 systems, equipment and facilities for the collection, storage,
1252 treatment, recycling and reclamation of domestic and industrial
1254 wastewaters. Facilities, systems and equipment include interceptor
sewers, outfalls, collection systems, pump stations, power systems;
1256 and appurtenances, extensions, improvements, remodeling,
1258 additions and alterations thereof; elements essential to provide a
reliable supply of reclaimed water or effluent and residuals in
1260 compliance with applicable permits, such as treatment units,
1262 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.~~

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

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

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

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

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

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

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

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

1288 (3) ~~Is subject Subject~~ to a national categorical
pretreatment standard as described in 40 CFR, ~~Subchapter N, Parts~~
1290 ~~405 through 471-474~~ and as adopted by reference in ~~chapter Chapter~~
62-660, F.A.C.; ~~or~~

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

1296 (5) ~~Is found Found~~ by the county, EPA, ~~or~~ FDEP to
1298 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
1300 emissions generated by the county wastewater system; ~~or~~

1302 (6) ~~Is designated Designated~~ as such by the director on
the basis that it has a reasonable potential for adversely affecting the
1304 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.

1306 (7) Upon a finding by the director or the county that a
1308 user meeting the criteria above has no reasonable potential for
1310 adversely affecting the POTW's operation or for violating any
1312 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.

1314 *Significant noncompliance (SNC)* shall mean a
1316 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.:

1318 (1) Chronic violations of wastewater discharge limits;~~or~~

1320 (2) Technical review criteria ~~(TRC)~~ for violations;~~or~~

1322 (3) Any other discharge violation of a pretreatment
1324 standard, limit, ~~or~~ requirement as defined by 40 CFR § ~~Part~~
403.3(1), ~~Chapter I, Subchapter N~~ (daily maximum, long-term
1326 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~~

1328 (4) Any discharge of pollutants that has caused
1330 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~~

1332 (5) Failure to meet, within ~~ninety (90)~~ days of the
1334 scheduled date, a compliance schedule milestone ~~milestones~~
contained in an industrial wastewater discharge permit or
enforcement order for starting construction, completing
1336 construction, or attaining final compliance;~~or~~

1338 (6) Failure to provide, within ~~within thirty (30)~~ days
1340 after the due date, any required reports, including baseline
monitoring reports, reports on compliance with categorical
pretreatment standard deadlines, periodic self-monitoring reports,
1342 and reports on compliance with compliance schedules, as required
by and authorized by this article;~~or~~

1344 (7) Failure to accurately report noncompliance; or

1346 (8) Any other violation(s) that ~~which~~ the director
determines will adversely affect the operation or implementation of
the local pretreatment program.

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

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

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

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

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

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

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

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

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

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

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

1400 *State* shall mean the State of Florida.

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

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

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

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

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

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

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

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

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

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

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

Total metals (TM) shall mean the sum of the concentration
1454 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
1456 value shall be used in this determination.

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

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

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

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

1476 Subchapter N and 40 CFR Part 122, (Appendix D, Table II, III, IV,
1478 and V), Chapter I, Subchapter N, as amended from time to time, as
measured by procedures in “Methods for the Chemical Analysis of
1480 Water and Wastes” or “Standard Methods”, current edition, or with
other approved EPA protocols.

1482 ~~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
1484 segregated from process wastewaters to maximize the value of the
recoverable solvents, to avoid contamination of other segregated
1486 wastes, and to prevent the discharge of toxic organics to the county’s
POTW or WWF or the environment. The plan should address the
1488 control of spills and leaks and also ensure that there is no deliberate
dumping of solvents.

1490 *Toxic pollutant* shall mean any pollutant or combination of
pollutants listed as toxic in regulations promulgated by the
1492 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
1494 time, or other federal or state acts.

1496 ~~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
1498 heavy metals.

1500 *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
1502 facility or location for treatment, disposal, ~~or~~ reuse (recycling).
The transporter is responsible for complying with applicable federal,
1504 state, ~~and~~ and local regulations regarding transportation of the
produced wastes.

1506 ~~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
1508 suspended matter in liquids; usually reported in arbitrary turbidity
units determined by measurements of light diffraction.

1510 ~~Twenty four hour flow proportional composite sample shall~~
mean a mixture of discrete sample aliquots that are collected during
1512 a twenty four hour period in which the portions are proportional to
the flow, taken at constant time intervals, and combined to form a
1514 representative sample.

1516 *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)
1518 that is installed inside the building beneath or in close proximity to
the sink or other facilities likely to discharge oil and grease from

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

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

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

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

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

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

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

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

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

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

1566 *Wastewater constituents and characteristics* shall mean the
1568 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.

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

1576 *Wastewater facility (WWF)* shall mean any or all of the
following: the entire county sewerage system or POTW; ~~the, the~~
1578 county's wastewater treatment plant or WRF, the county's reuse and
disposal system, including any sewers that convey wastewater to the
1580 county's wastewater treatment plant or WRF, to the county POTW
or WWF from persons outside the county utility service area ~~Orange~~
1582 ~~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.

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

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

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

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

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

{(b) Abbreviations and undefined terms.}

1604 (1) The following abbreviations, when used in this article,
shall have the designated meanings:

1606 ~~BCC - Board of county commissioners~~
BMP - Best management ~~plan or~~ practice

1608 BMPP - Best management practices plan
BMR - Baseline monitoring report

1610 BOD - Biochemical oxygen demand
°C - Degrees Celsius or centigrade

1612 CBOD - Carbonaceous biochemical oxygen demand
CFR - Code of Federal Regulations

1614 COD - Chemical oxygen demand
CIU - Categorical industrial user

1616 DO - Dissolved oxygen
EPA - U.S. Environmental Protection Agency

1618 ERC - Equivalent residential connection
ERU - Equivalent residential unit

1620 °F - Degrees Fahrenheit
F.A.C. - Florida Administrative Code

1622 FDEP - Florida Department of Environmental
Protection

1624 FDOH - Florida Department of Health
F.S. - Florida Statutes

1626 gpd - gallons per day
L - Liter

1628 LEL - Lower explosive limit
MAS - Maintenance access structure

1630 mg/L - milligrams per liter
MGD - million gallons per day

1632 MSDS - Material safety data sheet
NAICS - North American Industry Classification
System

1634 NOSNC - Notice of significant noncompliance

1636 NOV - Notice of violation

1638 NPDES - National Pollutant Discharge Elimination System

O&G - Oil and grease

1640 O&M – Operation and maintenance

OGPP - Oil and Grease Prevention Program

1642 POTW - Publicly owned treatment works

PPM - Parts per million

1644 RCRA - Resource Conservation and Recovery Act

SIU - Significant industrial user

1646 SNC - Significant noncompliance

SWDA - Solid Waste Disposal Act

1648 TDS - Total dissolved solids

TKN - Total kjeldahl nitrogen

1650 TN - Total nitrogen

TOMP - Toxic Organics Management Plan

1652 TRPH - Total recoverable petroleum hydrocarbons

TSS - Total suspended solids

1654 TTO - Total toxic organics

U.S.C. - United States Code

1656 WRF - Water reclamation facility

WWF - Wastewater facility

1658 (2) Terms not otherwise defined herein shall be as set forth in Title 40 CFR, ~~chapter~~ ~~Chapter~~ 62, F.A.C., or as adopted in

1660 the latest edition of “Standard Methods for the Examination of Water and Wastewater ~~Waste water~~” published by American Public

1662 Health Association, the American Water Works Association, and

1664 ~~and~~ the Water Environment Federation; the Manual of Practices as researched and published by the Water Environment Federation,

1666 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

1668 protocols that have been prepared and published by ~~the U.S. Environmental Protection Agency (EPA) and the Florida~~

1670 ~~Department of Environmental Protection (FDEP).~~

Sec. 37-704. Administration.

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

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

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

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

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

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

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

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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~~ 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

1762 of this article, including a hearing examiner to hear appeals from
1764 determinations of the director or staff. Any rules and regulations
1766 pertaining to public and private sewer regulations of the county ~~that~~
1768 ~~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.

1770 **Sec. 37-709. Fees.**

1772 (a) This article shall authorize establishment or
enactment of reasonable fees for the reimbursement of costs by users
1774 of the county WWF for the implementation of the programs
established herein. The applicable charges or fees may be adopted
1776 by county resolution adopted by the ~~BCC board of county~~
~~commissioners~~ from time to time in accordance with applicable law.

1778 (b) Charges and fees that the ~~BCC board of county~~
~~commissioners~~ may adopt by county resolution, include, but may
not be limited to:

1780 (1) Fees for reimbursement of costs for
1782 implementation and enforcement of the county's pretreatment
program, surcharge program, OGPP, hauled wastewater program,
and ~~BMP best management~~ programs by designated users;

1784 (2) Fees for compliance monitoring, facility
1786 inspections, responding to accidental or slug discharges, ~~and~~ and
surveillance activities;

1788 (3) Fees for reviewing BMPs, pollution
prevention plans, slug (accidental) discharge control plans, spill
1790 prevention and control plans, waste minimization plans, ~~or~~ or
facility construction plans;

1792 (4) Fees for permit applications, including
reviews;

(5) Fees for permit issuance or renewal;

1794 (6) Fees for filing appeals;

1796 (7) Fees for sample collection and laboratory
analyses;

1798 (8) Fees or surcharges for treatment of
abnormally high strength compatible wastes;

1800 (9) Fees for acceptance and treatment of hauled
wastes;

1802 (10) Fees for consistent removal by the county of
pollutants otherwise subject to federal pretreatment standards; and

1804 (11) Other fees as the county may deem necessary
1805 to carry out the requirements contained in this article. The fees
1806 above relate solely to the matters covered by this article and are
separate from all other fees, fines, and penalties chargeable by the
county.

1808 ~~The These~~ fees authorized here are separate and in addition
1809 to all other fees, fines, penalties, ~~or of~~ uniform wastewater rate
1810 schedules as adopted by the ~~BCC board of county commissioners~~ in
other rate resolutions and ordinances.

1812 **Secs. 37-710—37-720. Reserved.**

1814 *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
1816 Orange County Code is amended to read as follows:

DIVISION 2

1818 PRIVATE WASTEWATER COLLECTION SYSTEMS CONNECTED TO THE COUNTY'S WWF

1820
1822 **Sec. 37-721. Private wastewater collection systems connected
to the county's WWF.**

1824 (a) Any construction, reconstruction, enlargement,
1825 modification, ~~or of~~ improvement of a private wastewater collection
1826 system that is or is intended to be connected to the county's
wastewater system shall be in accordance with article ~~I and~~, article
1828 XX, of this chapter, and all other applicable provisions of this
chapter.

1830 (b) All discharges to the county's wastewater system
shall be in accordance with all provisions of this article.

1832 (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.

1834 (d) A private wastewater collection system shall be
1835 maintained, at no cost to the county, so as to preclude the entrance
1836 of excessive amounts of infiltration and inflow. Should it be
1837 determined by the director that excessive amounts of
1838 infiltration/inflow are entering the county wastewater system from
a private wastewater collection system, the owner shall be
1840 responsible for determining the cause(s) and for making all
necessary repairs to the system, at no cost to the county and to the

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

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

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

Secs. 37-722—37-734. Reserved.

1876

Section 4. Amendments to Article XX, Chapter 37, Division 3, Pretreatment of
1878 *Wastewater.* Article XX, Chapter 37, Division 3, of the Orange County Code is amended to read
as follows:

1880 **DIVISION 3**

PRETREATMENT OF WASTEWATER

1882 **Sec. 37-735. Prohibited discharge standards.**

1884 (a) This section establishes limitations and prohibitions
1886 on the quantity and quality of sewage or wastewater ~~that~~ ~~which~~ may
1888 be lawfully discharged into the county WWF or any of its ~~publicly~~
1890 publicly owned treatment works. Pretreatment of some sewage
1892 discharges may be required to achieve the goals established by this
1894 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.*

1896 a. Industrial users shall not input any
1898 pollutant to a wastewater treatment facility that can cause pass
1900 through or interference, pursuant to rule No user shall introduce or
1902 cause to be introduced into the county wastewater system any
1904 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~~ local pretreatment standards or requirements.

1906 b. No person shall discharge or cause to
1908 be discharged any stormwater, surface water, groundwater, roof
1910 runoff, subsurface drainage, uncontaminated or noncontact cooling
1912 water, swimming pool drainage, ~~or~~ ~~or~~ unpolluted industrial process
1914 waters to any sanitary sewer. No person shall make connection of
1916 roof downspouts, exterior foundation drains, areaway drains, or
1918 other sources of surface water runoff or groundwater to a building
1920 drain or sewer lateral ~~that~~ ~~which~~ in turn is connected directly or
1922 indirectly to the county wastewater system, unless such connection
has been approved previously in writing by the director. Users shall
properly maintain building drains, wastewater laterals, ~~and~~ ~~and~~
mains located on private property to prevent the discharge of any
stormwater, surface water, groundwater, roof runoff, subsurface
drainage, uncontaminated or noncontact cooling water, swimming
pool drainage, ~~or~~ ~~or~~ unpolluted industrial process waters to any
sanitary sewer. Commercial swimming pool filter backwash
discharge may be discharged to the sanitary sewer upon director

1924 approval and sufficient pretreatment as needed to meet county local
1925 limits.

1926 c. No person shall discharge into any
1927 stormwater system or natural outlet within the county any sanitary
1928 sewage, industrial wastes, ~~or~~ other polluted waters, except where
suitable treatment has been provided in accordance with the
provisions of this article.

1930 d. Stormwater, other unpolluted
1931 drainage, noncontact (uncontaminated) cooling water, ~~or~~ other
1932 unpolluted waters may be discharged to a specifically designated
stormwater system or natural outlet with prior written approval of
1933 the director, and in accordance with applicable county ordinances
and other local and state regulations.

1936 (2) *Specific prohibitions.* No person or user shall
1937 discharge or cause to be discharged substances, materials, waters, ~~or~~
1938 ~~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
1940 adverse effect on the receiving stream, effluent disposal facilities,
reclaimed water systems, sludge facilities; or can otherwise
1942 endanger life, limb, public property, ~~or~~ ~~or~~ constitute a nuisance in
accordance with ~~rule Chapter~~ 62-625.400, F.A.C. In forming his ~~or~~
1944 ~~her~~ opinion as to the acceptability of these wastes, the director will
give consideration to such factors as the quantities of subject wastes;
1946 quantities of subject wastes in relation to the flows and velocities in
the sewers; ~~materials, materials~~ of construction or current condition
1948 or age of the sewers; ~~nature, nature~~ of the sewage treatment
processes; ~~capacity, capacity~~ of the wastewater treatment plant;
1950 ~~degree, degree~~ of treatability of the wastes by the county WWF; ~~and,~~
~~and~~ other pertinent factors. Specific prohibited wastes or substances
1952 ~~that which~~ shall not be discharged, introduced, ~~or~~ ~~or~~ contributed by
a user to the county WWF include:

1954 a. Any liquids, solids, ~~or~~ ~~or~~ wastes ~~that,~~
1955 ~~which,~~ by reason of their nature or quantity are, or may be, either
1956 alone or in combination with other substances, sufficient to cause a
fire or explosion or be injurious in any other way to the county
1958 wastewater system or to the operation of said system. At no time
shall two ~~(2)~~-successive readings on an explosion hazard meter at
1960 the point of discharge into the system, or at any point in the county
collection system, be more than five ~~(5)~~-percent, nor any single
1962 reading over ~~ten~~(10) percent of the ~~lower explosive limit~~(LEL) as
calibrated using propane for ~~one hundred~~(100) percent of the meter.

1964 b. Pollutants ~~that which~~ create a fire or
1965 explosion hazard in the county WWF, either singly or in
1966 combination with other substances, with a closed-cup flashpoint of

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

1970 c. Pollutants in a concentration or
1972 quantity, either singly or in combination with other wastes, that
1974 ~~which~~ produce in the county wastewater system toxic gases, vapors,
1976 ~~or fumes, such as naphtha or fumes; such as, naphtha,~~ benzene,
1978 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.

1980 d. Any solid or viscous substances in
1982 quantities or of such size that ~~which~~ may cause obstruction to the
wastewater treatment facilities, including, but not limited to:
1984 greases; garbage; animal guts or tissues; paunch manure; bones;
1986 hair; hides; flesh materials; entrails; whole blood; feathers; spent
1988 lime; grit; gravel; stone or marble dust; ashes; cinders; sand; metal;
1990 glass; straw; shavings; grass clippings; rags; spent grains; spent
1992 hops; wastepaper; ground paper products; wood; plastics; tar,
1994 asphalt residues; residues from refining or processing of fuel;
1996 lubricating oil; car wash recirculation sludge; mud or glass
1998 grinding(s); polishing wastes; and paper or plastic dishes, cups, or
2000 containers, either whole or ground by a garbage grinder ~~greases,~~
~~garbage, animal guts or tissues, paunch manure, bones, hair, hides,~~
~~flesh materials, entrails, whole blood, feathers, spent lime, grit,~~
~~gravel, stone or marble dust, ashes, cinders, sand, metal, glass,~~
~~straw, shavings, grass clippings, rags, spent grains, spent hops,~~
~~wastepaper, ground paper products, wood, plastics, tar, asphalt~~
~~residues, residues from refining, or processing of fuel, lubricating~~
~~oil, car wash recirculation sludge, mud or glass grinding(s),~~
~~polishing wastes, paper or plastic dishes, cups, containers, either~~
~~whole or ground by a garbage grinder.~~

2002 e. Any wastewater having a pH lower
2004 than the county's lower pH local limit specified in and established
2006 by county resolution, or higher than the county's upper pH local
2008 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.

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

2012 any wastewater treatment process; ~~constitute, constitute~~ a hazard to
2014 humans or animals; ~~create, create~~ a toxic effect in the receiving
2016 waters of the county wastewater system, reclaimed water, ~~or of~~
2018 system; ~~or of~~ 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.

2020 g. Any noxious or malodorous liquids,
2022 gases, ~~or of~~ 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.

2024 h. Any substances ~~that which~~ may cause
2026 the discharge from any county treatment facility or any other
product of the county wastewater system, such as residues,
2028 screenings, sludges, or scums, to be unsuitable for reclamation and
reuse, or to interfere with the reclamation and reuse program(s). In
2030 no case shall a substance be discharged to the county wastewater
system ~~that causes which cause~~ the county wastewater system to be
2032 in noncompliance with sludge use or disposal criteria, guidelines or
regulations developed under ~~Section~~ section 405 of the Act; and any
2034 criteria, guidelines, or regulations affecting sludge use or disposal
developed pursuant to the ~~Solid Waste Disposal Act (SWDA)~~, the
2036 Clean Air Act, the Toxic Substances Control Act, or state criteria
applicable to the sludge management method that the county may
employ.

2038 i. Any substance ~~that which~~ will cause
2040 the county wastewater system to violate its NPDES, FDEP, ~~or of~~
2042 other applicable permits, the receiving water quality standards,
reclaimed water quality requirements, or ~~violate~~ an agreement for
delivery and reuse of reclaimed water.

2044 j. Any pollutants or wastewaters ~~that~~
~~which~~ impart excessive discoloration that ~~cannot can not~~ be
2046 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.

2048 k. Any sewage or wastewater having a
2050 temperature ~~that which~~ will inhibit biological activity at the county
treatment facility resulting in interference; but in no case shall the
2052 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
2054 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.

2056

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

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m. Any garbage that has not been properly shredded.

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

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

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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.

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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.

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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.

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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.

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2098 t. Any waters or wastes containing
2100 products of mineral oil origin, or petroleum products, such as oil,
gasoline, diesel fuel, aviation fuel, kerosene, cutting oil, mineral
2102 spirits, ~~or~~ other petroleum hydrocarbon products, in quantities
that will cause interference, pass through, ~~or~~ facility upset.

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

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

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

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

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

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

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

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

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

2142 the above enumerated prohibited substances in such amounts as to
2143 cause pass through, a violation of any applicable permit or contract,
2144 or otherwise interfere with the operation of the system, the director
shall:

2145 a. Advise the user of the impact of the
2146 contribution on the county wastewater system; and

2147 b. Develop effluent (discharge)
2148 limitations for such user to correct the interference with or impacts
to the county wastewater system.

2149 (4) Pollutants, substances, ~~or~~ wastewater
2150 prohibited in this section shall not be processed or stored in such a
2151 manner that could be discharged to the county wastewater system.

2152 (5) Users shall notify and obtain written approval
2153 from the director, the ~~Environmental Protection Agency (EPA)~~
2154 regional waste management division director and state hazardous
2155 waste authorities for discharges to the county WWF, if disposed in
2156 another manner, the discharges would be classified as a hazardous
2157 waste. Notification by the user shall comply with 40 CFR ~~§ Part~~
2158 403.12, ~~Chapter I, Subchapter N and rule Chapter~~ 62-625.600,
2159 F.A.C., or as amended.

Sec. 37-736. Federal categorical pretreatment standards.

2160 (a) ~~Certain industrial~~ users that are now ~~or~~
2161 hereafter, ~~shall become~~ subject to current federal categorical
2162 pretreatment standards promulgated by EPA ~~currently in effect shall~~
2163 be subject to; ~~or~~ any other federally approved limits ~~that which~~ may
2164 come into effect in the future. The federal categorical pretreatment
2165 standards specify quantities or concentrations of pollutants or
2166 pollutant properties ~~that which~~ may be discharged into the county
2167 WWF in accordance with ~~chapter Chapter~~ 62-625, F.A.C. All
2168 industrial users subject to a federal categorical pretreatment standard
2169 shall comply with all requirements of such standard, and shall also
2170 comply with any additional or more stringent limitations referenced
2171 in this article and as established by county resolution, compliance
2172 with federal categorical pretreatment standards, or for existing
2173 sources subject to such standards or for existing sources ~~that which~~
2174 hereafter become subject to such standards, shall be within three ~~(3)~~
2175 years following promulgation of said standards, unless a shorter
2176 compliance is specified in the standard or as required by the county.

