

WASTEWATER DISCHARGE AND INDUSTRIAL PRETREATMENT STANDARDS

**TECHNICAL MANUAL
MARCH 2020**



ORANGE COUNTY UTILITIES WASTEWATER DIVISION



Board of County Commissioners

Jerry L. Demings, County Mayor

Nicole Wilson, District 1

Christine Moore, District 2

Mayra Uribe, District 3

Maribel Gomez Cordero, District 4

Emily Bonilla, District 5

Victoria P. Siplin, District 6

Bryon Brooks, County Administrator

Ed Torres, M.S. P.E., LEED AP, Director of Orange County Utilities

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CHAPTER 1 GENERAL INFORMATION

Section 1110: Purpose Statement

Part 1 Purpose Statement

A. The Orange County, Florida, Wastewater Discharge and Industrial Pretreatment Standards Technical Manual (the “Technical Manual” or the “Manual”) provides guidance in the implementation of and compliance with Orange County, Florida, Code of Ordinances, Chapter 37, Article XX, Public and Private Sewer System Use Requirements, also referenced to as “Public and Private Sewer System Use Requirements for Orange County, Florida, Article XX” or the “Sewer Use Ordinance.” It sets forth uniform requirements and standards for users of the Public Sewer System of Orange County and assists the County comply with all applicable state and federal laws, including the Clean Water Act, as amended, set forth in Title 33 U.S. Code (USC) § 1251 et. seq.; the General Pretreatment Regulations for Existing and New Sources of Pollution, as amended and set forth in 40 Code of Federal Regulations (CFR) Part 403; and Chapter 62-625, Florida Administrative Code (F.A.C.), Pretreatment Requirements for Existing and Other Sources of Pollution. The Technical Manual is subject to periodic review and revision, amendment, or modification under the authority of the County Director of Utilities, who is the County administrative official responsible for administering the County wastewater system, or his authorized deputy, agent, or representative.

CHAPTER 1 GENERAL INFORMATION

Section 1111: Manual Revision Procedure

A. To meet the needs of UTILITIES and changes in local, state, and federal regulations, as well as changes in technology, it is necessary to revise and update the MANUAL on a periodic basis. These revisions will be handled administratively under the direction of the DIRECTOR. Such revisions, amendments, and additions shall be binding and in full force and effect when published in the manner set forth by the MANUAL.

1. Any proposed revisions to this MANUAL will be emailed to REGISTERED HOLDERS of the MANUAL for comment. Recipients of the proposed revisions will have **21 calendar days** to provide written comments to the website.
2. Informal workshop(s) will be scheduled to discuss the proposed revisions. All REGISTERED HOLDERS of this MANUAL will receive electronic mail notification of scheduled workshops.
3. After at least one workshop, the UTILITIES' staff will recommend revisions in the best interest of UTILITIES and note dissenting viewpoints to the DIRECTOR for action.
4. Proposed revisions will be posted on the website for a period of **60 calendar days** prior to the DIRECTOR taking action.
5. All proposed revisions approved by the DIRECTOR will become part of the MANUAL.
6. The revisions will be described on the website, and the REGISTERED HOLDERS of the MANUAL will be notified in a timely manner by email of the effective date of the change. The effective date of such revisions shall be **30 calendar days** from the date of approval and shall supersede the MANUAL.
7. The MANUAL as referenced by the Sewer Use Ordinance shall be on file in the office of the Clerk to the Board of County Commissioners.

CHAPTER 1 GENERAL INFORMATION

Section 1112: Definitions

A. Unless specifically defined below, words or phrases used shall be interpreted to give this TECHNICAL MANUAL its most reasonable application that is consistent with state and federal laws and other County regulations. **The word “shall” is mandatory, and the word “may” is permissive.**

The following words and phrases shall have the meanings as designated below, unless the context requires otherwise:

ABNORMALLY HIGH-STRENGTH COMPATIBLE WASTES shall mean wastewater containing carbonaceous biochemical oxygen demand (CBOD), total suspended solids (TSS), total kjeldahl nitrogen (TKN), total phosphorus, or oil and grease in quantities that exceed the County’s local limit for these pollutants as specified and established by County resolution.