2177 (b) Compliance with national pretreatment standards for
2178 new sources shall be required upon promulgation of the standard.

2179 (c) The federal categorical pretreatment standards found
2180 in 40 CFR ~~Chapter I, Subchapter N, Parts 403 through 471, 471~~
2181 and ~~that which~~ have been incorporated by reference in chapter

2184 ~~Chapter 62-660, F.A.C., or chapter Chapter 62-625, F.A.C., or as~~
2186 ~~amended are; are~~ hereby adopted and incorporated herein by
reference.

2188 (d) All federal categorical pretreatment requirements
2190 found in 40 CFR ~~Parts 403 through 407, Parts 403—471, Chapter I,~~
2192 ~~Subchapter N~~; that are more stringent than the requirements defined
or incorporated by reference in ~~chapter Chapter 62-660, F.A.C., or~~
~~chapter Chapter 62-625, F.A.C., or as amended~~ are hereby adopted.

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

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

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

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

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

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

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

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

2238 (be) County local limits shall be established by county
2240 resolution and the table of local limits currently set forth within this
2242 article will be repealed on the effective date of the initial such
2244 resolution which establishes the new local limits. The established
2246 county local limits are subject to change and shall be modified as
2248 needed based on regulatory requirements and standards, WRF
2250 operation, performance and processes, the industrial user base,
2252 potable water quality, ~~and~~ and domestic wastewater characteristics.
2254 Modifications to the established county local limits must be
2256 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.

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

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

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

2272 requirement that the user construct a pretreatment facility or institute
2274 changes in its operation and maintenance procedures to reduce the
concentration of pollutants to levels not to exceed the county's local
2276 limits established by county resolution within a fixed period of time
or in accordance with a compliance schedule.

2278 (e) Significant industrial users (SIUs) and non-
significant CIUs (“SIUs”) shall be subject to the numerical county
2280 local limits established by county resolution and the receiving city
or jurisdictional utility’s local limits established by city ordinance,
2282 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).

2284 (f) — ~~At the discretion of the director, any nonresidential~~
~~user may be required to develop and fully implement a best~~
2286 ~~management plan (BMP) for specific constituents, and to participate~~
~~in the related county best management program. All SIUs shall~~
2288 ~~develop and fully implement a best management practices plan~~
~~(BMPP) if required to comply with applicable general pretreatment~~
2290 ~~standards in 40 CFR Part 403, Chapter I, Subchapter N, categorical~~
~~pretreatment standards, county local limits, and state and local law.~~
2292 ~~This requirement may be in addition to the county local limits set~~
~~forth in this section. Significant industrial [users] shall comply with~~
2294 ~~the county local limits established by county resolution, with the~~
~~exception in which the director specifically requires a user to~~
2296 ~~develop, implement and comply with a BMPP as a condition of the~~
~~industrial wastewater discharge permit.~~

2298 (g) — ~~Technically defensible county local limits, such as~~
~~those established by county resolution, may be added or amended~~
2300 ~~from time to time based on the results of treatment plant monitoring,~~
~~water quality requirements, field investigation of industrial users,~~
2302 ~~and/or any other factors which the director deems of significance~~
~~with respect to the proper and safe operation of the county WWF~~
2304 ~~and necessary for compliance with applicable permits and effluent~~
~~disposal or reclaimed water standards or agreements.~~

2306 (h) — ~~Additional county local limits may be imposed by the~~
~~director for groundwater remediation facilities as set forth in section~~
2308 ~~37-756 of this article.~~

2310 (i) — ~~The county’s local limits apply at the point where the~~
~~wastewater is discharged into the county WWF. All concentrations~~
2312 ~~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).~~

2314 (j) — ~~For the purposes of pH monitoring, an exceedence~~
~~shall be defined as an excursion outside of the county local limit for~~

2316 pH established by county resolution that persists for more than
2318 fifteen (15) consecutive minutes in a calendar day. However, if only
2320 one (1) grab sample is collected for pH monitoring within a fifteen-
2322 minute consecutive period, the one (1) grab sample will be deemed
2324 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.

2326 (k) — The director may impose mass limitations in addition
2328 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.

2330 (l) — If the federal categorical pretreatment standards
2332 apply to a user's discharge, the director may apply the local
2334 pollution limits established by county resolution or the average of
four (4) consecutive monitoring events in the federal categorical
2336 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).

2338 (m) — At the discretion of the control authority, and subject
2340 to the requirements in 40 Part CFR 403.7, Chapter I, Subchapter N
2342 and Chapter 62-625.420, F.A.C., and FDEP and EPA approval,
2344 removal credits may be granted to reflect removal performance by
2346 the county wastewater facilities for pollutants specified in the
2348 categorical pretreatment standards. The county may grant removal
2350 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.

2352 (n) — State requirements and limitations on discharges
2354 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.

2356 (o) — The county reserves the right to establish by county
2358 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.

2360 No user shall ever increase the use of process water, or in
2362 any way attempt to dilute a discharge, as a partial or complete
2364 substitute for adequate treatment to achieve compliance with the
2366 national categorical pretreatment standards, local pollutant limits,
2368 other pretreatment standards, discharge limitations, or requirements,
2370 including, but not limited to, more stringent local pollutant limits
2372 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.

2374 (a) ~~Intent.~~—The county hereby establishes a hauled
2376 wastewater program and a waste hauler operating permit
2378 requirement. The county may include such provisions, terms, and
2380 ~~and~~ conditions in the waste hauler operating permit as it may
2382 determine reasonable and necessary pursuant to this ordinance and
2384 applicable local, state, and ~~and~~ federal wastewater standards. No
2386 such permit shall be issued until all fees, including, but not limited
2388 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:

2390 (b) ~~Waste hauler operating permit requirements.~~ It is
2392 ~~unlawful to discharge hauled waste to the county's POTW or WWF,~~
2394 ~~the county's septage receiving station or areas approved by the~~
2396 ~~director without obtaining a waste hauler operating permit from the~~
2398 ~~director prior to the beginning of such discharge. It is unlawful to~~
2400 ~~service (remove wastes from or perform maintenance activities on)~~
2402 ~~a oil and grease interceptor, oil and grease trap, pump station, oil~~
2404 ~~and water separator, or sand intereceptor/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~~

2406 obligations to comply with all federal and state requirements and
2407 limitations or any other requirements and limitations of federal,
2408 state, and local laws. It shall be unlawful for a domestic waste
2409 hauler, industrial waste hauler or person to discharge or cause to be
2410 discharged to the county WWF any trucked or hauled wastes,
2411 pollutants, solids or substances without prior written authorization
2412 from the director and payment of applicable fees and charges in
2413 accordance with the provisions of this article and the rate schedules
2414 adopted by the board of county commissioners. The director may
2415 require waste haulers hauling industrial wastewater to obtain an
2416 industrial wastewater discharge permit as necessary to carry out the
purposes of this article.

2418 (e) — Under no circumstances shall hazardous wastes, as
2419 defined in 40 CFR Part 261, Chapter I, Subchapter I or Title 10 of
2420 Code of State Regulation (CSR) Division 25 Chapter 4.261, or as
2421 amended, be trucked, hauled or transported to a county wastewater
2422 facilities for treatment and disposal.

2423 (d) — Only authorized waste transporters or haulers shall
2424 be allowed to discharge hauled wastes to the county WWF.
2425 Transporters and haulers shall obtain a waste hauler operating
2426 permit and where applicable, an industrial wastewater discharge
2427 permit, and other applicable state and local permits prior to being
2428 allowed to discharge hauled wastes to the county WWF. The
2429 director shall incorporate conditions in the waste hauler operating
2430 permit and where applicable, the industrial wastewater discharge
2431 permit as reasonably deemed necessary to prevent pass through or
2432 interference with the operation of county facilities, and to insure
2433 compliance with all applicable state and federal permits and the
2434 provisions of this article. The director may prohibit the discharge of
hauled wastes to achieve the objectives of the pretreatment program.

2436 (e) — Haulers may discharge loads to the county WWF
2437 only at locations and during specific operating hours as designated
2438 in the waste hauler operating permit, the industrial wastewater
2439 discharge permit, where applicable, or by the director. Waste hauler
2440 operating permits for individual vehicles to use such facilities shall
2441 be issued by the county. No load may be discharged without prior
2442 written consent of the director. Samples of each hauled load may be
2443 collected by the director to ensure compliance with the provisions
2444 of this article. The director may require the hauler to provide a waste
2445 analysis of any load prior to discharge. Under emergency
2446 conditions, the director may designate alternative locations and
operating hours, or suspend the acceptance of hauled wastes at
county wastewater facilities.

2448 (f) — Haulers that serve oil and grease interceptors, oil and
oil and grease traps, pump stations, oil and water separators, or sand

2450 ~~interceptors/traps that discharge to the county's WWF and/or~~
2452 ~~haulers that discharge wastes directly to the county's WWF, the~~
~~county's septage receiving station or areas approved by the director~~
2454 ~~shall provide the director with a waste disposal manifest for every~~
2456 ~~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.~~

2458 ~~(g) — For every occurrence when hauled waste is rejected~~
2460 ~~by the director, the waste hauler must submit a completed waste~~
2462 ~~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.~~

2464 ~~(h) — The director may rescind the authorization for a~~
2466 ~~transporter or hauler to discharge hauled wastes to the county~~
~~POTW or WWF for the following:~~

2468 ~~(1) — Violations of the provisions of the hauled~~
~~waste operating permit, the industrial wastewater discharge permit,~~
~~this article or other county ordinances;~~

2470 ~~(2) — Failure to obey the orders of county~~
~~personnel or staff;~~

2472 ~~(3) — Failure to comply with operating procedures~~
~~at county facilities;~~

2474 ~~(4) — Failure to pay the assessed charges, fees and~~
~~surcharges;~~

2476 ~~(5) — Failure to obtain the requisite state or local~~
~~permit(s) or licensure(s); or~~

2478 ~~(6) — Failure to submit a waste disposal manifest or~~
2480 ~~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~~

2482 ~~(7) — Failure to comply with any applicable~~
2484 ~~federal, state or local regulations, or the provisions set forth in the~~
~~waste hauler operating permit, the industrial wastewater discharge~~
~~permit.~~

2486 ~~(i) — The director has the right to refuse hauled wastes~~
2488 ~~based on a review of the waste hauler operating permit, the industrial~~
~~wastewater discharge permit, the waste disposal manifest,~~
2490 ~~monitoring results, previous performance, county records and the~~
~~observations of county personnel on duty. Hauled wastes shall be~~
~~rejected if:~~

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

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

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

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

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

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

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

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

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

2532 ~~WWF, in accordance with the rate schedules adopted by the board~~
2533 ~~of county commissioners.~~

2534 ~~(n) — The hauler shall pay a charge associated with the late~~
2535 ~~submittal of applications required to obtain a waste hauler operating~~
2536 ~~permit and/or an industrial wastewater discharge permit, in~~
2537 ~~accordance with the rate schedules adopted by the board of county~~
2538 ~~commissioners.~~

2539 ~~(o) — The hauler shall pay a fee associated with the transfer~~
2540 ~~of a waste hauler operating permit and/or an industrial wastewater~~
2541 ~~discharge permit (where applicable), in accordance with the rate~~
2542 ~~schedules adopted by the board of county commissioners.~~

2543 ~~(p) — The hauler shall pay a fee associated with the~~
2544 ~~county's processing of each appeal requested by the hauler. Appeal~~
2545 ~~charges apply to appeal requests pertaining to waste hauler~~
2546 ~~operating permit requirements, industrial wastewater discharge~~
2547 ~~permit requirements, article requirements, a notice of violation~~
2548 ~~(NOV), a notice of significant noncompliance (NOSNC), consent~~
2549 ~~orders, or notice of termination of utility services, in accordance~~
2550 ~~with the rate schedules adopted by the board of county~~
2551 ~~commissioners.~~

2552 ~~(q) — The original source of the hauled wastes and the~~
2553 ~~transporter (hauler) may be assessed the costs related to resolving~~
2554 ~~upsets at county treatment facilities, including any fines or penalties~~
2555 ~~for violations of federal or state permit conditions or agreements for~~
2556 ~~the reuse of reclaimed water or residuals, the costs for clean up of~~
2557 ~~application sites for residuals, and damages to the county POTW or~~
2558 ~~WWF. Furthermore, the county shall have the right to initiate~~
2559 ~~enforcement action against said offenders and to seek administrative~~
2560 ~~and judicial remedies as set forth in this article. The director may~~
2561 ~~require a hauler to post a performance bond or carry liability~~
2562 ~~insurance as conditions for granting authorization to discharge~~
2563 ~~hauled wastes to the county WWF.~~

2564 ~~(r) — Waste hauler operating permitting: existing sources.~~
2565 ~~Any current waste hauler (business or sole proprietor established~~
2566 ~~and doing business at the time of this article's approval by the board~~
2567 ~~of county commissioners) servicing oil and grease interceptors, oil~~
2568 ~~and grease traps, pump stations, oil and water separators, or sand~~
2569 ~~interceptors/traps that discharge to the county's WWF or haulers~~
2570 ~~proposing to discharge wastes directly to the county's POTW or~~
2571 ~~WWF, the county's septage receiving station or areas approved by~~
2572 ~~the director must apply for a waste hauler operating permit within~~
2573 ~~sixty (60) days of this article revision approval date. All waste hauler~~
2574 ~~operating permit applications must be completed in accordance with~~
~~section 37-739(t) and section 37-739(u) of this article. Prior to~~

2576 requesting a waste hauler operating permit application, the waste
2578 hauler must establish a billing account with the director and comply
with the requirements associated with establishing a billing account,
2580 which may include the submission of information and deposits by
the waste hauler.

2582 (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)
2584 servicing oil and grease interceptors, oil and grease traps, pump
stations, oil and water separators, or sand interceptors/traps that
2586 discharge to the county's WWF or haulers proposing to discharge
wastes directly to the county's POTW or WWF, the county's
2588 septage receiving station or areas approved by the director must
apply for a waste hauler operating permit within sixty (60) days of
2590 company establishment. All waste hauler operating permit
applications must be completed in accordance with section 37-
2592 739(t) and section 37-749(u) of this article.~~

2594 (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
2596 must submit the information specified on a permit application in the
form prescribed by the director, and accompanied by the application
2598 fee. In support of the application, the waste hauler shall submit, in
terms appropriate for evaluation, the following information at
2600 minimum:~~

2602 (1) ~~Hauler name, address, and location, (if
different from the facility address);~~

2604 (2) ~~Business name, address, telephone number
and fax number;~~

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

2606 (4) ~~The specific waste types to be disposed;~~

(5) ~~Designated facility contact;~~

2608 (6) ~~Identify all environmental permits and/or
licenses held, including type, issuing body, and applicable
2610 expiration date; and~~

2612 (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
2614 number, vehicle license tag number, Florida Department of Health
(FDOH) issued hauled waste transporter license decal number or
2616 county decal number (where applicable), and waste disposal
capacity (in gallons).~~

2618 (u) — ~~Application signatories and certification. All waste~~
2620 ~~hauler discharge permit applications must contain the following~~
~~certification statement and be signed by an authorized representative~~
~~of the waste hauler:~~

2622 *~~“I certify under the penalty of law that this document and all~~*
2624 *~~attachments were prepared under my direction or supervision. The~~*
2626 *~~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.”~~

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

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

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

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

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

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

c. — ~~A listing of acceptable waste types;~~

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

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

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

2660 g. — ~~The administrative requirement of the~~
2661 ~~waste hauler to obtain a waste hauler operating permit prior to~~
2662 ~~servicing (pump out or maintain) any oil and grease interceptor, oil~~
2663 ~~and grease trap, pump station, oil and water separator, or sand~~
2664 ~~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;~~

2666 h. — ~~The administrative requirement of the~~
2667 ~~waste hauler to register each vehicle with the county, for the~~
2668 ~~transportation of each waste type identified by the waste hauler on~~
~~the hauled waste operation permit application;~~

2670 i. — ~~The administrative requirement of the~~
2671 ~~waste hauler to obtain a waste hauler operating permit registration~~
2672 ~~vehicle decal from the director for the transportation of domestic or~~
~~industrial waste;~~

2674 j. — ~~The administrative requirement of the~~
2675 ~~waste hauler to obtain a hauled waste transporter license decal~~
2676 ~~(number) from the FDOH as required for the transportation of~~
~~domestic septage waste;~~

2678 k. — ~~The administrative requirement of the~~
2679 ~~waste hauler to maintain a current waste hauler account with the~~
2680 ~~director;~~

2682 l. — ~~A statement that the waste hauler~~
2683 ~~must complete and submit to the director prior to discharge, a waste~~
2684 ~~disposal manifest identifying the source of all waste (i.e.,~~
2685 ~~origin/location, address, and estimated volume) for each waste load~~
2686 ~~received from users of the county WWF or to be disposed at the~~
~~county's septage receiving station or designated disposal location;~~

2688 m. — ~~A statement that all vehicles used to~~
2689 ~~haul waste must be equipped with a safe and easily accessible~~
~~sample point;~~

2690 n. — ~~A statement that analytical data may~~
2691 ~~be required of all waste types subject to approval;~~

2692 (3) — ~~Waste hauler operating permits must contain~~
2693 ~~the following specific permit conditions:~~

2694 a. — ~~A detailed listing of specific~~
2695 ~~acceptable waste types and a statement that the waste hauler may~~
2696 ~~dispose the specific waste types listed;~~

2698 b. — ~~A detailed listing of the specific~~
2699 ~~vehicles (as identified by vehicle make, FDOH hauled waste~~
2700 ~~transporter license decal number [where applicable], license tag,~~
~~waste hauler operating permit registration vehicle decal number, and~~

2702 total waste storage capacity [in gallons]) authorized to dispose
hailed waste;

2704 e. — A statement that the original waste
hauler discharge permit must be kept on file in the permanent
business office location of the waste hauler;

2706 d. — A statement that each registered
waste hauling vehicle shall carry a copy of the waste hauler
2708 operating permit at all times;

2710 e. — A statement that the waste hauler
shall immediately report any changes in business name, ownership,
2712 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;

2714 f. — A statement that all wastes subject to
approval shall not be commingled with other waste;

2716 g. — A statement that in the case of
multiple waste sources contained in one (1) vehicle load, any part of
2718 the load which is unacceptable, pursuant to the requirements defined
in this article or waste hauler operating permit requirements, may
2720 render the entire load unacceptable for discharge; and

2722 h. — A statement that the waste hauler
shall follow the established procedures and policies regarding the
use of the county's septage receiving station.

2724 (4) — Waste hauler operating permits shall require
the waste hauler to use a waste disposal manifest or nonhazardous
2726 waste disposal manifest identifying the following information at a
minimum:

2728 a. — Waste hauler business name and
address;

2730 b. — Waste hauler operating license
vehicle decal number issued by the director;

2732 c. — County septage receiving station
waste hauler account number (where applicable);

2734 d. — Waste hauler operating permit
number issued by the director;

2736 e. — Waste pick-up date;

2738 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
2740 toilet waste must maintain customer records identifying generator

2742 name and address and shall make this information available to the
director upon request;

2744 g. ~~Estimated waste volume removed (in
gallons);~~

2746 h. ~~Identify the waste type and device
serviced;~~

2748 i. ~~Inspect and identify the condition of
the device, noting all repairs needed to comply with state and local
requirements;~~

2750 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;~~

2756 k. ~~Waste hauler driver printed name and
dated signature; and~~

2758 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.~~

2762 (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:~~

2766 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.~~

2772 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.~~

2780 c. ~~For portable toilet waste, the waste
hauler and waste disposal facility are required to date, sign and
provide all information contained in the waste disposal manifest or~~

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

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

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

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

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

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

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

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

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

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

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

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

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

2830

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

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

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

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

2840

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

2844

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

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

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

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

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

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

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

2858 (8) — ~~Failure to pay penalties;~~

2860 (9) — ~~Failure to pay waste disposal charges;~~

2860 (10) — ~~Failure to meet compliance schedules;~~

2862 (11) — ~~Failure to complete a waste hauler operating
permit application;~~

2864 (12) ~~Violation of any general or specific permit
condition or requirement, or any terms of the waste hauler operating
permit or this article; and~~

2866 (13) ~~Waste hauler operating permits shall be
voidable by the control authority upon non-use, cessation of
2868 operations, or transfer of business ownership. All waste hauler
operating permits are void upon the issuance of a new waste hauler
2870 operating permit.~~

2872 (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
2874 complete operating permit application, in accordance with section
37-739(t) and section 37-739(u) of this article prior to the expiration
2876 of the user's existing waste hauler operating permit.~~

2878 (dd) ~~Regulation of hauled waste received from outside
service area.~~

2880 (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
2882 regulation by the control authority.~~

2884 (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
2886 (Enforcement) through 34-751 (Supplemental enforcement) of this
article.~~

2888 **Sec. 37-740. Discharge of unpolluted drainage.**

2890 ~~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
2892 county, state, ~~and~~ and federal regulations.

Sec. 37-741. Pretreatment facilities.

2894 (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.,
2896 wastewater treatment as necessary to comply with this article and
shall comply ~~achieve compliance~~ with all federal categorical
2898 pretreatment standards, county local limits established by county
resolution, and the prohibitions set out in sections 37-735 through
2900 37-737 of this article within the time limitations specified by EPA,
FDEP, the state, or the director, whichever is more stringent. Any
2902 facilities necessary for pretreatment compliance shall be provided,
operated, and maintained at the user's expense.

2904 (b) If pretreatment is required through the issuance of an
2906 industrial wastewater discharge permit, users of the county WWF
2908 shall design, construct, operate, and maintain such wastewater
2910 pretreatment facilities whenever necessary to reduce or modify the
2912 user's wastewater constituency to achieve compliance with the
2914 limitations in wastewater strength set forth in section 37-736; ~~to, to~~
2916 meet applicable federal categorical pretreatment standards, and as
2918 set forth in section 37-737 and by county local limits established by
2920 county resolution; ~~or, or~~ to meet any other wastewater condition or
2922 limitation contained in the user's industrial wastewater discharge
2924 permit. Plans, specifications, and operating procedures for such
2926 wastewater pretreatment facilities shall be prepared by a
2928 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.

2930 (c) An industrial wastewater discharge permit shall be
2932 required for pretreatment facilities. Users of the county wastewater
2934 system shall be responsible for the design, construction, operation,
2936 ~~and~~ ~~and~~ maintenance of the pretreatment facilities. Plans,
2938 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.

2940 (d) Construction shall be completed according to the
2942 schedule in the industrial wastewater discharge permit. The user
2944 shall provide the director with as-built "~~as-built~~" or record drawings.

2946 (e) Neither the issuance of permit(s) nor the filing of
2948 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.

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(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.

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(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.

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(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.

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Sec. 37-742. Additional pretreatment measures.

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(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:

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(1) Reject the wastes;

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(2) Require pretreatment of the wastes to an acceptable condition for discharge to the county wastewater system;

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(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;

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(4) Require users to control the quantities and rates of discharges;

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2992 (5) Require users to restrict their discharge
during peak flow periods, designate that certain wastewater be
2994 discharged only into specific sewers, relocate and/or consolidate
points of discharge, separate sewage ~~waste streams~~ ~~wastestreams~~
2996 from industrial waste streams, ~~wastestreams~~, and such other
conditions as may be necessary to protect the county wastewater
2998 system and to determine the user's compliance with the
requirements of this article;

3000 (6) Require users with the potential to discharge
wastes containing oils, grease, lint, ~~or~~ ~~and~~ sand to install and
3002 maintain, at their sole expense, ~~and~~ ~~an~~ approved interceptor or
device as necessary for the proper handling of these types of
3004 wastewaters;

3006 (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,
3008 an approved interceptor or separator and, ~~and~~ a combustible gas
detection meter; or

3010 (8) Require users to install and maintain, on their
property and at their sole expense, suitable facilities for flow
3012 equalization. The director may require the user to obtain an
industrial wastewater discharge permit.

3014 (b) If the director permits the pretreatment or
equalization of waste flows, the design and installation of the
3016 facilities and equipment shall be subject to the review and approval
of the director, and subject to the requirements of all applicable
3018 codes, ordinances, and state and federal laws. Where pretreatment
or flow-equalizing facilities are provided for any sewage, waters, or
3020 wastes, these facilities shall be maintained continuously in
satisfactory and effective operation by the owner or user at its ~~their~~
3022 sole expense.

3024 **Sec. 37-743. Accidental discharge/slug control plans and
notification procedures.**

3026 (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,
3028 ~~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.
3030 Measures ~~Facilities~~ to prevent accidental discharge of prohibited
materials by the facility shall be provided and maintained by the
3032 owner or user at its ~~their~~ sole expense. Detailed plans showing
facilities and operating procedures to provide this protection shall
3034 be submitted to the director for review and, ~~and~~ shall be approved
by the director before construction of the facility. All existing SIUs

3036 SIU or those that connect within ~~two hundred seventy (270)~~ days
3038 from the effective date of this article shall complete such a plan
3040 within ~~sixty (60)~~ days of connection to the county WWF. No SIU
3042 ~~significant industrial user~~ who commences discharge to the county
3044 WWF or any portion thereof at least ~~two hundred seventy (270)~~ days
3046 after the effective date of this article shall be permitted to introduce
3048 pollutants into the system until accidental discharge procedures have
3050 been approved by the county and incorporated into the SIU's
3052 industrial wastewater discharge permit issued by the county, in
3054 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.

3056 (b) At least once every two ~~(2)~~ years, the director shall
3058 evaluate whether each SIU ~~significant industrial user~~ needs an
3060 accidental discharge/slug control plan. All SIUs are required to
3062 develop, submit (to the director), ~~and~~ ~~and~~ implement an accidental
3064 discharge/slug control plan. All accidental discharge/slug control
3066 plans must be approved by the director and are subject to
3068 modification by the director (if deemed necessary by the director to
3070 protect the county's POTW or WWF) prior to plan approval and
3072 incorporation into the SIU's industrial wastewater discharge permit
3074 (as referenced in section 37-743(a) ~~37-743 (a)~~ of this article. All
3076 SIUs are required to implement the plan approved by the director
3078 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:

- 3072 (1) Description of discharge practices, including
nonroutine batch discharges;
- 3074 (2) Inventory and description of stored
chemicals, products, ~~or~~ ~~of~~ materials on-site;
- 3076 (3) Procedures for immediately notifying the
3078 director of any accidental or slug discharge, as required by sections
~~section 37-743(c) below~~ and 37-747 of this article;

3080 (4) List of contact persons and telephone numbers, including cell phones, beepers, ~~and~~ and facsimile;

3082 (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~~ and/or measures and equipment for emergency response; and

3092 (6) Description of employee training programs to prevent accidental or slug discharges and how to handle such episodic occurrences.

3094 (c) Notification procedures for an accidental or slug discharge shall include:

3096 (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.

3104 (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.

3114 (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.

3122 **Sec. 37-744. Best management practices programs and plans.**

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

3128 (a) *Purpose and intent.*

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

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

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

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

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

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

3158 (b) *General criteria.*

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

3164 (2) The director may require any nonresidential
3166 user to comply with the guidelines set forth in the county ~~best
management-BMP~~ programs for the contaminants-constituents of
concern.

3168 (3) The director may require all nonresidential
3170 users that generate waste streams containing contaminants
3172 ~~constituents~~ of concern to develop and implement a ~~best
management practices plan (BMPP)~~ to reduce the loadings of said
3174 contaminants-constituents to the county POTW or WWF and to
achieve a specific level of treatment, recovery, ~~or-
or~~ removal as set
forth in this article and as specified and established by county
resolution.

3176 (4) The BMPP shall contain those elements that
3178 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,
3180 ~~section 37-744 of this article.~~ The director may require the BMPP to
contain an accidental discharge/slug control and a spill containment
3182 plan.

3184 (5) The specific level of treatment, recovery, ~~or
or~~ removal shall depend on the volume or loadings of wastes that
are generated by the user.

3186 (6) Significant industrial users ~~(SIUs)~~ shall
3188 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
3190 37-737 of this article and are prohibited from using a BMP ~~best
management~~ program in lieu of the numerical limit.

3192 (7) Significant industrial users shall obtain an
3194 industrial wastewater discharge permit pursuant to section 37-745
of this article that includes BMPPs required to be performed by the
3196 SIU to comply with a required categorical pretreatment standard,
local limit, and state or local law, or where a local limit was not
3198 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
3200 local limits established by county resolution.

3202 (8) The nonresidential user, as required by the
3204 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.

3206 (9) The director, at his or her discretion, shall
3208 have the authority to impose the numerical local limit or BMPP for
a ~~contaminant-constituent~~ of concern upon any nonresidential user
3210 contributing wastes containing said ~~contaminant-constituent~~ of
concern to the county POTW or WWF.

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

~~(c) — Reporting requirements.~~

3214 (1) ~~In general, users shall be subject to the~~
3216 ~~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.

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

3226 (3) ~~The results and other necessary information~~
3228 ~~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.~~

3230 (4) ~~All reports submitted to the director shall~~
3232 ~~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.~~

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

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

3246 g. ~~Installation, operation and~~
3247 ~~maintenance procedures.~~

3248 (2) ~~The files shall be subject to the retention~~
3249 ~~requirements set forth in section 37-747 of this article. The files shall~~
3250 ~~be available for inspection and review by the director in accordance~~
3251 ~~with 40 CFR Part 403, Chapter I, Subchapter N, Chapter 62-625,~~
3252 ~~F.A.C., section 37-747 of this article.~~

3253 (e) ~~Compliance inspections and monitoring.~~ The
3254 ~~director shall have the right to conduct compliance facility~~
3255 ~~inspections and random compliance monitoring as set forth in~~
3256 ~~section 37-748 and section 37-749 of this article. At the discretion~~
3257 ~~of the director, any user subject to this section may be required to~~
3258 ~~install a control manhole in accordance with section 37-748 for~~
~~compliance monitoring purposes.~~

3260 (f) ~~Enforcement.~~

3261 (1) ~~Users that fail to comply with the~~
3262 ~~requirements set forth in this section, shall be subject to the~~
3263 ~~enforcement provisions, including penalties, as set forth in section~~
3264 ~~37-749 through section 37-751 of this article and the county's~~
~~enforcement response plan (ERP).~~

3265 (2) ~~A notice of violation may be issued to a user~~
3266 ~~for failure to:~~

3267 a. ~~Submit the user information survey in~~
3268 ~~a time limit set by the county;~~

3269 b. ~~Develop and implement the best~~
3270 ~~management program;~~

3271 c. ~~Install the necessary pretreatment~~
3272 ~~equipment or system;~~

3273 d. ~~Properly maintain the pretreatment~~
3274 ~~equipment or system;~~

3275 e. ~~Perform the requisite monitoring;~~

3276 f. ~~Properly maintain records onsite; or~~

3277 g. ~~Provide required information to the~~
3278 ~~director, including BMPP compliance status report as required in~~
3279 ~~industrial wastewater discharge permits.~~

3280 (g) ~~Pollution prevention and best management practices~~
3281 ~~plans (BMPP).~~

3282 (1) ~~Intent.~~ The intent of pollution prevention and
3283 ~~best management plans is to prevent or reduce pollution whenever~~
3284 ~~feasible and in an environmentally safe manner, such as recycling~~

3286 and source reclamation. BMPPs may be required to be implemented
3288 by the user to comply with required categorical pretreatment
standards, local limit, and state or local law, or where a local limit
3290 was not required to be established for the parameter but a BMP
requirement for the parameter is mandated, as determined by the
3292 director or as referenced in county local limits established by county
resolution. Treatment and disposal, such as discharge to the county
3294 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.

3296 (2) — *Pollution prevention plans.* The director may
require a nonresidential user to develop and submit a pollution
3298 prevention plan for approval. The user shall implement the pollution
prevention plan on a timely basis once the plan has been approved
3300 by the director. The pollution prevention plan shall be developed in
accordance with EPA and FDEP guidelines.

3302 (3) — *Best management practices plans.* The
director may require a user to develop and submit for approval a best
3304 management practices plan to control specific pollutants in the
discharge or types of discharges to the county WWF. The director
3306 will require the SIU to develop a BMPP and incorporate the BMPP
requirements into an industrial wastewater discharge permit to
3308 comply with required categorical pretreatment standard, local limit,
and state or local law, or where a local limit was not required to be
3310 established for the parameter but a BMP requirement for the
parameter is mandated, as determined by the director or as
3312 referenced in county local limits established by county resolution.
The user shall implement the provisions of the best management
3314 plan on a timely basis and shall exercise due diligence in pursuit
thereof.

3316 (4) — *Plan elements.* The pollution prevention and
best management practices plans shall contain at a minimum, but
3318 may not be limited to, the following elements:

a. — Purpose and objective(s);

3320 b. — Description of strategies to minimize,
reduce or prevent the introduction of pollutants into the user's
3322 discharge (wastestream);

c. — Description of best management
3324 practices or options, including source control and waste
minimization techniques, available to the user;

3326 d. — Description of best available
technologies available for treatment or recovery of the specific
3328 constituent of concern;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3366 (1) ~~*Purpose and intent.*~~ The purpose of

3368 silver pollution discharges to the county's POTW or WWF

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

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

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

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

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

~~(2) — General criteria.~~

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

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

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

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

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

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

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

3412 (3) — *Off-site management.*

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

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

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

3426 (4) — *On-site recovery and management.*

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

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

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

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

3446 e. — For those nonresidential users that
generate and/or discharge wastewater containing silver to the
3448 county's POTW or WWF but the county does not have an
established local limit for silver for the corresponding WRF service
3450 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

3452 the wastes containing silver that are generated by the user. Minimum
3453 recovery efficiencies shall be:

3454 i. — Users that generate an average
3455 of two (2) gpd or less of
3456 silver rich solutions and one
3457 thousand (1,000) gpd or less
3458 of total process wastewater
3459 shall recover a minimum of
3460 ninety (90) [gpd] of the silver
3461 from the wastes.

3462 ii. — Users that generate an average
3463 of more than two (2) to twenty
3464 (20) gpd of silver rich
3465 solutions and over one
3466 thousand (1,000) to ten
3467 thousand (10,000) gpd of total
3468 process wastewater shall
3469 recover a minimum of ninety-
3470 five (95) [gpd] of the silver
3471 from the wastes.

3472 iii. — Users that generate an average
3473 of more than twenty (20) gpd
3474 of silver rich solutions and
3475 over ten thousand (10,000)
3476 gpd of total process
3477 wastewater shall recover a
3478 minimum of ninety nine (99)
3479 [gpd] of the silver from the
3480 wastes.

3481 iv. — Significant industrial users shall
3482 meet the county's numerical
3483 local limit established by
3484 county resolution and as
3485 referenced in section 37-737
3486 as well as the BMP-based
3487 categorical pretreatment
3488 standards or categorical
3489 pretreatment standards (when
3490 applicable).

3491 f. — The recovery efficiency of the
3492 pretreatment (recovery) processes shall be determined at least once
3493 per week using silver test paper. Users that generate more than
3494 twenty (20) gpd of silver rich solutions shall determine the recovery
efficiency at least once every four (4) months by collecting one (1)

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

(i) ~~Spill containment plans.~~

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

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

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

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

3524 (1) ~~No SIU-significant industrial user or non-~~
3526 ~~significant CIU shall discharge into the county wastewater system~~
3528 ~~or to any county wastewater service area that discharges wastewater~~
3530 ~~to a receiving city or jurisdictional utility WWF or wastewater~~
3532 ~~system (for users located within the county's wastewater service~~
3534 ~~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.~~

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

3538 (3) Any violation of the terms and conditions of
3540 an industrial wastewater discharge permit shall be deemed a
3542 violation of this article and subjects the permittee to the enforcement
3544 response and sanctions set forth in ~~sections~~ ~~section~~ 37-749 through
3546 ~~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.

3548 (b) Existing industrial wastewater dischargers that are
3550 required to obtain an industrial wastewater discharge permit and
3552 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.

3554 (c) New industrial wastewater dischargers shall be
3556 required to obtain an industrial wastewater discharge permit prior to
3558 beginning or recommencing the discharge of wastes to the county
3560 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.

3562 (d) *Compliance required.* No permit holder shall
3564 discharge industrial sewage or wastewater in excess of the quantity,
3566 rate of discharge, or quality specified in the industrial wastewater
3568 ~~discharge~~ ~~discharger~~ permit. Any user desiring to modify the
3570 conditions in ~~its~~ ~~their~~ industrial wastewater discharge permit or
3572 ~~change~~ ~~changes~~ the nature of ~~its~~ ~~their~~ discharge to the county WWF,
3574 including ~~a change~~ ~~changes~~ that affect required BMPPs, require
BMPP ~~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.

3576 (e) *Contents of permit applications.* Persons seeking an
3578 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:

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

3622 (12) Description of activities, facilities, ~~and~~ and
production processes on premises and a list of all raw materials and
3624 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;:-

3626 (13) All information required by section 37-743
~~37-746(a)(2)~~ of this article;:-

3628 (14) An accidental discharge/slug control plan for
the facility that meets the requirements specified in section 37-743
3630 ~~37-743(b)~~ of this article;:-

3632 (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:-

3634 (16) Any other information as may be deemed by
the director to be necessary to evaluate the industrial wastewater
3636 discharge permit application.

3638 (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~~
3640 data.

3642 (f) *Wastewater analysis.* As requested by the director, a
user shall submit information for ~~its~~ their facility or a similar facility
3644 on the nature, characteristics, and ~~and~~ volume of wastewater
discharge to the county wastewater system. The information and
3646 monitoring data shall be submitted within ~~forty-five~~ (45) days of the
request. The director is authorized to prepare a form for this purpose.
3648 The director may periodically require a user to update the
information and monitoring data for the facility.

3650 (g) *Signatories and certification.* All industrial
wastewater discharge permit applications and user reports as set
3652 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:

3654 *“I certify under penalty of law that this document and all*
attachments were prepared under my direction or supervision in
3656 *accordance with a system designed to assure that qualified*
personnel properly gather and evaluate the information submitted.
3658 *Based on my inquiry of the person or persons who manage the*
system, or those persons directly responsible for gathering the
3660 *information, the information submitted is, to the best of my*
knowledge and belief, true, accurate, and complete. I am aware that
3662 *there are significant penalties for submitting false information,*
including the possibility of fine and imprisonment for knowing

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

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

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

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

3708 (5) Construction of facilities, installation of
3710 equipment or systems, or the ~~startup-start up~~ of operations and the
discharge of wastes to the county wastewater system without a
permit; ~~or~~

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

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

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

3726 (j) ~~{Responsibility to comply.}~~ Denial by the director to
3728 issue an industrial wastewater discharge permit does not relieve the
user of the responsibility to comply with county ordinances, county
3730 resolutions and county rate resolutions, ~~and~~ ~~and~~ to obtain the
necessary permits. The user retains the right to reapply for an
3732 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.

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

3742 (1) Chloride;

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

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

3748 (4) Temperature or thermal loads;

(5) Pharmaceuticals; or

(6) Mercury or other toxic chemicals.

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

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

3760 (b) *Mandatory contents/conditions.* Contents of the
3762 industrial wastewater discharge permit shall include those
3764 conditions as are deemed reasonably necessary by the director to
3766 prevent pass through or interference; protect the quality of the
3768 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~~ 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
3770 conditions:

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

3774 (2) A statement that the industrial wastewater
3776 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3894 (e) *Modifications.* The director, for good cause, may
3896 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
3898 limited to, factors ~~factor~~ such as any one (1) or more of the following
reasons:

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

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

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

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

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

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

3918 (7) Misrepresentations or failure to fully disclose
all relevant facts in the industrial wastewater discharge permit
application or in any required reports;

3920 (8) Revision of or the granting of a variance from
categorical pretreatment standards pursuant to 40 CFR § 403.13; ~~or~~

3922 (9) To correct typographical or other errors in the
industrial wastewater discharge permit;

3924 (10) To add new or modify existing site-specific
accidental discharge/slug control plan requirements for all user
3926 waste stream(s) to minimize or ~~prevent~~ the introduction of
pollutants into the user's discharge to the county POTW or WWF
3928 from accidental, unanticipated, or nonroutine discharges; or

3930 (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
3932 the county POTW or WWF, or as required compliance with required
categorical pretreatment standard, local limit, and state or local law.

3934 (f) *Notification of changes.* Permit holders shall be
informed of any proposed change(s) in their respective permits at
3936 least ~~sixty (60)~~ days prior to the effective date of the change(s).
Permit holders shall be allowed a comment period relating to the
3938 proposed change(s) in their permits within the first ~~thirty (30)~~ days
after issuance of such proposed change(s) by the county. The county
3940 shall allow a permit holder (user) a reasonable period ~~of time~~ to
3942 comply with the change(s) in the permit made by the county, unless
otherwise required by emergency situations or governmental
3944 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
3946 system or to the environment or injury to the health and welfare of
the public or county employees. The permit holder may petition the
3948 director to reconsider the proposed change(s) by the county or to
modify the industrial wastewater discharge permit in accordance
3950 with this article.

3952 (g) *Transferability.* The industrial wastewater discharge
permits shall not be transferable. Industrial wastewater discharge
3954 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
3956 sold to a new owner, new user, or for different premises, unless
approved in writing by the director. The new owner or user shall
3958 apply for a new industrial wastewater discharge permit at least ~~one~~
~~hundred twenty (120)~~ days prior to a change in ownership or transfer
3960 of operations to a new user. Application shall be made in accordance

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

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

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

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

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

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

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

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

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

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

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

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

- 4002 (11) Tampering with monitoring equipment or
compliance samples;
- 4004 (12) Failure to pay fines or penalties;
- (13) Failure to pay wastewater charges or fees;
- 4006 (14) Failure to provide proper notification to the
director and the county POTW or WWF for slug, accidental
4008 discharges, ~~or~~ or bypass flows during emergency situations;
- (15) Failure to meet compliance schedules or
4010 comply with consent orders;
- (16) Issuance of a new industrial wastewater
4012 discharge permit;
- (17) A discharge, ~~that, which~~ in the opinion of the
4014 director, may interfere or be deleterious to the operation or
maintenance of the county wastewater system ~~or, or~~ threaten human
4016 health or safety; or
- (18) Cessation of the discharge or closure of the
4018 facility.

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

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

Sec. 37-747. Reporting requirements.

4036 (a) *Baseline monitoring reports.*

(1) Within either ~~one hundred eighty~~ (180) days
4038 after the effective date of a federal categorical pretreatment
standard, or the final administrative decision on a category
4040 determination under 40 CFR ~~§-Part~~ 403.6, ~~Chapter I, Subchapter N~~
and ~~rule-Chapter~~ 62-625.410(2)(d), F.A.C., or as amended,
4042 whichever is later, existing SIU and categorical users currently

4044 discharging to or scheduled to discharge to the county WWF or
4046 discharging to any receiving city or jurisdictional utility WWF or
4048 wastewater system (for users located within the county's wastewater
4050 service area but discharging wastewater to a WWF not owned or
4052 operated by the county) shall submit to the director a report that
4054 which contains the information listed in paragraph (2) below. At
4056 least ~~ninety~~ (90) days prior to commencement of their discharge,
4058 new and existing SIU sources, non-significant CIU sources, and
4060 sources that become categorical users subsequent to the
4062 promulgation of an application categorical standard ~~shall, shall~~
4064 submit to the director a report ~~that~~ ~~which~~ contains the information
listed in paragraph ~~(2)~~ ~~(2)~~, below. A new SIU source or non-
significant source shall report the method of pretreatment it intends
to meet county local limits as identified and established by county
resolution or the city or jurisdictional utility's local limits
(established by city ordinance, city resolution, or state statute for
users located within the county's wastewater service 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.

4066 (2) Users described in paragraph (1) above shall
4068 submit, but not be limited to, the following information ~~set forth~~
4070 below:

4072 a. *Identifying information.* The names
4074 and titles of the authorized representative(s) and contact person(s),
4076 physical and mailing (if different) addresses for the facility,
4078 including the name of the facility operator and owner, telephone and
4080 facsimile numbers, and e-mail address.

4082 b. *Environmental permits.* A list of any
4084 federal, state, and ~~and~~ local environmental control permits held by
or for the facility.

4086 c. *Description of operations.* A brief
4088 description of the nature, average rate of production, and standard
4090 industrial classification code(s) of the operation(s) carried out by the
4092 user. This description should include a site plan and a schematic
4094 process diagram ~~that~~ ~~which~~ indicates the points of discharge to the
county wastewater system from the regulated processes.

4096 d. *Flow measurements.* Information
4098 showing the measured average and maximum daily flows, in gallons
4100 per day, to the county WWF from regulated process streams and
4102 other waste streams, ~~wastestreams,~~ as necessary, to allow use of the

4086 combined waste stream formula set out in 40 CFR ~~§ Part~~ 403.6,
4087 ~~Chapter I, Subchapter N and chapter~~ Chapter 62-625, F.A.C.

4088 e. *Measurements of pollutants.*

4089 1. The categorical pretreatment
4090 standards applicable to each regulated process; ~~and-~~

4091 2. ~~The~~ With the exception of
4092 non-significant CIUs, the results of all sampling and analysis
4093 identifying the nature, characteristics, concentration, and/or mass,
4094 where required by the standard or by the director, of regulated
4095 pollutants in the discharge from each regulated process (where
4096 applicable) and unregulated process shall be reported by SIUs.
4097 Instantaneous, daily maximum, and long-term average
4098 concentrations, or mass, where required, shall be reported. The
4099 sample shall be representative of daily operations and shall be
4100 analyzed in accordance with procedures set out in section 37-747(j)
4101 and section 37-747(k) of this article, 40 CFR ~~§ Part~~ 403.12, ~~Chapter I,~~
4102 ~~Chapter I, Subchapter N and rule~~ Chapter 62-625.600, F.A.C. Additionally,
4103 all ~~categorical industrial users (CIUs)~~ shall collect samples in
4104 compliance with the number of grab samples specified by the
4105 control authority as needed to assess and ensure compliance with the
4106 categorical pretreatment standards and requirements.

4107 f. *Sample collection.* Sampling shall be
4108 performed in accordance with procedures set out in section
4109 37-747(j) of this article, 40 CFR ~~§ Part~~ 403.12, ~~Chapter I,~~
4110 ~~Subchapter N and rule~~ Chapter 62-625.600, F.A.C.

4111 g. *Certification.* A statement ~~reviewed,~~
4112 ~~reviewed~~ by the user's authorized representative, and certified by a
4113 qualified professional, indicating whether pretreatment standards
4114 are being met on a consistent basis ~~and,~~ ~~and~~, if not, whether
4115 additional ~~operation and maintenance (O&M)~~ and/or additional
4116 pretreatment is required to meet the pretreatment standards and
4117 requirements.

4118 h. *Annual certification by non-*
4119 *significant categorical industrial users. A facility determined to be*
4120 *a non-significant categorical industrial user pursuant to 40 CFR*
4121 *§ 403.3(v)(2) must annually submit the following certification*
4122 *statement, signed in accordance with the signatory requirements in*
4123 *paragraph (l) of this section. This certification must accompany any*
4124 *alternative report required by the control authority.*

4125 *“Based on my inquiry of the person or*
4126 *persons directly responsible for managing compliance with*
4127 *the categorical pretreatment standards under 40 CFR Part*
4128 *403, I certify that to the best of my knowledge and belief*

4130 during the period from [insert month, day, year] to [insert
4132 month, day, year]: (1) The facility described as [insert
4134 facility name] met the definition of a non-significant
4136 categorical industrial user as described in 40 CFR section
4138 403.3(v)(2); (2) the facility complied with all applicable
pretreatment standards and requirements during this
reporting period; and (3) the facility never discharged more
than 100 gallons of total categorical wastewater on any
given day during this reporting period. This compliance
certification is based upon the following information: [insert
appropriate response].”

4140

4142 i. Compliance schedule. If additional
4144 pretreatment, O&M, BMPs, ~~and/or and/or~~ BMPPs will be required
4146 to meet the pretreatment standards, the shortest schedule by which
4148 the user will provide such additional pretreatment, O&M, BMPs,
4150 ~~and/or and/or~~ BMPPs necessary to bring the facility into compliance
with the pretreatment requirements and this article. The completion
date in the compliance schedule shall not be later than the
compliance date established for the applicable pretreatment
standard. A compliance schedule pursuant to this section must meet
the requirements set out in section 37-747(b) of this article.

4152 ~~j. i. baseline monitoring reports~~ BMRs and BMPP compliance status
4154 reports (where applicable) must be signed and certified in
accordance with section 37-745(g) of this article.

4156 (b) Compliance schedule progress reports. The
following conditions shall apply to the compliance schedule
required by section 37-747(a)(2)(~~i~~~~h~~) of this article:

4158 (1) The schedule shall contain progress increments
4160 in the form of dates for the commencement and completion of major
4162 events leading to the construction and operation of additional
4164 pretreatment required for the user to meet the applicable
4166 pretreatment standards. Such events include, but are not limited to,
hiring an engineer, completing preliminary and final plans,
executing contracts for major components, commencing and
completing construction, and beginning and conducting routine
operation.;

4168 (2) No increment referred to in the compliance
schedule above shall exceed nine (~~9~~) months.;

4170 (3) The user shall submit a progress report to the
director no later than ~~fourteen~~ (~~14~~) days following each date in the
schedule and the final date of compliance. The progress report shall

4172 include, at a minimum, whether ~~or not~~ it complied with the
4174 increment of progress, the reason for any delay, and, if appropriate,
the steps being taken by the user to return to the established
4176 schedule; ~~and~~

4176 (4) In no event shall more than nine ~~(9)~~ months
4178 elapse between any such progress reports being submitted to the
director.

4180 (c) *Reports on compliance with categorical pretreatment*
4182 *standards deadline.* Within ~~ninety (90)~~ days following the date for
4184 final compliance with applicable categorical pretreatment standards,
4186 or in the case of a new source, following commencement of the
4188 discharge into the county WWF, any user subject to such
4190 pretreatment standards and requirements shall submit to the director
4192 a report containing the information as described in section
4194 37-747(a)(2) of this article. For users subject to equivalent mass or
4196 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.

4198 (d) *Periodic compliance reports.* All SIUs, non-
4200 significant CIUs, and other users, ~~as~~ as designated by the director,
4202 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:

4204 (1) All SIUs and non-significant CIUs shall, at a
4206 frequency determined by the director, but in no case less than twice
4208 per year (in June and December), submit a report indicating the
4210 nature and concentration of pollutants in the discharge ~~that~~ which
4212 are limited by pretreatment standards, ~~the;~~ the measured or
4214 estimated average and maximum daily flows for the reporting
4216 period, ~~and;~~ and the BMPP compliance status that includes the
reporting on compliance with BMP-based categorical pretreatment
standards, ~~or~~ county local limits, or city or jurisdictional utility's
local limits (established by city ordinance, city resolution, or state
statute for users located within the county's wastewater service area
but discharging wastewater to a WWF not owned or operated by the
county). All periodic compliance reports must be signed and
certified in accordance with section 37-745(g) of this article.

4218 (2) All wastewater samples must be
representative of the user's discharge. Wastewater monitoring and
4220 flow measurement facilities shall be properly operated, clean, and
maintained in good working order at all times. The failure of a user
4222 to keep its monitoring facility in good working order shall not be
grounds for the user to claim that the sample results are not
representative of ~~its~~their discharge.

4224 (3) If a user subject to the reporting requirements
in this section monitors any pollutant more frequently than required
4226 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)
4228 shall be included in the periodic compliance report for that reporting
period.

4230 (e) *Reports of changed conditions.*

4232 (1) Each user shall notify the director of any
planned significant changes to the user's operations or production
system ~~that~~which might alter the nature, characteristics, quality, or
4234 volume of its wastewater at least ~~thirty~~(30) days before the change.

4236 (2) The director may require the user to submit
such information as may be deemed necessary to evaluate the
changed condition, including the submission of an industrial
4238 wastewater discharge permit application pursuant to section 37-745
of this article.

4240 (3) The director may issue an industrial
wastewater discharge permit under section 37-746 of this article, or
4242 ~~or~~ modify an existing industrial wastewater discharge permit
pursuant to section 37-746~~(e)~~(d) of this article in response to
4244 changed conditions or anticipated changed conditions.

4246 (4) For purposes of this requirement, significant
changes include, but are not limited to, considerations such as:

- 4248 a. Changes to the sampling outfall(s);
- b. Increase of ~~twenty~~(20) percent or
more of the monthly average daily flow;
- 4250 c. Increase of ~~ten~~(10) percent or more
of the annual average daily flow;
- 4252 d. Discharge of any previously
unreported pollutants;
- 4254 e. Changes to the BMP or BMPP as
needed to comply with a pretreatment standard, county local limits
4256 or pretreatment requirement; or

4258 f. Changes that occur at the facility
affecting the potential for a slug discharge.

(f) *Reports of potential problems.*

4260 (1) In the case of any discharge that may cause
4262 potential problems for the county WWF, including, but not limited
to, accidental discharges, discharges of a nonroutine and, episodic
4264 nature, a noncustomary batch discharge, or a slug load, ~~that may~~
~~cause potential problems for the county WWF~~, the user shall
4266 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~~
4268 known, and corrective actions taken by the user. The telephone
notification shall be confirmed, signed, ~~and~~ ~~and~~ certified by the
4270 authorized representative, either in writing or by e-mail, ~~email~~
within ~~twenty-four (24)~~ 24 hours.

4272 (2) Within five ~~(5)~~ days following such
4274 discharge, the user shall, unless such requirement is waived by the
director, submit a detailed written report describing the cause(s) of
4276 the discharge and the measures to be taken by the user to prevent
similar future occurrences. Such notification shall not relieve the
4278 user of any expense, loss, damage, or other liability that ~~which~~ may
have ~~be~~ incurred as a result of damage to the county wastewater
4280 system, natural resources, or any other damage to person(s) or
property; nor shall such notification relieve the user of any fines,
4282 penalties, or other liability that ~~which~~ may be imposed pursuant to
this article, other county ordinances, or ~~or~~ state and federal laws.
4284 The written report shall be signed and certified by the authorized
representative.

4286 (3) A notice shall be permanently posted on the
user's bulletin board or other prominent place advising employees
4288 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,
4290 ~~are~~ advised of the emergency notification procedures, including
telephone numbers.

4292 (g) *Reports from unpermitted users.* All nonresidential
4294 users not required to obtain an industrial wastewater discharge
permit shall provide appropriate reports to the director as the
4296 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.

4298 (h) *Notice of violation/repeat sampling and reporting.* If
4300 sampling of the user's industrial discharge indicates a violation of
this article or county local limits as specified and established by

4302 county resolution, the user must notify the director within ~~twenty-~~
4303 ~~four (24)~~ 24-hours of becoming aware of the violation. The user
4304 shall also repeat the sampling and analysis and submit the results of
4305 the repeat analysis to the director within ~~thirty (30)~~ days after
4306 becoming aware of the violation. The user is not required to
4307 resample if the director monitors (collects samples from) the user's
4308 facility at least once a month, or if the director samples between the
4309 user's initial sampling event and when the user receives the results
4310 of that sampling event. However, if the violation is the result of a
4311 sample collected for analysis by the director, then the director will
4312 be responsible for notifying and informing the user of the parameter
4313 exceedance, ~~exceedence~~ and the user shall be responsible for
4314 collecting the resample within ~~thirty (30)~~ days of becoming aware
of the exceedance ~~exceedence~~.

(i) *Notification of the discharge of hazardous waste.*

4316 (1) Any user who commences the discharge of
4317 hazardous waste shall provide written confirmation to the director,
4318 the EPA regional waste management division director, the FDEP
4319 hazardous waste section, and other applicable federal, state, ~~and~~
4320 ~~and~~ local delegated authorities ~~of, or~~ of any discharge into the county
4321 WWF of a substance ~~that~~ which, if otherwise disposed of, would be
4322 designated as a hazardous waste pursuant to 40 CFR Part 261,
4323 ~~Chapter I, Subchapter I~~. Such notification shall include the name of
4324 the hazardous waste as set forth in 40 CFR Part 261, ~~Chapter I,~~
4325 ~~Subchapter I~~, the EPA hazardous waste number, the type of
4326 discharge (continuous, batch, or other), identification of the
4327 hazardous constituents contained in the wastes, an estimation of the
4328 mass and concentration of such constituents in the waste stream
4329 ~~wastestream~~ being discharged, and an estimation of the mass of
4330 constituents in the waste stream ~~wastestream~~ expected to be
4331 discharged during the following ~~twelve (12)~~ months. Notifications
4332 shall be provided by the 28th ~~twenty-eighth~~ of the following
4333 calendar month of such discharges. Any notification pursuant to this
4334 paragraph shall be submitted at least once for each hazardous waste
4335 discharged. Notifications of changed conditions shall be submitted
4336 in accordance with section 37-747(e) of this article. The notification
4337 requirement in this section does not apply to those pollutants already
4338 reported by users subject to federal categorical pretreatment
4339 standards under the self-monitoring requirements of sections
4340 37-747(a) and 37-747(d) of this article. Refer to chapter 62-730,
F.A.C.

4342 (2) Dischargers are exempt from the
4343 requirements of paragraph (1) ~~above (1), above~~, during a calendar
4344 month in which they discharge hazardous wastes for any given event
or calendar day in a calendar month of no more than one ~~(1)~~

4346 kilogram. However, acute hazardous wastes as specified in chapter
4348 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.

4350 (3) In the case of any new regulations under
4352 Section 3001 of RCRA identifying additional characteristics of
hazardous waste or listing any additional substance as a hazardous
4354 waste, the user shall provide written notification to the director, the
EPA Regional Waste Management Waste Division Director, and
4356 state hazardous waste authorities, including FDEP, of the discharge
of such substance within ~~thirty~~ (30) days of the effective date of such
regulations.

4358 (4) In the case of any notification made under
4360 this section, the user shall certify that it has a program in place to
reduce the volume and toxicity of ~~its~~ ~~their~~ hazardous wastes
4362 generated to the degree the director has determined to be
economically practical. Furthermore, the director may require the
4364 user to develop and implement a pollution prevention plan, an
accidental slug discharge and spill containment plan, ~~or~~ ~~or~~ a BMPP
best management plan.

4366 (5) Section 37-747(i) does not create a right to
4368 discharge any substance not otherwise permitted to be discharged
by this article, a permit issued thereunder, or any applicable federal
and state law.

4370 (j) *Sample collection.*

4372 (1) Except as indicated in ~~(2)~~ ~~(2)~~, below, the user
shall collect wastewater samples using flow proportional composite
4374 collection techniques. In the event flow proportional sampling is not
feasible, the director may authorize the use of time proportional
4376 sampling or a minimum of four ~~(4)~~ grab samples at appropriate
intervals where the user demonstrates that this method will provide
4378 a representative sample of the waste stream ~~wastestream~~ being
discharged to the county wastewater system.

4380 (2) Samples for oil and grease, temperature, pH,
cyanide, phenols, sulfides, and volatile organic compounds shall be
4382 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.

4384 (3) Measurements, tests, ~~and~~ ~~and~~ analysis of the
characteristics and quality of waters and wastes to which reference
4386 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,~~
4388 ~~Subchapter N,~~ Chapter chapter 62-160, F.A.C., and rule

4390 ~~62-625.600(1)(e)6., Chapter 62-625.600(1)(e)(6),~~ F.A.C., or as
4392 amended; and shall be determined at the control manhole for the
4394 user, or upon suitable samples taken at the control manhole. In the
4396 event that no control manhole is available, the control manhole shall
4398 be considered, and designated as such, to be the nearest downstream
manhole in the county's collection system to the point at which the
building sewer lateral for the user is connected to the county WWF.
Sampling shall be carried out to reflect the effect of constituents
upon the county WWF and to determine the existence of hazards to
health, safety, ~~and~~ and welfare.

4400 (4) Required reports shall be based upon data
4402 obtained through sampling and analysis performed during the period
4404 covered by the report and that this shall be representative of
4406 conditions occurring during the reporting period. The director will
4408 indicate the frequency of monitoring necessary to assess and assure
4410 compliance by the industrial user with applicable pretreatment
standards and requirements. Required reports shall contain the
results of sampling and analysis of the discharge, including the flow
and the nature and concentration, or production and mass where
requested by the director, of pollutants contained therein that are
limited by the applicable pretreatment standards. All laboratory
analytical reports prepared by the industrial user of the county shall
comply with rule 62-160.340, F.A.C.

4412 (k) *Sample analysis.*

4414 (1) All analysis of pollutants, including protocols
4416 and detection limits used for characterization of wastewater and
4418 wastes or for determining the water quality of the discharge to the
4420 county WWF, shall be performed in accordance with the techniques
4422 and requirements set forth in 40 CFR Part 136, ~~Chapter I,~~
4424 ~~Subchapter D,~~ chapter ~~Chapter~~ 62-160, F.A.C., and rule
4426 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.

4428 (2) Annual costs for activities required pursuant
4430 to section 37-748 shall be recovered, at the option of the county,
4432 through fees charged to the respective nonresidential users. Fees
may be assessed for each scheduled, unscheduled, or demand
monitoring ~~visit~~ visits. Direct costs that are incurred by the county
or its authorized agent for sampling, inspecting, and laboratory
analysis, adjusted to reflect administrative, legal, ~~and~~ and other

4434 indirect costs, necessary for implementation and enforcement of the
4436 provisions of this article may be billed to the respective user. All
4438 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.

4440 (l) *Electronic reporting.* The director may allow or
4442 require reports, including monitoring information, to be submitted
4444 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.

4446 (m) *Submittal date.* Written reports will be deemed to
4448 have been submitted on the date postmarked by the United States
Postal Service. For reports ~~that~~~~which~~ are not mailed, postage
4450 prepaid, into a mail facility serviced by the United States Postal
Service, the date of receipt of the report by the director shall govern.
4452 Reports submitted electronically via the Internet shall be the date of
receipt by the director.

(n) *Recordkeeping.*

4454 (1) Users subject to the reporting requirements of
4456 this ~~ordinance~~~~article~~ shall retain, and make available for inspection
and copying, all records of information obtained pursuant to any
4458 monitoring activities required by this ordinance, ~~and~~~~and~~ any
additional records of information obtained pursuant to monitoring
4460 activities undertaken by the user independent of such requirements
and documentation associated with BMPs. Records shall include the
4462 date; ~~exact~~~~exact~~ place, method, and time of sampling; ~~the~~~~and~~~~the~~
name of the person(s) taking the samples; the dates ~~the~~ analyses
4464 were performed; who performed the analyses; the analytical
techniques or methods used; and the results of such analyses.
4466 Records shall be retained, preserved, and available at the user's
facility for a period of at least three years. This period shall be
4468 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
4470 by the director. Refer to chapter 62-160, F.A.C.

4472 (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
4474 unresolved litigation or enforcement activity concerning the user or
the county, or where the user has been specifically notified of a
4476 longer retention period by the director.~~

4478 (2)(3) All records pertaining to matters ~~that~~which
are the subject of any enforcement or litigation activities brought by
4480 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.

4482 (3)(4) The director shall have the right to inspect the
records and related documents. The records shall be made available
4484 by the user, subject to the provisions of this article, for inspection by
the director.

4486 **Sec. 37-748. Compliance monitoring.**

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

4488 (1) The director shall have the right to enter the
premises of any user to determine whether the user is complying
4490 with all requirements of this article and any industrial wastewater
discharge permit or order issued hereunder. Users shall allow the
4492 director ready access to all parts of the premises for the purposes of
inspection, sampling, records examination and copying, and the
4494 performance of any additional duties related to this article.

4496 (2) Where a user has security measures in place
~~that force which~~ require proper identification and clearance before
4498 entry into its premises, the user shall make necessary arrangements
with its security guards so that, upon presentation of suitable
4500 identification, the director, the director's designee, or~~or~~ duly
authorized county personnel shall be permitted to enter without
4502 delay for the purposes of determining compliance with this article
or performing specific responsibilities.

4504 (3) The director shall have the right to set up on
the user's property, or require installation of, such devices as are
4506 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.

4508 (4) The director may require the user to install
monitoring equipment as necessary to assess the characteristics and
4510 quantity of the discharge to the county wastewater system. The
facility's sampling and monitoring equipment shall be maintained at
4512 all times in a safe and proper operating condition by the user at its
own sole expense. All devices used to measure wastewater flow and
4514 quality (characteristics) shall be calibrated at least annually to
ensure their accuracy.

4516 (5) Any temporary or permanent obstructions to
safe and easy access to the facility to be inspected and/or sampled
4518 shall be promptly removed by the user at the written or verbal
request of the director and shall not be replaced. The costs of

4520 clearing such access shall be borne by the user. Unreasonable delays
4522 in allowing the director access to the user's premises shall be a
4524 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.

4526 (6) While performing the necessary work on
4528 private properties referred to in this section or this article, the
4530 director or duly authorized county employees shall observe all
4532 safety rules applicable to the premises established by the company.
4534 The company, to the extent allowed by law, shall be held harmless
4536 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).

4538 (b) *Control manhole.* The director may require the
4540 owner of any property serviced by a building sewer carrying (or
4542 reasonably believed to be carrying) waters and wastes containing
4544 prohibited substances, industrial or other nondomestic wastes in
4546 concentrations or quantities exceeding the local limits, federal
4548 categorical pretreatment standards, or ~~or~~ surcharge standards to, ~~to~~
4550 install a suitable control manhole together with such necessary flow
4552 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.

4554 (c) *Search or inspection warrants.* If the director has
4556 been refused access to a building, structure, or property, or any part
4558 thereof, and is able to demonstrate probable cause to believe that
4560 there may be a violation of this ordinance ~~article~~, or that there is a
4562 need to inspect and/or sample as part of a routine inspection and
4564 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.

4566 (a) *General.* The following are the procedures set out
4568 along with the county’s ~~enforcement response plan~~ (ERP), approved
4570 by county resolution. These procedures are the framework for
4572 enforcement, provided to ensure consistent enforcement against all
4574 respondents, to provide them with notice and a fair hearing, and
4576 ~~and~~ to maximize due process for all similarly situated respondents
4578 and, ~~and~~ eliminate any likelihood for unjust discrimination. The
4580 subsections set forth below underlie and provide the source to which
4582 the county’s ERP shall be cross-referenced. Both enforcement
4584 officials and respondents should refer to these article subsections for
the underlying law, for purposes of interpretation of the more
articulated and detailed county ERP, and for determination of the
county’s intent. The various provisions of this article ~~that~~ ~~which~~
might be violated are ~~quite broad and, extremely technical, and and~~
~~arcane.~~ Therefore, the county’s ERP is intended to provide the
practical reference manual for an enforcement official or respondent
for the correct enforcement procedure in a given case, in support of,
but not in conflict with, the sections below. Thus, the primary and
fundamental rules are as follows:

4586 (1) Any person found to be violating any
4588 provision of this article, county local limits as specified and
4590 established by county resolution, and any of the orders, rules,
4592 regulations, and permits issued hereunder, shall be served by the
4594 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.

4596 (2) If the discharge from any user causes a
4598 deposit, obstruction, process upset, ~~or~~ ~~or~~ damage to the county
4600 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.

4602 (3) The remedies provided in this article shall not
4604 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.

4606 (4) In addition to any fine or penalty levied under
4608 this article or the county’s ERP, the county may, where the
circumstances of the particular case so dictate, but in any event in

4610 the sole discretion of the county, seek injunctive relief to prohibit
4611 the user from discharging any wastewater into the county WWF ~~or,~~
~~or~~ to provide such other affirmative relief as may be appropriate.

4612 (5) Notwithstanding any other fine or penalty as
4613 detailed in this article or the county's ERP, any person or user who
4614 violates any provision of this article may also ~~may~~ be subject to the
provisions of other county ordinances.

4616 (b) *Notification of violation.* When the director finds that
4617 a user has violated, or continues to violate, any provision of this
4618 article, an industrial wastewater discharge permit, waste hauler
operating permit, ~~or~~ order issued hereunder, or any other
4620 pretreatment standard or requirement, the director may serve upon
that user a written notice of violation informing the user that said
4622 user has violated the provisions of this article, including, but not
limited to, pretreatment standards for industrial users. Aside from
4624 emergent circumstances more specifically set forth elsewhere herein
~~and,~~ and in the county's ERP, the respondent user shall reply to the
4626 director ~~as follows:~~ within ~~Within the period (in days) specified by~~
~~the control authority, ten (10) days of the receipt of the notice of~~
4628 violation with an, ~~an~~ explanation of the circumstances of the
violation and submit a plan for the satisfactory correction and
4630 prevention thereof that includes any, ~~to include~~ specific required
actions identified by the director, ~~shall be submitted by the user to~~
4632 ~~the director.~~ Submission of this plan in no way relieves the user of
liability for any violations occurring before or after receipt of the
4634 notice of violation. Further, if emergent circumstances require a
more expedited response, immediate action, ~~or~~ both ~~(or,~~ ~~or~~ the
4636 specific nature of the violation require such, as shown in the
county's ERP) by, ~~by~~ the respondent, nothing herein shall restrict
4638 the director from requiring by special notice, an appropriate,
reasonable, but shorter period for response. Failure by a person to
4640 respond within the time frames set forth herein, shall be a basis for
the director taking immediate action on the violation(s). Nothing in
4642 this section shall limit the authority of the director to take any action,
including emergency actions or any other enforcement action,
4644 without first issuing a notice of violation. Requirements for a
response to a notice of violation in less than ~~thirty (30)~~ days from
4646 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
4648 be ~~thirty (30)~~ days from service, unless an obvious and unmistakable
notice of a lesser time is placed in the notice.

4650 (c) *Consent orders.* The director may enter into consent
orders, accept written assurances of voluntary compliance, or other
4652 similar documents establishing a legally enforceable agreement
between the county and the user that is designed to restore the user

4654 responsible for the noncompliance to compliant status. Such
4656 documents shall include specific action to be taken by the user to
4658 correct the noncompliance within a time period specified by the
4660 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~~ shall be judicially
enforceable.

4662 (d) *Show cause order; show cause meeting.*

4664 (1) The director may order a user who has
4666 violated, or continues to violate, ~~any~~ any provision of this article, an
4668 industrial wastewater discharge permit, a waste hauler operating
4670 permit, or any order issued hereunder, or any other pretreatment
4672 standard or requirement, to appear before the director and show
4674 cause why the proposed enforcement action should not be taken.
4676 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.

4678 (2) A show cause meeting shall not preclude, or
be a prerequisite for, taking any other action against the user.

4680 (e) *Compliance orders.* When the director finds that a
4682 user has violated, or continues to violate, any provision of this
4684 article, an industrial wastewater discharge permit, waste hauler
4686 operating permit, ~~or~~ order issued hereunder, or any other
4688 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
4690 ~~may~~ contain other requirements to address the noncompliance,
4692 including additional self-monitoring and management practices
4694 designed to minimize the amount of pollutants discharged to the
4696 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

4698 compliance order shall not preclude, ~~or~~ be a prerequisite for,
4700 taking any other action against the user.

(f) *Cease and desist orders.*

4702 (1) When the director finds that a user has
4704 violated, or continues to violate, any provision of this article, an
4706 industrial wastewater discharge permit, waste hauler operating
4708 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:

4710 a. Immediately comply with all
requirements; and

4712 b. Take such appropriate remedial or
preventive action as may be needed to properly address a continuing
4714 or threatened violation, including halting operations and/or
terminating the discharge.

4716 (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.*

4720 (1) When the director finds that a user has
4722 violated, or continues to violate, any provision of this article, an
4724 industrial wastewater discharge permit, or waste hauler operating
4726 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),
4728 ~~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.
4730 Such fines shall be assessed on a per violation, per day basis, but
shall not require a separate inspection each day of the continued
4732 violation for the purpose of ascertaining compliance or continued
violation. Instead, after a notice of the violation, it shall be the
4734 burden of the respondent to abate the violation ~~and, and~~ call for an
inspection by the appropriate county code enforcement compliance
4736 officer to confirm compliance, ~~and in the meantime, the~~ The
violation will be considered ~~as~~ ongoing until the official files a
4738 notice with the director or other appropriate official that the
violation has been abated. In the case of any continuing violation
4740 not having been shown to have been abated, including, ~~but~~ not

4742 limited to, monthly or other long-term average local limits, State of
4744 Florida standards, ~~and/or~~ ~~and/or~~ federal categorical pretreatment
standards, fines shall be assessed for each day during the period of
violation.

4746 (2) Penalties may be assessed for each
4748 occurrence, each ~~24-hour~~ ~~twenty-four~~ ~~hour~~ period, ~~and~~ ~~and~~ ~~for~~ each
4750 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.

4752 (3) Unpaid charges, fines, and penalties shall,
4754 after ~~thirty~~ (30) calendar days, be considered delinquent and shall be
4756 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.

4758 (4) Users desiring to dispute the amount of such
4760 fines must file a written request for the director to reconsider the fine
4762 along with full payment of the fine amount within ~~ten~~ (10) days of
4764 being notified of the fine. The request must include a non-refundable
4766 violation appeals process charge in accordance with section 37-709,
4768 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,
4770 ~~and~~ sampling and inspection expenses, and assess these costs
4772 directly to the user. The provisions of this section shall apply only
4774 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.

4776 (5) Imposition of a fine shall not preclude, or be
a prerequisite for, taking any other action against the user.

4778 (6) The county's ERP shall be established in
4780 accordance with ~~rule~~ ~~Section~~ 62-625.500, F.A.C., and will be,
4782 procedurally ~~established~~, ~~established~~ by way of resolution. The
4784 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

4786 escalating enforcement responses, time frame for responses,
4787 enforcement tools, tracking, ~~and~~ follow-up, and an enforcement
4788 response guide inclusive of the penalty matrix. The county's ERP
4789 shall be established at a public hearing at which ~~all the~~ users and ~~all~~
4790 others who are interested shall have an opportunity to be heard
4791 concerning the proposed county ERP. Notice of such public hearing
4792 setting forth the proposed schedule or schedules of the county's ERP
4793 shall be given by one ~~(1)~~ publication in a newspaper published in
4794 the county at least ~~ten~~ (10) days before the date fixed in such notice
4795 for the hearing, ~~that which~~ may be adjourned from time to time.
4796 After such hearing, such schedule or schedules shall be kept on file
4797 in the office of the director and shall be open ~~at all times~~ to public
4798 inspection. The county's ERP may be revised from time to time in
4799 the same manner as the county's ERP was originally established. In
4800 addition to the administrative fines and penalties established by the
4801 county within the county's ERP, additional enforcement action may
4802 be imposed by the director in accordance with sections 37-749
4803 through 37-751 of this article. In the meantime, prior to the
4804 establishment of such county ERP, the director and his or her
4805 delegates may enforce this article under the general provisions
4806 herein, using reasonable provisions for providing notice, affording
4807 ~~according~~ due process, ~~and~~ ~~and~~ allowing full opportunity to the
4808 respondents to be heard and defend, where necessary. Currently,
4809 utilized penalty tables and other mechanisms necessary to avoid the
4810 possibility of arbitrary imposition or unfair or disproportionate
penalties shall continue until the county's ERP has been finalized.

(h) *Emergency suspensions.*

4812 (1) The director may immediately suspend a
4813 user's discharge, after written or ~~verbal~~ notice to the user, whenever
4814 such suspension is necessary to stop an actual or threatened
4815 discharge ~~that which~~ reasonably appears to present or cause an
4816 imminent or substantial endangerment to the county wastewater
4817 system, environment, or to the health, safety, or welfare of the
4818 general public or county personnel. The director also may
4819 immediately suspend a user's discharge, after written or ~~verbal~~
4820 notice and an opportunity for the user to respond, that threatens to
4821 interfere with the operation of the county wastewater system or, ~~or~~
4822 ~~that which~~ presents, or may present, an endangerment to the
4823 environment or the health and safety of the general public or county
4824 personnel.

4825 (2) Any user notified to suspend ~~of a suspension~~
4826 ~~of~~ its discharge must ~~shall~~ immediately stop or eliminate its
4827 contribution to the county wastewater system. In the event of a
4828 user's failure to immediately comply voluntarily with the
suspension order, the director may take such steps as deemed

4830 necessary, including immediate severance of the sewer connection
4832 or public water supply, to prevent or minimize damage to the county
wastewater system, the environment, or endangerment to any
4834 individuals. The director may allow the user to recommence its
discharge when the user has demonstrated to the satisfaction of the
4836 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.

4838 (3) A user that is responsible, in whole or in part,
for any discharge presenting imminent endangerment to the county
4840 wastewater system, the environment, general public, ~~or~~ county
personnel shall submit a detailed written statement, describing the
4842 causes of the harmful contribution and the measures taken to prevent
any future occurrence, to the director prior to the date of any show
4844 cause meeting or termination hearing under sections 37-749(d) or
37-749(i) of this article.

4846 (4) Nothing in this section shall be interpreted as
requiring a meeting or a hearing prior to any emergency suspension
4848 pursuant to this section or the county's ERP.

(i) *Termination of discharge.*

4850 (1) In addition to the provisions of section
37-747(f) of this article, any user who violates any of the following
4852 conditions is subject to discharge termination:

4854 a. Violation of industrial wastewater
discharge permit or waste haulers operating permit conditions;

4856 b. Failure to accurately report the
wastewater constituents, flow volumes, ~~and~~ and characteristics of its
discharge;

4858 c. Failure to report significant changes
in operations or wastewater volume, constituents, and
4860 characteristics prior to discharge;

4862 d. Refusal of reasonable access to the
user's premises for the purpose of inspection, monitoring, or
sampling; or

4864 e. Violation of the discharge standards
~~in sections 37-735 through 37-737 or section 37-756~~ of this article
4866 ~~or~~ county local limits established by county resolution.

4868 (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
4870 discharge and shall be offered an opportunity to show cause under
section 37-749(d) of this article as to why the proposed termination

4872 of discharge should not be taken. Exercise of this option by the
4874 director shall not be a bar to, or a prerequisite for, taking any other
action against the user.

4876 (3) The county reserves the right, at the
4878 discretion of the director, to either plug the sewer lateral to terminate
4880 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.

4882 (j) *Appeals.* Persons aggrieved as a result of the
4884 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:~~

4886 (1) *Hearing examiner.* There is hereby created
4888 for the purposes of this article the position of hearing examiner.
Accordingly, the ~~BCC board of county commissioners~~ shall appoint,
4890 by county resolution, such hearing examiner for these duties, who
shall be a member in good standing of the Florida Bar. The hearing
4892 examiner shall conduct the hearings in accordance with the rules and
regulations set forth herein ~~and, and~~ in the supplement set out in the
4894 county's ERP. The examiner's compensation, the methodology for
calling up hearings before said examiner, the maximum and
4896 minimum number of hours proposed for such examiner to sit in
session and prepare opinions and orders, the number of hearings per
4898 year, the hiring process to obtain the services of such examiner, shall
all be determined in a county resolution approved by the ~~BCC, board~~
4900 ~~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.

4902 (2) *Appeal procedure.* Any person or user may
4904 appeal the enforcement decision, article interpretation, regulatory
determination, ~~or or~~ order of the director defined herein ~~to the, to~~
4906 ~~that~~ hearing examiner established above. This appeals process will
be accomplished through an administrative hearing, under the
4908 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:

- 4910 a. An industrial wastewater discharge permit;
- b. A waste hauler operating permit;
- 4912 c. An enforcement order issued hereunder;

- 4914 d. Any pretreatment standard or
requirement;
- 4916 e. To review a show cause order issued
under this ordinance;
- 4918 f. Denial of a variance under this
ordinance; or
- 4920 g. Any provision of this article except as
follows:
- 4922 i. The ~~appeal~~-appeals procedure
referenced in this section
4924 ~~article~~ does not include
appeals pursuant to division 2
4926 of this article relating to septic
tanks or package or interim
4928 treatment plants—since an
appeals mechanism for these
4930 issues ~~is provided for
elsewhere in this chapter~~; and
- 4932 ii. The ~~appeal~~-appeals procedure
referenced in this section is
4934 ~~are~~ not applicable to appeals
related to county surcharge
4936 program billing issues;
~~pursuant to section 37-755(h)~~
4938 ~~of this article.~~

4940 Only a user directly affected by the decision or enforcement order
or interpretation has standing to bring such an appeal.

4942 ~~(3) — The appeals hearing examiner shall not hear
appeals pursuant to division 2 of this article relating to septic tanks
4944 or package or interim treatment plants since an appeals mechanism
for these issues is provided for elsewhere in this ordinance. Billing
issues, pursuant to section 37-755(h), are not appealable under this
4946 section.~~

4948 ~~(3)4~~ An appeal, as authorized by this section,
~~shall~~ shall be instituted by filing a notice of appeal with the director
within ~~ten~~ (10) days after the date of issuance of the written decision,
4950 interpretation, or ~~or~~ order of the director. The notice of appeal shall
be filed with the director and, ~~and~~ shall include the decision,
4952 interpretation, or ~~or~~ order being appealed and the grounds for the
appeal. The decision of the director shall be complied with until the
4954 director's decision is altered, amended, or ~~or~~ reversed by the hearing
examiner ~~on appeals~~ or a court.

4956 (45) After the date that the notice of appeal is filed
4958 with the director, the director shall schedule a hearing date before
4960 the hearing examiner for the purpose of considering the appeal,
4962 based upon the grounds set forth in the notice of appeal and this
4964 ordinance. The hearing may be continued by the clerk or chairperson
4966 of the appeals board on their own motion, or at the request of the
4968 director or the appealing party. A notice of the hearing scheduled to
4970 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:~~

4972 (56) *Hearing on appeal.* All ~~of~~ the requirements
4974 necessary for due process ~~and, and necessary~~ for determination and
4976 disposition of the appeal, including, but not limited to, verification
4978 of jurisdiction, consideration of evidence, testimony (which shall be
4980 under oath), argument presented, and affirmance, modification, or
4982 ~~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.

4984 (67) The BCC ~~board of county commissioners~~
shall provide clerical and administrative personnel as may be
reasonably required.

4986 (78) The order by the hearing officer must include
4988 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.

4990 (89) If an order is recorded in the public records
4992 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.

4994 (94) A hearing is not required to issue an order
withdrawing or setting aside such order.

4996 (104) The director or the appealing party may
4998 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.

5000 (1112) Refusals to comply or appeal or both
5002 combined may be dealt with by the director as shown herein and as
shown in the county's ERP.

Sec. 37-750. Judicial enforcement.

5004 (a) *Injunctive relief.* In addition to any other remedies
5006 available to the county, when the director finds that a person or user
5008 has violated, or continues to violate, any provision of this article, an
5010 industrial wastewater discharge permit or order issued hereunder, or
5012 any other pretreatment standard or requirement, the county may
5014 petition a court of competent jurisdiction for the issuance of a
5016 temporary or permanent injunction, as appropriate, ~~that~~ which
5018 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.*

5020 (1) A person or user who has violated, or
5022 continues to violate, any provision of this article, an industrial
5024 wastewater discharge permit or order issued hereunder, ~~or~~ any other
5026 pretreatment standard or requirement, or waste hauler operating
5028 permit, shall be liable to the county for a maximum civil penalty
5030 permitted under the county's ERP, ~~as~~ as described in section 37-749
5032 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.

5034 (2) The director may recover court costs ~~and~~, ~~and~~
5036 other expenses associated with enforcement activities, including
sampling, monitoring, ~~and~~ ~~and~~ laboratory expenses, and the cost of
any actual damages incurred by the county.

5038 (3) In determining the amount of civil liability,
5040 the court shall take into account all relevant circumstances,
5042 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.

5044 (4) Filing a suit for civil penalties shall not be a
5046 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.

5048 (c) *Criminal prosecution.*

5050 (1) A person or user who willfully or knowingly
5052 violates any provision of this article, an industrial wastewater
discharge permit, an enforcement order issued hereunder, a waste
5054 hauler operating permit, or any other pretreatment standard or
requirement shall, upon conviction, be punished by a fine not less
5056 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
5058 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.

5060 (2) A person or user who willfully or knowingly
5062 introduces any substance into the county WWF that ~~which~~ causes
personal injury or property damage shall, upon conviction, be
5064 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
5066 maximum fine amount of ~~two thousand dollars (\$2,000.00)~~ per
violation, per day, or imprisonment in the county jail for a term not
5068 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
5070 of action for personal injury or property damage available under
state or federal law.

5072 (3) A person or user who knowingly makes any
5074 false statements, representations, or certifications in any application,
record, report, plan, or other documentation filed, or required to be
5076 maintained, pursuant to this article, the industrial wastewater
discharge permit, waste hauler operating permit, enforcement order
5078 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
5080 ~~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.,
5082 F.A.C., and shall not exceed the maximum fine amount of ~~two~~
~~thousand dollars (\$2,000.00)~~ per violation, per day, or by
5084 imprisonment in the county jail for a term not exceeding ~~sixty (60)~~
days, or both such fine and imprisonment, per F.S § 125.69.

5086 (4) With respect to violations of this article that
are continuous with respect to time, each day the violation continues

5088 is a separate offense. As such, a person or user can, upon conviction,
5090 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
5092 maximum fine amount of ~~two thousand dollars (\$2,000.00)~~ per
violation, per day, or by imprisonment in the county jail for a term
5094 not exceeding ~~sixty (60)~~ days, or both such fine and imprisonment,
per F.S § 125.69.

5096 (d) *Remedies nonexclusive.* The remedies provided for
5098 in this article are not exclusive. The director may take any, all, or
any combination of the actions outlined in this article against a
5100 noncompliant user. Enforcement of pretreatment violations shall
generally be in accordance with the county's ERP. However, the
5102 county may take other action against any user or waste hauler when
the circumstances warrant, ~~as~~ authorized by the county charter or
5104 code of ordinances, or state or federal law. Further, the director is
hereby authorized to take more than one ~~(1)~~ enforcement action
5106 authorized herein against any noncompliant person, user, ~~or~~ waste
hauler.

Sec. 37-751. Supplemental enforcement.

5108 (a) *Performance bonds.* The director may decline to
5110 issue or reissue an industrial wastewater discharge permit or waste
hauler operating permit to any user who has failed to comply with
5112 any provision of this article, a previous industrial wastewater
discharge permit or waste hauler operating permit, ~~or~~ an
5114 enforcement order issued hereunder, or any other pretreatment
standard or requirement, unless ~~the~~ such user first files a satisfactory
5116 bond, payable to the county, in a sum not to exceed a value
determined by the director to be necessary to achieve consistent
compliance.

5118 (b) *Liability insurance.* The director may decline to issue
5120 or reissue an industrial wastewater discharge permit to any user who
has failed to comply with any provision of this article, a previous
5122 industrial wastewater discharge permit or waste hauler operating
permit, ~~or~~ an enforcement order issued hereunder, or any other
5124 pretreatment standard or requirement, unless the user first submits
proof that it has obtained and maintains for the duration of any
5126 permit financial assurances sufficient to restore or repair damage to
the county WWF that may be caused by its discharge.

5128 (c) *Water supply severance.* Whenever a user has
violated or continues to violate any provision of this article, an
5130 industrial wastewater discharge permit, waste hauler operating
permit, ~~or~~ an enforcement order issued hereunder, or any other
pretreatment standard or requirement, water service to the user may

5132 be severed by the director. Service shall recommence, at the user's
5134 expense, only after the user has satisfactorily demonstrated to the
5136 director its ability to comply with this article, the industrial
5138 wastewater discharge permit or waste hauler operating permit, or
5140 enforcement order; ~~paid, paid~~ in full the fines and civil penalties
assessed for the violation(s); ~~and and~~ paid in full any outstanding
invoices for wastewater services. The control authority shall not be
responsible for any damages incurred by a user caused by, or related
to, the water supply being severed.

5142 (d) *Public nuisances.* A violation of any provision of this
5144 article, an industrial wastewater discharge permit, a waste hauler
5146 operating permit, ~~or~~ enforcement order issued hereunder, or any
other pretreatment standard or requirement is hereby declared a
public nuisance, and the county shall be entitled to receive from the
violator any costs incurred in removing, abating, or remedying said
nuisance.

5148 (e) *Contractor listing.* Users ~~that~~ ~~which~~ have not
5150 achieved compliance with applicable pretreatment standards and
5152 requirements or waste hauler operating permit requirements are not
5154 eligible to receive a contractual award for the sale of goods or
5156 services to the county. Existing contracts for the sale of goods or
services to the county held by a user found to be in significant
noncompliance with pretreatment standards or requirements or
waste hauler operating permit requirements may be terminated at the
discretion of the county.

5158 (f) *Letter of credit.* The director may decline to issue or
5160 reissue an industrial wastewater discharge permit or waste hauler
5162 operating permit to any user who has failed to comply with any
5164 provision of this article, a previous industrial wastewater discharge
5166 permit or waste hauler operating permit, ~~or~~ an enforcement order
issued hereunder, or any other pretreatment standard or requirement,
unless such user first files a satisfactory letter of credit payable to
the county, in a sum not to exceed a value determined by the director
to be necessary to achieve consistent compliance.

5166 **Sec. 37-752. Affirmative defenses to discharge violations.**

5168 (a) *Upset.*

5170 (1) For the purpose of this section, ~~upset~~ ~~“upset”~~
5172 means an incident in which there is unintentional and temporary
5174 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

5176 constitute an affirmative defense to an action brought for
5178 noncompliance with categorical pretreatment standards if the
requirements of paragraph (2) ~~below are, below, are~~ met.

5180 (2) A user who wishes to establish the
affirmative defense of upset ~~must~~ shall demonstrate, through
5182 properly signed, contemporaneous operating logs ~~or, or~~ other
relevant evidence that:

5184 a. An upset occurred and the user can
identify the cause(s) of the upset;

5186 b. The facility was at the time being
operated in a prudent and workman-like manner and in compliance
with applicable ~~O&M operation and maintenance~~ procedures; and

5188 c. The user has submitted the following
5190 information to the director within ~~twenty-four (24)~~ 24-hours of
becoming aware of the upset. If the information is provided orally,
5192 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:

5194 1. A description of the indirect
discharge and the cause of noncompliance;

5196 2. The period of noncompliance,
5198 including exact dates and times or, if not corrected, the anticipated
time the noncompliance is expected to continue; and

5200 3. Steps being taken and/or
planned to reduce, eliminate, and prevent recurrence of the
noncompliance and the causes for the upset conditions.

5202 (3) In any enforcement proceeding, the user
5204 seeking to establish the occurrence of an upset shall bear the burden
of proof.

5206 (4) Users shall have the opportunity for a judicial
determination on any claim of upset ~~only~~ in an enforcement action
brought for noncompliance with categorical pretreatment standards.

5208 (5) Users shall control production of all
5210 discharges to the extent necessary to maintain compliance with
categorical pretreatment standards upon reduction, loss, or failure of
5212 its treatment facility, until the facility is restored or an alternative
method of treatment is provided. This requirement applies in the
5214 situation where, among other things, the primary source of power of
the treatment facility is reduced, lost, or fails.

5216 (b) *Prohibited discharge standards.* A user shall have an
affirmative defense to an enforcement action brought against it for
noncompliance with the general prohibitions in section 37-735(a)(1)

5218 of this article or the specific prohibitions in section 37-735(a)(2) of
5220 this article ~~if,~~ if it can prove that it did not know, or have reason to
5222 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:

5224 (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

5226 (2) No local limit exists, but the discharge did not
5228 change substantially in nature, volume, ~~or~~ constituents from the
user's prior discharge when the county WWF was regularly in
5230 compliance with its applicable state and federal permits, NPDES
permits, ~~and, in;~~ and in the case of interference, was in compliance
5232 with applicable sludge disposal or reuse requirements or reuse
agreements.

(c) *Bypass.*

5234 (1) For purposes of this section, bypass ~~"bypass"~~
5236 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
5238 substantial physical damage to property, damage to the treatment
facilities that causes them to become inoperable, or substantial and
5240 permanent loss of natural resources that can reasonably be expected
to occur in the absence of a bypass. Severe property damage shall
5242 not include economic loss caused by delays in production. A user
may allow any bypass to occur ~~that~~ ~~which~~ does not cause
5244 pretreatment standards or requirements to be violated, but only for,
~~for~~ essential maintenance to assure efficient and proper operation.
5246 These bypasses are not subject to the provision of paragraphs (2)
and (3) below of this section.

5248 (2) Industrial users shall notify the director
5250 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
5252 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
5254 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.

5256 (3) A user shall submit oral notice to the director
5258 of an unanticipated bypass that exceeds applicable pretreatment
standards within ~~twenty four (24)~~ 24-hours from the time it becomes
5260 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

5262 causes, ~~the~~; the duration of the bypass, ~~including~~ (including exact
5264 dates and times ~~and~~, and, if the bypass has not been corrected, the
5266 anticipated time it is expected to ~~continue~~), ~~continue~~; and steps taken
5268 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.

5270 (4) Bypass is prohibited, and the director may
take an enforcement action against a user for a bypass, unless:

5272 a. Bypass was unavoidable to prevent
loss of life, personal injury, or severe property damage;

5274 b. There were no feasible alternatives to
the bypass, such as the use of auxiliary treatment facilities, retention
5276 of untreated wastes, or maintenance during normal periods of
equipment downtime. This condition is not satisfied if adequate
5278 back-up equipment should have been installed in the exercise of
reasonable engineering judgment to prevent a bypass ~~that, which~~
5280 occurred during normal periods of equipment downtime or
preventive maintenance;

5282 c. Emergency situations existed, ~~and~~ and
the user immediately notified the director of the bypass as
5284 required in paragraph (c)(3) of this section; ~~or~~ and

5286 d. The user submitted notices as
required under paragraph (c)(3) of this section.

5288 (5) The director may approve an anticipated
bypass, after considering its adverse effects, if the director
5290 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.

5292 (a) The director shall publish annually, in a daily
newspaper of general circulation in the county, a list of all
5294 nonresidential users and waste haulers ~~that, which~~, during the
previous ~~twelve (12)~~ months, were in significant noncompliance
5296 with applicable pretreatment standards and requirements or those
requirements as specified in this article. The term significant
5298 noncompliance shall mean:

5300 (1) Chronic violations of wastewater discharge
limits;

(2) Technical review criteria (TRC) violations;

5302 (3) Any other discharge violation that the
director believes has caused, alone or in combination with other

5304 discharges, interference or pass through, including endangering the
5306 health of county personnel or the general public;

5306 (4) Any discharge of pollutants that has caused
5308 imminent endangerment to the public or to the environment, or has
5310 resulted in the director's exercise of emergency authority to halt or
5312 prevent such a discharge;

5310 (5) Failure to meet ~~within, within ninety~~ (90)
5312 days of the scheduled date, a compliance schedule milestone
5314 contained in the industrial wastewater discharge permit, waste
5316 hauler operating permit, or enforcement order for starting
5318 construction, completing construction, or attaining final
5320 compliance;

5316 (6) Failure to provide within ~~thirty~~ (30) days
5318 after the due date, any required reports, including ~~BMRs~~ ~~baseline~~
5320 ~~monitoring reports~~, reports on compliance with federal categorical
5322 pretreatment standard deadlines, periodic self-monitoring reports,
5324 and reports on compliance with compliance schedules;

5322 (7) Failure to provide waste acceptance sampling
5324 results and information to the director prior to the discharge of
5326 hauled waste to the county POTW or WWF;

5324 (8) Failure to accurately report noncompliance;
5326 or

5326 (9) Any other violation(s) ~~that which~~ the director
5328 determines will adversely affect the operation or implementation of
5330 the local pretreatment program.

5330 **Sec. 37-754. County oil and grease prevention program
(OGPP).**

5332 (a) *Purpose.* The purpose of this section is to provide for
5334 the implementation of the county's oil and grease prevention
5336 program (OGPP). The objective of the county's OGPP is to
5338 minimize the introduction of ~~fat-soluble~~ ~~fat soluble~~ wastes,
5340 including petroleum-based hydrocarbons, into the county WWF.

5336 (b) ~~Limits established.~~ Pursuant to the county's
5338 resolution establishing county local limits, the county has
5340 established a local limit for total oils and grease, including dispersed
5342 ~~petroleum-based~~ ~~petroleum-based~~ hydrocarbons for all
5344 nonresidential users discharging wastewater to the county POTW or
5346 WWF, users in the county's OGPP, ~~and as well as~~ the county's
5348 pretreatment program. Program requirements are outlined under
5350 separate cover of the Wastewater Discharge and Industrial
5352 Pretreatment Standards Technical Manual.

(c) *General criteria.*

5346 (1) The discharge by any nonresidential user to
the county WWF of certain liquids or wastes may be prohibited or
5348 limited pursuant to the provisions of this article.

(2) Wastes ~~that which~~ contain oils and grease
5350 may be discharged to the county WWF in accordance to the
conditions set forth in this article.

5352 (3) Wastes containing oil and grease, inert solids,
~~or~~ ~~or~~ solids originating from foods or beverages, ~~beverages~~
5354 including materials processed through garbage grinders, shall be
directed to the county-approved oil and grease interceptor or oil and
5356 grease trap.

(4) Wastes containing residual or trace amounts
5358 of petroleum-based ~~petroleum-based~~ oils and greases shall be
directed to the county-approved oil and water ~~water~~ separator.

5360 (5) Sanitary facilities and other similar fixtures
shall not be connected to the oil and grease interceptor/trap ~~or~~ ~~or~~ the
5362 oil and water ~~water~~ separator.

(6) Liquid wastes shall be discharged to the oil
5364 and grease interceptor/trap ~~or~~ ~~or~~ oil and water ~~water~~ separator
through the inlet pipe only and in accordance with the design and
5366 operating ~~operating~~ specifications for the device.

(7) Oil and grease interceptors/traps and oil and
5368 water ~~water~~ separators shall be installed in accordance with the
county building codes, ~~in accordance with~~ Florida Building Code,
5370 ~~and~~ county-approved plans and specifications created to implement
this ordinance, and development review requirements and in a
5372 location ~~that which~~ provides easy and safe access at all times for
inspections, cleaning, ~~and~~ ~~and~~ proper maintenance, such as routine
5374 pumping. Oil and grease interceptors and oil and water ~~water~~
separators shall not be located inside of a structure. The director
5376 shall approve the location of the oil and grease interceptor/trap or oil
and water ~~water~~ separator prior to installation.

5378 (8) Nonresidential establishments (users) that
prepare, process, ~~or~~ ~~or~~ serve food, beverages, ~~or~~ ~~or~~ food/beverage
5380 products shall install an oil and grease interceptor. Nonresidential
establishments that have the potential to discharge wastes containing
5382 petroleum-based ~~petroleum-based~~ oil and grease, such as
commercial laundries (laundries that clean uniforms, rags, rugs, ~~or~~
5384 ~~or~~ mats that are stained with petroleum-based oils or ~~laundries~~ that
use oils to remove stains), car washes, ~~and~~ ~~and~~ automotive-related
5386 facilities, shall have an oil and water ~~water~~ separator. Other
nonresidential users may be required by the director to install an oil
5388 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.

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(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.

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(10) Multi-family dwellings, such as triplexes, quadruplexes, townhouses, condominiums, apartment buildings, apartment complexes, ~~or~~ other areas of intensified dwelling ~~that~~ ~~which~~ are found by the director to be contributing oil and grease in quantities sufficient to cause main line stoppage ~~or pump, pump~~ station malfunctions ~~or to, or~~ necessitate increased maintenance on the collection system ~~may, may~~ be directed to cease discharging oil and grease in excess of the limit herein to the county WWF, ~~and~~ may be required to remove oil and grease from the private collection system that directly or indirectly discharges to the county's collection system, and may be required to install, ~~at~~ ~~at~~ cost to the user, ~~an~~ ~~an~~ oil and grease interceptor, ~~and/or~~ 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.

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(11) Dischargers with private pump stations that discharge oil and grease to a private sewer or public sewer connected to the county's POTW or WWF ~~that, which~~ are found by the director

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5434 to be contributing oil and grease in quantities sufficient to cause
5436 main line stoppage, ~~or pump station malfunctions or to, or~~
5438 necessitate increased maintenance on the collection system ~~may,~~
5440 ~~may~~ be directed to cease discharging oil and grease in excess of the
5442 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 as~~
specified in the Wastewater Discharge and Industrial Pretreatment
Standards Technical Manual, follows:

5444 a. — ~~Remove all floatable and settleable~~
5446 ~~solids from private pump station wet wells, clean the wet well walls~~
5448 ~~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.

5450 b. — ~~The owner of a private pump station~~
5452 ~~shall operate and maintain the private pump stations in proper~~
5454 ~~working order (including the control panel and all other electrical~~
5456 ~~and mechanical components) and properly secure the private pump~~
5458 ~~station. The owner of a private pump station shall provide the~~
5460 ~~director verification of the experienced staff directly employed by~~
5462 ~~the owner experienced in the operations, maintenance, and repairs~~
5464 ~~of the pump stations for review, or a copy of the contract with a~~
5466 ~~reputable person or firm experienced in the operations, maintenance,~~
5468 ~~and repairs of pump stations for review prior to committing to~~
5470 ~~contract for service. The owner shall provide proof to the director~~
5472 ~~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.

5474 c. — ~~Provide the user's twenty four hour~~
5476 ~~emergency contact telephone numbers to the director, enabling the~~
county to notify the property owner and contractor of reported
emergency.

5478 d. — Provide the director with seventy two
5480 (72) hours' advanced notice upon the expiration or change of status
of the ownership, management, designated facility private pump
station staff or contractor.

5482 e. — Provide for a sign, posted on or
adjacent to the pump station site (preferably on the control panel).
5484 The sign size should be approximately twelve (12) inches by
eighteen (18) inches, white background with black letters. The
5486 letters should be legible. The sign shall state the following minimum
information:

- 5488 —i. — “Private Sanitary Sewer Pump
Station”
- 5490 —ii. — “In Case of Emergency contact
the following numbers:
- 5492 —iii. — “Facility Owned by:
Name: ()
5494 Phone Number: ()”
- iv. — “Facility Maintained by:
5496 Name: ()
Phone Number: ()”
- 5498 —v. — “Station Number: ()”

5500 f. — The name and the number referenced
in section 37-754(e)(11)e.iv., above, must be the maintenance
5502 contractor company's name (if a contracted firm is performing the
private pump station maintenance) or the contracted individual's
5504 name (if an individual is contracted to perform private pump station
maintenance), or the private pump station owner's name (if the
5506 pump station is maintained by the owner's maintenance staff) and
the twenty four hour response phone number for the contracted
company/individual/owner's maintenance staff.

5508 g. — The station number referenced in
section 37-754(e)(11)e.v., above, shall be assigned by the county.

5510 h. — The county shall have the right to
inspect all private pump stations and appurtenances, and to
5512 discontinue sewer service if the private pump station and
appurtenances are not maintained in a sanitary and effective
5514 operating condition or if the county POTW or WWF may be harmed
thereby.

5516 (12) — Oil and grease interceptors, and oil/water
separators and control manholes or inspection boxes shall be

5518 installed at the user's sole expense. Proper operation, maintenance
5520 and repair shall be done solely at the user's expense. For multifamily
5522 dwellings, the director may require the management company to be
responsible for the proper maintenance of the individual grease
traps.

5524 (13) ~~The director may request that the~~
5526 ~~nonresidential user provide documentation on the design and~~
5528 ~~performance of the oil and grease interceptor/trap or oil/water~~
~~separator. Information to be submitted to the director includes, but~~
~~may not be limited to, catalogs, performance and operating data,~~
~~materials of construction, installation instructions and the operation~~
~~and maintenance manual.~~

5530 (d) ~~General design criteria.~~

5532 (1) ~~Oil and grease interceptors/traps and~~
5534 ~~oil/water separators shall be designed and constructed in accordance~~
5536 ~~with this article, county building code, the Florida Building Code~~
5538 ~~and other applicable state and county regulations. Design and~~
5540 ~~construction of the devices shall be approved by the director. The~~
5542 ~~minimum oil and grease interceptor size shall be seven hundred fifty~~
5544 ~~(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.~~

5546 (2) ~~Oil and grease interceptors/traps and~~
5548 ~~oil/water separators shall have a minimum of two (2) compartments~~
~~and shall be capable of separation and retention of oil and grease~~
~~and storage of settleable solids.~~

5550 (3) ~~Alternative oil and grease removal devices or~~
5552 ~~technologies shall be subject to written approval by the director prior~~
~~to installation. Approval of the device shall be based on~~
~~demonstrated (proven) removal efficiencies and reliability of~~
~~operation.~~

5554 (4) ~~Under the sink oil and grease traps shall be~~
5556 ~~prohibited for new facilities. Some facilities that discharge less than~~
5558 ~~fifty (50) gallons per minute (gpm) of nondomestic wastewater from~~
~~sink fixtures and do not grill foods, fry foods, or cook foods~~
~~containing oil and grease may qualify for a variance to chapter 37,~~
5560 ~~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~~

5562 ~~constructed in accordance with this article, county building codes,~~
5564 ~~county approved plans and specifications, county design standards,~~
5566 ~~the Florida Building Code and other applicable state and county~~
5568 ~~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).~~

5570 ~~(5) — An adequate number of access points shall be~~
5572 ~~provided for inspection and monitoring purposes. Covers shall have~~
5574 ~~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.~~

5576 ~~(6) — The design of oil/water separators shall be~~
5578 ~~based on peak flow, and where applicable, capable of treating and~~
5580 ~~removing emulsions. Oil/water separators shall be sized to provide~~
5582 ~~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.~~

5584 ~~(7) — Private pump stations shall be designed and~~
5586 ~~constructed in accordance with county building code, the Florida~~
5588 ~~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.~~

5590 ~~(8) — A control manhole or inspection box shall be~~
5592 ~~placed down stream of the oil and grease interceptor or trap or~~
5594 ~~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.~~

5596 ~~(9) — Minimum removal efficiency for oil and~~
5598 ~~grease interceptors for animal fats and vegetable oils shall be eighty~~
5600 ~~(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.~~

5602 ~~(10) — Where possible, multiple oil and grease~~
~~interceptors and oil/water separators shall be placed in series instead~~
~~of a single large unit.~~

5604 ~~(e) — Capacity. The design and capacity of the oil and~~
5606 ~~grease interceptor/trap or oil/water separator shall be in accordance~~
5608 ~~with the guidelines and criteria set forth in the latest edition of the~~
5610 ~~“Manual of Standards and Specifications for Wastewater and Water~~
5612 ~~Main Construction.” The minimum oil and grease interceptor size~~
5614 ~~shall be seven hundred fifty (750) gallons and the maximum oil and~~
5616 ~~grease interceptor size shall be one thousand two hundred fifty~~
~~(1,250) gallons. The maximum oil and grease trap size shall not~~
~~exceed fifty (50) gallons per minute and one hundred (100) pounds~~
~~of oil and grease storage capacity (as rated by manufacturer~~
~~specifications). At no time shall an oil and grease interceptor/trap or~~
~~an oil/water separator be sized smaller or larger than the minimum~~
~~and maximum sizes specified in the Florida Building Code.~~

~~(f) — Installation.~~

5618 ~~(1) — New facilities.~~

5620 ~~a. — After the effective date of this article,~~
5622 ~~facilities with the potential to discharge oil and grease, which are~~
5624 ~~existing, newly proposed or constructed; or existing structures,~~
5626 ~~buildings or facilities which are being expanded, remodeled, or~~
5628 ~~renovated to include a food/beverage service facility, vehicle or~~
~~engine maintenance, sales, service, cleaning or detailing facilities or~~
~~commercial laundry facilities discharging petroleum based oil and~~
~~grease, where such facilities did not previously exist, shall be~~
~~required to install an approved, oil and grease interceptor and/or oil~~
~~and water separator.~~

5630 ~~b. — Sizing calculations shall be in~~
5632 ~~accordance with the criteria and formulas set forth in the latest~~
5634 ~~edition of the “Manual of Standards and Specifications for~~
~~Wastewater and Water Main Construction” and the Florida building~~
~~Code. Oil and grease interceptors shall be installed and approved by~~
~~the county prior to the issuance of a certificate of occupancy.~~

5636 ~~c. — Oil and grease traps shall be~~
5638 ~~prohibited except in those instances where the site does not permit~~
5640 ~~the proper installation of an interceptor and the physical constraints~~
~~did not result from the user’s actions. Such an oil and grease trap~~
~~shall require the user to apply for and receive a variance from the~~
~~director pursuant to this ordinance.~~

5642 ~~d. — The director may require a user to~~
~~submit calculations for determining the capacity of the oil and~~
~~grease management devices or facilities.~~

5644 ~~(2) — Existing facilities. After the effective date of~~
5646 ~~this article, existing automotive maintenance, sales, service,~~
~~cleaning or detailing facilities and food service facilities shall be~~

5648 required to install an approved oil/water separator and/or oil and
grease intercepter, respectively when any of the following
conditions exist:

5650 a. — The facilities are found by the
5652 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;

5654 b. — Remodeling of the food/beverage
5656 preparation or kitchen waste plumbing facilities where a permit has
been issued by the county building department;

5658 c. — Expansion of food service operations
or facilities that requires a permit for the county building
department;

5660 d. — Remodeling of an automotive related
5662 enterprise, commercial laundry or similar facilities by users with the
potential to contribute wastes containing petroleum based oils and
greases;

5664 e. — The facility is either discharging or
5666 has the potential to discharge fats, oil, grease, solids or petroleum
oils to the county's sanitary system; or

5668 f. — The compliance date pursuant to this
5670 article shall be determined by the director. Generally, the
compliance date shall be sixty (60) days following written
5672 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.

5674 (3) — *Extensions.* Any requests for extensions to
the required compliance dates shall be made in writing to the
5676 director at least fifteen (15) days and shall be done in advance of the
compliance date. The written request shall include the reasons for
5678 the user's failure or inability to comply with the compliance date set
forth, the additional time needed to complete the remaining work,
5680 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.

5682 (g) — *Maintenance.*

5684 (1) — Cleaning and maintenance of the oil and
grease intercepter/trap or the oil/water separator shall be performed
5686 on a regularly scheduled basis by the user. Cleaning shall include
complete removal of the entire contents of the device, including
5688 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.

5690 (2) — ~~Decanting, skimming or back flushing of the~~
5692 ~~oil and grease trap/interceptor and/or oil and water separator or its~~
~~wastes for the purpose of reducing the volume to be hauled is~~
5694 ~~prohibited. Furthermore, vehicles are prohibited from discharging~~
~~liquid, semi solids, or solids into an oil and grease trap/interceptor~~
5696 ~~or an oil and water separator after servicing. Vehicles capable of~~
~~separating water from oil or grease shall not discharge separated~~
5698 ~~water into the oil and grease intereceptor/trap, the oil and water~~
~~separator or into the county POTW or WWF, storm sewer, storm~~
5700 ~~drain or natural stream. All discharges shall be at a State approved~~
~~facility permitted to accept this type wastewater. Top skimming of~~
5702 ~~floating materials, solids or liquids of oil and grease interceptors, or~~
~~oil/water separators is strictly prohibited.~~

5704 (3) — ~~Oil and grease interceptors and oil/water~~
~~separators shall be pumped out completely and cleaned at least once~~
5706 ~~every three (3) months, or every ninety (90) days, or more frequently~~
~~as needed to prevent the discharge of oil and grease into the county~~
5708 ~~collection system. Oil and grease traps shall be inspected at a~~
~~minimum frequency of once every seven (7) days, a log of~~
5710 ~~inspection dates must be maintained on site and all excessive solids~~
~~and fats, grease and oil removed at that time, and the entire device~~
5712 ~~cleaned (all contents completely removed) at least every ninety (90)~~
~~days or more often, as necessary, to prevent pass through of fats,~~
5714 ~~grease, oils and other food solids to the county collection system, or~~
~~as required to comply with the “25 Percent Rule” as defined in~~
~~section 37-754(g)(6) of this article.~~

5716 (4) — ~~A variance to the minimum pump out~~
~~requirements for oil and grease traps and/or oil and grease~~
5718 ~~interceptors and oil/water separators described in section 37-~~
~~754(g)(3) herein (above) may be granted by the control authority if~~
5720 ~~the user’s discharge contains minimal amounts of fats, oils, grease~~
~~or solids and if the user does not cook, grill, or fry food at the~~
5722 ~~premises discharging to the oil and grease traps and/or oil and grease~~
~~interceptors, upon the county’s review of all required user variance~~
5724 ~~request submittals and upon inspection by the county to verify the~~
~~information contained in user variance request submittals are~~
5726 ~~accurate. At minimum, the user’s variance request must include the~~
~~following:~~

5728 a. — ~~A signed oil and grease management~~
~~device minimum pump out requirement variance request form;~~

5730 b. — ~~A copy of all facility menus (if~~
~~available) or list of all foods prepared and/or cooked and beverages~~
5732 ~~prepared, brewed or served on the premises or a list of services~~
~~performed at the facility (for non food establishments);~~

5734 e. — An updated “Orange County Utilities
5736 Department Water Reclamation Division Oil and Grease Prevention
Program Facility Information Survey” form;

5738 d. — Copies of all waste disposal manifests
5740 (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;

5742 e. — Copies of all user inspection logs for
all oil and grease traps on site for the last twelve-month period; and

5744 f. — Pay all fees related to filing a variance
request with the county (where and when applicable).

5746 (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
5748 determine the appropriateness of the user’s variance request. The
county will notify the user in writing if the user’s variance request
5750 has been granted. If the county grants a user’s variance request to
reduce the frequency of required cleaning maintenance required for
5752 oil and grease trap and/or oil and grease interceptor and/or oil/water
separator devices, the county will prepare an updated county OGPP
5754 registration certificate indicating the minimum required frequency
for pretreatment device cleaning maintenance and submit this
5756 document to the user. The user will continue to be monitored and
inspected by the county to assess customer compliance with all
5758 provisions required by the county’s OGPP, the user shall continue
to comply with all program requirements, as well as continue to pay
5760 all required program fees. The county will revoke the variance
approved for the facility if the user fails to comply with county
5762 OGPP requirements, or changes the nature of the wastewater
discharged to the oil and grease trap and/or oil and grease interceptor
5764 and/or oil/water separator device that has the potential to impact
wastewater quality.

5766 (6) — Pumping frequency shall be determined by
the director based on flows, quantity of oil and grease in the
5768 discharge, volume of business, hours of operation and seasonal
variations. The user shall be responsible for maintaining the
5770 interceptor/trap or oil/water separator in such a condition for
efficient and proper operation. Compliance will be evaluated as
5772 follows:

5774 a. — Oil and grease interceptor/trap and oil
and water separator compliance shall be evaluated using the “25
5776 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

5778 ~~twenty five (25) percent of the total operating depth of the trap. The~~
5780 ~~operating depth of a trap is determined by measuring the internal~~
~~depth from the outlet water elevation to the bottom of the trap. In~~
5782 ~~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~~
5784 ~~since solids may be settled in the bottom five (5) percent of the oil~~
~~and grease interceptor/trap or oil and water separator.~~

5786 ~~b. — An oil and grease interceptor shall be~~
~~considered out of compliance if the oil and grease layer on top~~
5788 ~~exceeds six (6) inches; or the solids layer on the bottom exceeds~~
~~twelve (12) inches; or the device is not retaining/capturing oils and~~
5790 ~~greases; or the removal efficiency of the oil and grease interceptor~~
~~device, as determined through sampling and analysis, is less than~~
5792 ~~eighty (80) percent. An oil/water separator shall be considered out~~
~~of compliance if the retained oil layer is leaking into the discharge;~~
5794 ~~or the captured oil reservoir is full and overflowing; if the oil and~~
~~grease layer on top exceeds six (6) inches; or the solids layer on the~~
5796 ~~bottom exceeds twelve (12) inches; or the containment area or vault~~
~~is flooded; or the removal efficiency of the device, as determined~~
5798 ~~through sampling and analysis, is less than seventy five (75)~~
~~percent.~~

5800 ~~(7) — Wastes removed from each oil and grease~~
~~interceptor/trap or oil/water separator shall be properly manifested~~
5802 ~~or documented (for oil and grease trap wastes disposed of in drums~~
~~or in the user's trash) and disposed at a facility that is permitted to~~
5804 ~~receive such wastes or a location so designated by the county for~~
~~such purposes, in accordance with the provisions of this article. Oil~~
5806 ~~and grease trap waste that is removed by the user and disposed of in~~
~~the trash shall be properly documented as such on the user's~~
5808 ~~maintenance log which shall be retained on site for county~~
~~inspection. Oil and grease trap wastes disposed of in drums and~~
5810 ~~transported off site for disposal shall be documented by both~~
~~invoices received by the waste transporter/disposal/recycling firm~~
5812 ~~and on the user's maintenance log, which shall be retained on site~~
~~for county inspection. In no way shall the waste removed from an~~
5814 ~~oil and grease interceptor/trap or oil/water separator (pumped waste)~~
~~be returned to any private or public portion of the county collection~~
5816 ~~system or treatment facilities, without prior written approval from~~
~~the director. The waste disposal manifest must be signed by the~~
5818 ~~waste generator (user), the waste hauler and the waste disposal~~
~~facility. A copy of the waste disposal manifest must be retained on~~
5820 ~~site (waste generator) for county inspection. The original copy of the~~
~~completed waste disposal manifest containing all required~~
5822 ~~signatures must be forwarded to the county within thirty (30) days~~
~~of the waste removal date.~~

5824 ~~(8) — Flushing or washing the oil and grease~~
~~interceptor/trap or oil/water separator with water having a~~
5826 ~~temperature in excess of one hundred forty (140) degrees Fahrenheit~~
~~(°F) shall be strictly prohibited.~~

5828 ~~(9) — Additives such as commercial bacteria,~~
~~emulsifiers, enzymes, or other additives that absorb, purge, dissolve,~~
5830 ~~saponify, emulsify, transfer or generate excessive inert solids, oils,~~
~~grease, fatty acids or glycerides downstream of the application point~~
5832 ~~or oil and grease interceptor/trap and/or oil and water separator or~~
~~otherwise alter or transfer oils and grease, or treat wastewater drain~~
5834 ~~lines, oil and grease interceptors/traps, or pump stations placed into~~
~~the oil and grease interceptor/trap, oil/water separator or building~~
~~sewer lateral or drain shall be strictly prohibited.~~

5836 ~~(10) — Commercially available bacteria additives~~
~~require approval by the director prior to product use or placement~~
5838 ~~into the oil and grease interceptor/trap the oil and water separator,~~
~~or building sewer lateral or drain. Each commercial bacteria additive~~
5840 ~~product must be completely evaluated for safety and negative~~
~~impact on the county POTW or WWF prior to product approval by~~
5842 ~~the director, at the expense of the user. All product approval requests~~
~~must be requested in writing to the director. Product approval for~~
5844 ~~bacterial additives may be granted by the director upon the user's~~
~~written request for product approval, the user's completion of all~~
5846 ~~product evaluation and sampling protocol activity requirements and~~
~~the user's submittal of evaluation and sampling protocol report that~~
5848 ~~concludes that the product does not adversely impact the county's~~
~~POTW or WWF, as determined by the director. Product approval~~
5850 ~~may also be rescinded by the director if the county finds that the~~
~~product is adversely impacting the county's POTW or WWF or~~
5852 ~~causing pollutant pass through to the county's POTW or WWF. The~~
~~use of bacterial additives will not be accepted as an alternative to the~~
5854 ~~required removal of wastes from oil and grease interceptors/traps or~~
~~be accepted as a basis to lengthen the time (reduce the frequency)~~
5856 ~~between required oil and grease interceptor/trap maintenance (waste~~
~~removal) events. No solvents shall be introduced into the waste~~
5858 ~~stream, wastestream.~~

5860 ~~(11) — All maintenance of oil and grease~~
~~management devices, including proper disposal, shall be performed~~
~~by the user at the user's sole expense.~~

5862 ~~(h) — *Registration certificate.*~~

5864 ~~(1) — It is unlawful for any facility producing oils~~
~~and grease to discharge waste into the county collection system~~
~~without prior authorization from the director. Authorization shall be~~
5866 ~~given in the form of an "oil and grease discharge registration~~

certificate.” Application for the discharge registration certificate shall be made to the director. If, after examining the information contained in the oil and grease discharge registration certificate application, it is determined by the director that the proposed discharge does not conflict with the provisions of this article, an oil and grease discharge registration certificate shall be issued allowing the discharge of such wastes into the county collection system. Each oil and grease discharge registration certificate shall be issued for a time not to exceed five (5) years from the date of issuance. The user shall apply for renewal of the oil and grease discharge registration certificate a minimum of sixty (60) days prior to the expiration of the user’s existing oil and grease discharge registration certificate. The terms and conditions of the oil and grease discharge registration certificate may be subject to modification by the director during the term of the oil and grease discharge registration certificate should the limitations or requirements, as identified in this article, be modified or as other just causes may exist under state, federal or county regulations. The user shall be informed of any proposed changes in the oil and grease discharge registration certificate as issued by the director at least sixty (60) days prior to the effective date of the change(s). Any changes or new conditions in the oil and grease discharge registration certificate shall include a schedule for compliance.

(2) — The director shall issue an oil and grease discharge registration certificate to the users in the OGPP. The director may require users to complete an information questionnaire and county personnel conduct a facility visit prior to issuance of the oil and grease discharge registration certificate.

(3) — As a condition precedent to the granting of an oil and grease discharge registration certificate, the user under this section shall agree to hold harmless the county and the county’s employees from any liabilities arising from the discharge registration certificate holder’s operations pursuant to the issuance of the oil and grease discharge registration certificate.

(4) — Failure to secure a discharge registration certificate or comply with its provisions shall constitute a violation of this ordinance.

(i) — *Administrative procedures.*

(1) — Wastes removed or pumped from oil and grease interceptors and oil/water separators shall be tracked by a waste disposal manifest which confirms pumping, hauling and disposal of the wastes. The waste disposal manifest shall be in the format and contain the tracking information set forth by section 37-739(w)(4) and section 37-739(w)(5) of this article. The waste

5912 disposal manifest must be signed by the waste generator (user), the
waste hauler and the waste disposal facility. A copy of the waste
5914 disposal manifest must be retained on-site (waste generator) for
county inspection for a twelve-month period at minimum, and
5916 maintained in accordance with state and federal requirements. The
original copy of the completed waste disposal manifest containing
5918 all required signatures must be forwarded to the county within thirty
(30) days of the waste removal date.

5920 (2) — The user shall maintain a log of oil and grease
trap maintenance activities (including waste removal), and maintain
waste analysis results (where applicable) for the previous twelve
5922 (12) months. The log shall be posted in a conspicuous location on
site and waste disposal documentation, waste disposal manifests,
5924 and waste analysis results shall be retained on-site and made for
ready and immediate access and inspection by county employees.
5926 The log and other required documentation including waste disposal
manifests shall be in the format and contain the information set forth
5928 by the director. Oil/water separator waste analysis results and other
wastes analyzed as required for off-site disposal shall be performed
5930 in accordance with federal and state requirements, including 40 CFR
Part 136, Chapter I, Subchapter D, and Chapter 62-160, F.A.C.

5932 (3) — The user shall mail a copy of the completed
waste disposal manifest or non-hazardous waste disposal manifest,
5934 documenting the pump-out activity and the proper disposal of waste
within thirty (30) days of each pump-out event to the director, using
5936 the waste disposal manifest so designated by the county or state and
federal agencies for such purposes.

5938 (4) — The user shall maintain a file onsite of the
records and other documents pertaining to the facility's oil and
5940 grease interceptor/trap or oil/water separator. The file contents shall
include, but is not limited to, the record (as built) drawings, record
5942 of facility inspections, logs of pumping activities (for oil and grease
traps), and receipts, log of maintenance activities, hauler
5944 information, waste disposal manifests with disposal information and
monitoring data. The file shall be available at all times for inspection
5946 and review by authorized county employees. The file shall be
retained and preserved in accordance with 40 CFR Part 403, Chapter
5948 I, Subchapter N, Chapter 62-625, F.A.C., and section 37-747(n) of
this article.

5950 (5) — The director may require a user to provide,
operate and maintain, at the user's expense, appropriate monitoring
5952 facilities, such as a control manhole, that are safe and accessible at
all times for observation, inspection, sample collection and flow
5954 measurement of the user's discharge to the county wastewater
system. The director may impose additional limitations and

5956 ~~monitoring requirements for discharge to the county wastewater~~
5957 ~~system in accordance with the provisions in this article.~~

5958 ~~(6) Enforcement.~~

5959 ~~a. A notice of violation shall be issued~~
5960 ~~to a user for failure to:~~

5961 ~~i. Submit the required user~~
5962 ~~survey in a timely manner;~~

5963 ~~ii. Report pumping activities to~~
5964 ~~the county within the~~
5965 ~~designated time frame on a~~
5966 ~~county approved waste~~
5967 ~~disposal manifest;~~

5968 ~~iii. Properly maintain (clean out~~
5969 ~~or pump) the oil and grease~~
5970 ~~trap/intereceptor, pump station~~
5971 ~~or oil and grease separator, or~~
5972 ~~sand and grit separator in~~
5973 ~~accordance with the~~
5974 ~~provisions of this article and~~
5975 ~~as stated on the oil and grease~~
5976 ~~discharge registration~~
5977 ~~certificate;~~

5978 ~~iv. Maintain on site the log of oil~~
5979 ~~and grease trap maintenance~~
5980 ~~activities, or log of pumping~~
5981 ~~activities, or maintain waste~~
5982 ~~disposal documentation,~~
5983 ~~waste disposal manifests, or~~
5984 ~~waste analytical results;~~

5985 ~~v. Retain and preserve a file of~~
5986 ~~records onsite at all times;~~

5987 ~~vi. Provide access to logs, files,~~
5988 ~~records for inspection or~~
5989 ~~monitoring activities;~~

5990 ~~vii. Properly complete and sign~~
5991 ~~logs, waste disposal manifests~~
5992 ~~or records required by this~~
5993 ~~ordinance;~~

5994 ~~viii. Obtain or renew the oil and~~
5995 ~~grease discharge registration~~
5996 ~~certificate; or~~

- 5998 ix. ~~Pay the appropriate program fees or assessed penalties.~~
- 6000 b. ~~A notice of violation shall also be issued for the following:~~
- 6002 i. ~~Any discharge of wastewater containing fats, oils or grease which causes or contributes to any violation of any section of the county ordinances or codes;~~
- 6004
- 6006
- 6008 ii. ~~Violation of any terms or conditions of the county's OGPP registration certificate (issued by the county);~~
- 6010
- 6012 iii. ~~Obtaining a county OGPP registration certificate or oil and grease interceptor/trap and/or oil and water separator variance from the county by misrepresentation or failure to disclose fully all relevant facts;~~
- 6014
- 6016
- 6018
- 6020 iv. ~~Refusal of immediate access to the user's premises;~~
- 6022
- 6024 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;~~
- 6026
- 6028 vi. ~~Failure to provide advance notice of the transfer of business ownership of a facility registered in the county's OGPP;~~
- 6030
- 6032
- 6034 vii. ~~Failure to pay fines;~~
- 6036 viii. ~~Failure to pay sewer charges, surcharges or administrative fees;~~
- 6038 ix. ~~Failure to meet compliance schedules;~~

- 6040 x. ~~Falsifying oil and grease trap~~
6042 ~~or oil and grease interceptor or~~
~~pump station or oil and water~~
~~separator maintenance~~
6044 ~~reports, waste disposal~~
~~manifests, laboratory reports~~
~~or data;~~
- 6046 xi. ~~Tampering with monitoring~~
6048 ~~equipment or oil or grease~~
~~removal devices (including~~
6050 ~~oil and grease traps, oil and~~
~~grease interceptors, oil and~~
6052 ~~water separators, pump~~
~~stations and oil and water~~
~~separators);~~
- 6054 xii. ~~Failure to perform laboratory~~
6056 ~~analysis of oil/water separator~~
~~wastes or wastewater~~
6058 ~~recycling or recovery device~~
~~sludges at a frequency~~
6060 ~~required pursuant to 40 CFR~~
~~Part 261, Chapter I,~~
6062 ~~Subchapter I, through 262,~~
~~and Chapter 62-730, F.A.C.;~~
- 6064 xiii. ~~Failure to obtain approval by~~
~~the director before applying~~
~~bacteria additives.~~
- 6066 e. ~~The director shall provide the user~~
6068 ~~with written notice stating the nature of the violation and the amount~~
~~of time the user is required to complete the corrective action. The~~
6070 ~~user shall complete corrective action within the time frame~~
~~timeframe specified on the written notice and submit evidence of~~
~~compliance to the director.~~
- 6072 d. ~~If a user violates or continues to~~
6074 ~~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~~
6076 ~~violation, then the director may pursue one (1) or a combination of~~
~~the following options, pursuant to the county's ERP:~~
- 6078 i. ~~Pump and clean the oil and~~
6080 ~~grease interceptor/trap or oil~~
~~and water separator and place~~
~~the appropriate charge on the~~
~~user's monthly utility bill;~~

- 6082 ii. ~~Collect a sample and assess~~
6084 ~~the appropriate surcharge in~~
~~accordance with the~~
6086 ~~provisions in section 37-755~~
~~of this article;~~
- 6088 iii. ~~Impose an administrative~~
~~penalty in accordance with~~
6090 ~~section 37-749(g)(5) and the~~
~~county's ERP for each~~
~~violation;~~
- 6092 iv. ~~Assess a reasonable fee for~~
6094 ~~each additional facility~~
~~compliance inspections,~~
6096 ~~sample collection and~~
~~laboratory analyses, or other~~
~~monitoring activities;~~
- 6098 v. ~~Assign the user to the~~
~~surcharge program;~~
- 6100 vi. ~~Terminate water and~~
~~wastewater service; or~~
- 6102 vii. ~~A combination of the above~~
6104 ~~enforcement response~~
~~options, as specified in the~~
~~county's ERP.~~
- 6106 e. ~~Progressive enforcement action shall~~
6108 ~~be pursued against users with multiple violations of the provisions~~
~~in this section, including, but not limited to, termination of water~~
~~service, as specified in the county's ERP.~~
- 6110 f. ~~The user shall pay all outstanding~~
6112 ~~fees, penalties and other utility charges prior to reinstatement of~~
~~water and sewer service.~~
- 6114 g. ~~Any user in the county's OGPP found~~
6116 ~~in violation of the provisions of this section, and any orders, rules,~~
~~regulations and permits that are issued to said user pursuant to the~~
6118 ~~provisions of this article, shall be served by the county with written~~
~~notice by personal delivery, by an authorized county employee or~~
6120 ~~other person or by registered/certified mail (return receipt requested)~~
~~that states the nature of the violation and providing a reasonable time~~
6122 ~~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~~

6124 shall include those set forth in sections 37-749 thru 37-751 of this
6125 article, and as specified in the county's ERP.

6126 (7) — *Fees.*

6127 a. — ~~The board of county commissioners~~
6128 ~~shall establish by resolution reasonable fees for the implementation~~
6129 ~~and enforcement of the OGPP. Fees may include, but may not be~~
6130 ~~limited to, application or renewal of the oil and grease discharge~~
6131 ~~registration certificate, monthly program fee, facility compliance~~
6132 ~~inspections and enforcement response. Fees for the OGPP shall be~~
6133 ~~set to ensure the full and equitable cost recovery for implementation~~
6134 ~~and enforcement of said program.~~

6135 b. — ~~Fees and penalties related to the~~
6136 ~~county's OGPP shall be invoiced on the user's monthly utility~~
6137 ~~billing statement and shall be paid in accordance to the schedule set~~
6138 ~~forth in the billing document (the county's rate resolution fee~~
6139 ~~directory, and the county's ERP).~~

6140 c. — ~~County fees shall be applied per~~
6141 ~~facility discharging pollutants regulated by the OGPP.~~

6142 d. — ~~County program fees shall be applied~~
6143 ~~if the facility qualifies for program application, regardless of other~~
6144 ~~county pretreatment program participation.~~

Sec. 37-755. Surcharge program.

6145 The objective of the surcharge program is the equitable
6146 recovery of costs for receiving and treating abnormally high strength
6147 wastes, such as CBOD, TSS, TN, total phosphorus, and total oil and
6148 grease, from nonresidential users. Program requirements are
6149 outlined under separate cover of the Wastewater Discharge and
6150 Industrial Pretreatment Standards Technical Manual.

6151 (a) *Purpose.* The purpose of this section is to provide for
6152 implementation of the surcharge program. The objective of the
6153 surcharge program is the equitable recovery of costs for receiving
6154 and treating abnormally high strength wastes, such as CBOD-BOD,
6155 TSS, total nitrogen, total phosphorus, and ~~and~~ total oil and grease,
6156 from nonresidential users.

6157 (b) *{Surcharge for excess of limits.}* A surcharge shall be
6158 assessed for wastes in excess of the limits as specified and adopted
6159 by county resolution for CBOD-BOD, TSS, TKN, total phosphorus,
6160 and total oil and grease.

6161 (c) *General criteria.*

6162 (1) Significant commercial user and, ~~and~~
6163 significant industrial user as defined in this article, shall be subject

6166 to a surcharge on discharges of abnormally high strength compatible
wastes, as defined in this article, to the county ~~WRF~~ ~~WWF~~.

6168 (2) The surcharge in dollars shall be computed
by multiplying the difference in the period average concentration in
6170 milligrams per liter ~~(mg/L)~~ ~~(mg/l)~~ above the defined surcharge
limits for each applicable constituent times the volume of potable
6172 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.

6174 (3) The period average concentration shall mean
the average concentration of at least two ~~(2)~~ samples collected by
6176 the county, each collected on a minimum quarterly basis. If two ~~(2)~~
samples are not available for averaging purposes, then the period
6178 average will be based on the one ~~(1)~~ available sample result.

6180 (4) The general criteria, general design criteria,
capacity requirements, installation requirements, maintenance
6182 requirements, ~~and~~ ~~and~~ administrative procedures for all users with
oil and grease ~~interceptors/traps~~ ~~intereceptors/traps~~ and oil and water
6184 separators shall be performed in accordance with section 37-754(c);
~~(d), (e), (f), (g), and (i)~~ of this article.

6186 (5) The surcharge shall be in addition to any
applicable wastewater charges and shall be assessed for each billing
6188 period. The surcharge shall be billed on the monthly utility
statement to the user and shall be collected in the same manner as
6190 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.

6192 ~~(d) — Flow determination.~~

6194 ~~(1) — The flow volume for determination of the
surcharge shall be based on one (1) of the following methods:~~

6196 a. ~~— Metered water consumption as shown
in the records of meter readings made by the utility authority;~~

6198 b. ~~— Flow monitoring devices which
measure the actual volume of wastewater discharged to the county
WWF; or~~

6200 c. ~~— Flow monitoring devices for other
water supplies procured from other sources besides the utility
6202 authority.~~

6204 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
6206 resolution, with approval by the director. One (1) ERU shall have an~~

6208 assigned value of one (1). One (1) ERU is determined to equal the
6210 flow of three hundred (300) gallons per day. The total ERU value
6212 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.

6214 (2) — Flow monitoring devices other than those for
6216 the utility authority shall be provided, installed, calibrated and
6218 maintained at the user's expense and in accordance with plans
6220 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.

6222 (3) — Flow measurement and calibration records
6224 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.

6226 (e) — *Constituent concentrations.* The concentration of
6228 constituents in the user's discharge to the county WWF shall be
6230 determined by samples collected and analyzed by authorized county
6232 personnel. Samples shall be collected and analyzed in accordance
6234 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.

6236 (f) — *Monitoring.*

6238 (1) — Samples shall be collected on a regularly
scheduled basis, but no less than, once per year, by authorized
county personnel.

6240 (2) — Samples of discharges shall be collected
6242 routinely from users that are known to be or suspected of containing
6244 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.

6246 (3) — Samples may be collected manually using
6248 grab samples or with automatic sampling equipment. Composite
samples may be retrieved with automatic sampling equipment or
performed manually using grab samples as aliquots.

6250 (4) ~~To the extent possible, samples will be~~
6252 ~~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.~~

6254 (5) ~~Users shall install and maintain at their sole~~
6256 ~~expense an appropriate monitoring facility, including, but may not~~
~~be limited to, a control manhole and suitable automatic sampling~~
6258 ~~equipment. Monitoring sites and facilities shall be accessible at all~~
~~times to authorized county personnel.~~

6260 (6) ~~Sample analyses shall be performed at the~~
~~county's wastewater laboratories. The director may send the~~
6262 ~~samples to a certified commercial laboratory currently under~~
~~contract to the county.~~

6264 (7) ~~The costs of sample analysis performed by~~
~~the certified commercial laboratory shall be assessed directly to the~~
~~user.—~~

6266 (8) ~~The user may request that the sample~~
6268 ~~analyses be performed by an independent, certified commercial~~
~~laboratory, as well as request a split sample from samples collected~~
6270 ~~by the county, upon written request. The costs for such analyses~~
~~shall be borne exclusively by the user.~~

6272 (9) ~~The costs of sample collection and analysis~~
~~may be assessed daily by the director, if such monitoring activities~~
6274 ~~indicate that the wastes are unacceptable or detrimental to the county~~
~~wastewater system.~~

6276 (10) ~~The charges for sample collection and~~
~~analysis (laboratory work) shall be those rates as described in the~~
6278 ~~schedule of costs (fees) for the certified commercial laboratory~~
~~currently under contract to the county.~~

6280 (11) ~~Significant commercial users may be~~
~~assessed the costs for sample collection and laboratory analyses, not~~
6282 ~~to exceed one (1) monitoring activity per billing period. Charges for~~
~~additional sample collection and laboratory analyses may be~~
6284 ~~assessed on a daily basis as long as the results demonstrate that the~~
~~user is discharging unacceptable wastes to the county wastewater~~
~~system.~~

6286 (g) ~~Permits.~~ ~~The director may require specified users in~~
6288 ~~the surcharge program to apply for an industrial wastewater~~
~~discharge permit. All users that meet the criteria for a significant~~
6290 ~~industrial user shall obtain an industrial wastewater discharge~~
~~permit.~~

6292 (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.
6294 The decision of the director shall be final. Additionally, the director
has the discretion to remove a significant commercial user or
6296 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.

6298 **Sec. 37-756. Groundwater remediation discharges.**

6300 (a) *Purpose.* The purpose of this section is to provide for
the discharge of treated groundwater from remediation sites by users
6302 to the collection system without causing pass through, upset, ~~or~~
interference at the county WRFs.

6304 (b) *General criteria.*

6306 (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.

6308 (2) Specified groundwater remediation facilities
that discharge to the county wastewater system shall be classified as
a SIU-significant industrial user.

6310 (3) Groundwater from remediation sites shall be
pretreated prior to discharge to the county wastewater system.

6312 (4) An industrial wastewater discharge permit
6314 application shall be submitted to the director by the user or owner of
the remediation facility prior to use of such facility. The director
6316 may require complete characterization of the groundwater prior to
and following treatment (remediation) before issuance of the
6318 industrial wastewater discharge permit. The permit application shall
be completed pursuant to the requirements in section 37-745(d).

6320 (5) The director may impose limitations and
monitoring requirements for the treated discharge to the county
6322 POTW or WWF in accordance with the provisions of this article
and, and the county's local limits, as as specified and established by
6324 county resolution and standards set forth in chapters Chapter 62-550
and Chapter 62-777, F.A.C., or as amended.

6326 (6) The user shall not discharge untreated or
treated groundwater to the county wastewater system without prior
6328 written approval of the director or obtaining an industrial
wastewater discharge permit.

6330 (7) A flow measuring device shall be installed on
the discharge line in accordance with the plans approved by the
6332 director and the manufacturer's recommendations. The flow
measuring device shall be provided, installed, calibrated, and ~~and~~

6334 maintained at the user's expense. The flow measuring device shall
6335 be calibrated at least quarterly. Calibration records shall be retained
6336 by the user for inspection and review by the director in accordance
with section 37-747(n).

6338 (8) The user shall provide a monitoring point at
~~its~~~~their~~ expense for the collection of samples and field data
(physical parameters).

6340 (9) Groundwater treatment systems shall be
6342 designed and operated in accordance with the best available
technology and as approved by the director.

6344 (10) Pursuant to the provisions of the industrial
wastewater discharge permit, the director shall require the discharge
6346 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.

6348 (c) *Limits.* Discharges from groundwater remediation
facilities to the county POTW or WWF shall comply with the
6350 standards or limits for organic constituents set forth in 40 CFR §
~~Part 414.101, Chapter I, Subchapter N, 40 CFR § Part 414.111,~~
6352 ~~Chapter I, Subchapter N,~~ or the FDEP guidelines for low yield
quality groundwater or natural attention of default sources set forth
6354 in ~~chapter Chapter~~ 62-777, F.A.C., or as amended, ~~and~~ and the
6356 county's local limits as specified and established by county
resolution.

6358 (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.

6360 **Sec. 37-757. Miscellaneous types of discharges.**

6362 (a) *Purpose.* The purpose of this section is to provide for
the discharge of other types of discharges to the county WWF,
6364 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
6366 runoff from solid waste handling facilities.

(b) *General criteria.*

6368 (1) The user shall notify the director in writing
prior to the discharge of miscellaneous types of flows.

6370 (2) The user may be required to submit an
industrial wastewater permit application to the director as a pre-
6372 condition to any such discharge.

6374 (3) The director may impose restrictions,
prohibitions, ~~or~~ other conditions on the discharge in accordance
with the provisions of this article.

6376 (4) The director may limit the volume and
6378 duration of the discharge to the county wastewater system. The user
shall be responsible for measurement of the flow to the county
6380 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.

6382 (5) The user shall not discharge these types of
flows without prior written notice from the director or issuance of
6384 an industrial wastewater discharge permit.

(c) *Leachate.*

6386 (1) Leachate shall be considered a solid waste.
Solid waste leachate handling facilities shall be placed on a concrete
6388 pad with a floor drain. The concrete pad shall be adequate to
properly accommodate the solid waste handling equipment and
6390 containers. The concrete pad shall be bermed and sloped towards the
floor drain.

6392 (2) The floor drain shall be plumbed to the
building sewer system, upstream of the oil and grease interceptor or
6394 the oil and water ~~/water~~ separator.

6396 (3) A clean-out shall be provided for the floor
drain. Minimum pipe diameter shall be four ~~(4)~~ inches.

6398 (4) The capacity of the oil and grease interceptor
and the oil and water ~~/water~~ separator shall consider the maximum
(peak) leachate flows from solid waste handling facilities.

(d) *Medical wastes.*

6400 (1) Hospitals, clinics, medical or ~~/~~ dental
6402 practitioner offices, ~~offices~~, convalescent and nursing homes,
6404 medical or ~~/~~ dental laboratories, and ~~and~~ funeral homes shall dispose
of medical wastes, pathological wastes, laboratory wastes,
6406 contaminated medical wastes, and ~~and~~ wastes from expired humans
(corpses) in accordance with the most recent edition of the
6408 guidelines as published by EPA, the Centers for Disease Control and
Prevention ~~centers for disease control~~ (CDC), the public health
department, ~~or~~ other appropriate federal and state agencies.

6410 (2) Toxic, biological, pharmaceutical, or
6412 contaminated wastes that ~~which~~ are not addressed by the
aforementioned guidelines shall not be discharged to the county
6414 wastewater collection system without prior written permission from
the director.

6416 (3) Hospitals, clinics, medical or dental
6418 practitioner offices, convalescent and nursing homes, medical or
6420 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.

6422 (4) The biomedical waste plan and other
6424 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.

6426 (5) Medical wastes generally shall not be
6428 disposed in the county wastewater system. If authorized, the
director, at his or her discretion, may require an industrial
6430 wastewater discharge permit for the discharge of medical wastes to
the county wastewater system.

6432 (6) Enforcement response shall proceed in
accordance with the provisions set forth in the county's ERP.

(e) *Cooling water.*

6434 (1) Cooling water shall be considered a process
6436 ~~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.

6438 (2) Unless the manufacturer's specifications for
6440 ~~O&M operation and maintenance~~ of the cooling tower or system
states otherwise, the discharge limit for molybdenum in the cooling
6442 tower blow-down or cooling system discharges shall be in
accordance with the local limit established by ~~the county~~ ~~by county~~
resolution.

6444 **Sec. 37-758. Sand, grit, ~~and~~ and debris interceptors.**

6446 (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.

6448 (b) *General criteria.*

6450 (1) The discharge by a user to the county
wastewater system of liquid wastes containing certain constituents
6452 may be prohibited or limited pursuant to the provisions of this
article.

6454 (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.

6456 (3) Wastes containing excessive amounts of
6458 floatables or other debris that could cause clogs or blockages in the
6460 collection system, such as, but not limited to, rags, strings, feathers,
6462 glass, ~~or~~ other objects larger than one (1) 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.

6464 (4) Sand and grit interceptors (traps) and
6466 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.

6468 (5) Sand and grit interceptors and screening
6470 devices shall be designed and installed to accommodate the
anticipated range of flows from the user to the county wastewater
system.

6472 (6) Sand and grit interceptors and screening
6474 devices shall be installed for easy access, cleaning, and inspection.
Sand and grit interceptors shall be serviced and emptied of their
6476 contents on a regularly scheduled basis to maintain efficient
operation at all times and to prevent the pass through of the solids to
6478 the county's wastewater system. Sand and grit interceptors shall be
cleaned at a minimum at the same frequency ~~at minimum~~ as the oil
6480 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.

6482 (7) Wastes removed from the sand and grit
6484 interceptors and screening devices shall not be discharged into the
county wastewater system. The user shall maintain a log of cleaning
6486 activities and a file ~~on-site~~ ~~onsite~~ of the records and documents
related to the sand and grit interceptor or screening device.

6488 (8) Records ~~and~~ /documents retained in the file
6490 should include, but not be limited to, as-built drawings,
manufacturer's instructions, log(s) ~~log~~ of cleaning activities,
6492 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).

6494 (c) *Enforcement.* Failure to comply with the provisions
6496 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.

6498 **Sec. 37-759. Jurisdictional agreements and special agreements**
6500 **or arrangements.**

6502 (a) If, after the date of adoption of this ordinance,
6504 another local government or user located within such a local
6506 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.

6508 (b) Prior to entering into an agreement required by
6510 paragraph (a) above, ~~above,~~ the director shall request the following
information from the contributing local government (contributing
jurisdiction):

6512 (1) A description of the quality and volume of
wastewater discharged to the county wastewater system by the
contributing jurisdiction;

6514 (2) An inventory or survey of all users located
6516 within the contributing jurisdiction that are discharging to the
county wastewater system; and

6518 (3) Such other information as the director may
deem necessary.

6520 (c) An agreement, as required by paragraph (a) above,
~~above,~~ shall contain the following conditions:

6522 (1) A requirement for the contributing
jurisdiction to adopt an ordinance or implement regulations that are
6524 ~~which is~~ at least as stringent as this article and county local limits
that which are acceptable to the director and comply with the
6526 county's local limits as specified and adopted by county resolution,
indicating that discharges to the county WWF shall comply with the
6528 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
6530 such contributing local government ~~and~~ limits shall be revised as
necessary to reflect changes made to the county ordinance or the
6532 county resolution establishing the county's local limits during the
term of any applicable agreement;

6534 (2) A requirement for the contributing
jurisdiction to submit a revised inventory or survey of users at least
6536 annually;

6538 (3) A provision specifying that ~~which~~
pretreatment implementation activities, including industrial
wastewater discharge permit issuance, facility inspection and
6540 sampling, and enforcement response, shall be conducted by the

6542 contributing jurisdiction; which of these activities shall be
6543 conducted by the director; and which of these activities shall be
6544 conducted jointly by the contributing jurisdiction and the director.

6544 (4) A requirement for the contributing
6545 jurisdiction to provide the director with access to all information that
6546 the contributing jurisdiction obtains as part of its pretreatment
6547 activities;

6548 (5) Limits on the nature, quality, and volume of
6549 the contributing jurisdiction's wastewater at the point where it
6550 discharges to the county wastewater system;

6551 (6) Requirements for monitoring the
6552 contributing jurisdiction's discharge;

6553 (7) A provision providing the director access to
6554 the facilities of users located within the contributing jurisdiction's
6555 boundaries (service area) for the purpose of inspection, sampling,
6556 and any other duties deemed necessary by the director; and

6557 (8) A provision specifying remedies available for
6558 breach of the terms of the agreement.

6559 (d) The contributing jurisdiction that owns or operates
6560 the POTW has primary responsibility for permitting, compliance
6561 monitoring, or enforcement. ~~The, the~~ interlocal agreement should
6562 have a provision that the jurisdiction in which the POTW is located
6563 has the right to take legal action to enforce the terms of the
6564 contributing jurisdiction's ordinances, regulations, ~~or of~~ resolutions,
6565 or the county regulations imposed by any existing or new
6566 agreements, to impose and enforce pretreatment standards and
6567 requirements directly against noncompliant dischargers in the event
6568 the contributing jurisdiction is unable or unwilling to take such
6569 action.

6570 (e) ~~Special agreements and arrangements.~~ No statement
6571 contained in this article shall be construed as ~~prohibiting-preventing~~
6572 any special agreement or arrangement by and between the county,
6573 any other jurisdiction, ~~or of~~ any industrial concern whereby an
6574 industrial waste of unusual strength or character may be accepted by
6575 the county, subject to payment therefor by the industrial concern,
6576 and provided that acceptance of such wastes ~~does-de~~ not violate any
6577 applicable federal or state regulations, ~~or~~ laws, or permits.

6578 **Sec. 37-760. Miscellaneous provisions.**

6579 The following are separate and distinct provisions applicable
6580 under this ordinance.

6581 (1) *Compliance by industrial users.* Notwithstanding
6582 anything to the contrary contained in this article, no industrial user

6584 shall discharge to the county wastewater system any toxic
pollutants, ~~as~~ as set forth in Appendix “~~D~~” “~~B~~” of 40 CFR 403, or
6586 any pollutant that may interfere, pass through, or otherwise be
incompatible with the county wastewater system.

6588 (2) *Applicable regulations and limitations.* State
requirements and limitations on discharges shall apply in any case
6590 where they are more stringent than federal requirements and
limitations or those in this ordinance. The county reserves the right
6592 to establish by ordinance or through permit condition(s) more
stringent limitations, requirements, or time periods on discharges to
6594 the wastewater disposal system if deemed necessary to comply with
the objectives stated at the beginning of this article. The revision(s)
6596 to discharge limitation(s) in this article or in individual industrial
wastewater discharge permits shall be initiated by the director
6598 whenever necessary. All affected parties are assumed to know and
to comply with all state and federal rules, requirements, and
6600 guidelines, including, but not limited to, the development,
promulgation, and application of local limits; the appropriate use, or
6602 applicability, of combined waste stream ~~wastestream~~ formulas; and
all industrial user and POTW monitoring and reporting
requirements.

6604 **Sec. 37-761. Technical standards adopted.**

6606 The technical standards set forth in the Orange County,
Florida Wastewater Discharge and Industrial Pretreatment
6608 Standards Technical Manual on file in the office of the clerk of the
BCC is herein adopted by reference and declared to be a part of this
6610 article. The technical standards contained therein are subject to
periodic review and revision, amendment, or modification under the
6612 authority of the director, who is the county administrative official
responsible for administering the county wastewater system, or his
or her authorized deputy, agent, or representative.

6614 **Secs. 37-762—37.780 -. Reserved.**