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

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

ADMINISTRATIVE ORDER shall mean a document that orders the user (violation) to perform a specific act or refrain from an act. The order may require users to attend a show cause meeting, cease and desist discharging, or undertake activities pursuant to a compliance schedule.

ALiquot shall mean a portion of a sample.

APPROVAL AUTHORITY shall mean the Florida Department of Environmental Protection (FDEP) or its successor agencies.

APPROVED shall mean an acceptance by the Director of Utilities as meeting or complying with applicable requirements or specifications as set forth in Article XX; or suitable for the proposed use or application.

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

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

AUTHORIZED COUNTY PERSONNEL OR STAFF shall mean individuals or designees who have been authorized or approved by the County to perform specific tasks or to execute certain job descriptions or scope of services.

AVAILABLE shall be defined herein as set forth in Chapter 37, Article XVII, Section 37-533 of the Orange County Code of Ordinances, or Section 381.0065(2), Florida Statutes (F.S.), as amended, whichever requirements are more stringent.

BEST MANAGEMENT PRACTICES (BMP) shall mean schedules of activities, prohibitions or practices, maintenance procedures, and other management practices, such as personnel training, to prevent or reduce pollution discharges. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spills or leaks, sludge or waste disposal, or drainage from raw material storage.

BEST MANAGEMENT PRACTICES PLAN (BMPP) shall mean a plan prepared by a user providing a systematic evaluation and integration of BMP to minimize the amount of waste from production.

BIOSOLIDS shall mean the primarily organic solids that are produced by wastewater treatment processes and can be beneficially recycled. Refer to “Residuals” or “Sludge.”

BLOWDOWN shall mean the discharge from boilers or cooling towers with high concentrations of accumulated dissolved solids and chemical additives, such as biocides and corrosion inhibitors. Blowdown containing chemical additives shall be considered process wastewater.

BOARD shall mean the Board of County Commissioners of Orange County, Florida.

BUILDING SEWER LATERAL shall mean the extension from the building drain to the public sewer or other place of disposal, beginning five feet outside the outer face of the building wall.

BYPASS shall mean the intentional diversion of waste streams from any portion of an industrial user's pretreatment facility.

CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of carbonaceous sources only, under standard laboratory procedure in five days at 20 degrees Celsius (°C), expressed in milligrams per liter, and specifically excluding nitrogenous sources. CBOD shall be determined in accordance with procedures set forth in the current edition of the Environmental Protection Agency's (EPA) "Methods for the Chemical Analysis of Water and Wastes" or "Standard Methods."

CATEGORICAL PRETREATMENT STANDARDS shall mean the national categorical pretreatment standards specifying pollutant discharge limits or quantities of pollutants that apply to a specific category of users, as established by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. §1317) and that appear in the appropriate subparts of 40 CFR Chapter I, Subchapter N, and adopted by reference in Florida Administrative Code (F.A.C.) Chapter 62-625.

CEASE AND DESIST ORDER shall mean an administrative order directing a user to immediately halt illegal or unauthorized discharges to the County wastewater system.

CHEMICAL OXYGEN DEMAND (COD) shall mean the quantity of oxygen, expressed in milligrams per liter (mg/L), consumed in the chemical oxidation or decomposition of organic substances using the standard dichromate reflux method as described in EPA's "Methods for the Chemical Analysis of Water and Wastes" or "Standard Methods," latest edition.

CHRONIC VIOLATION shall mean violations in which 66 percent or more of all the wastewater measurements taken for the same pollutant parameter during any consecutive six-month period exceed (by any magnitude) a numeric pretreatment standard, limit, or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1), Chapter I, Subchapter N, and in accordance with 40 CFR 403.(8)(f)(2)(viii)(A), Chapter I, Subchapter N, and Chapter 62-625, F.A.C.

CIVIL PENALTY shall mean, but not be limited to, a monetary fine issued by a court against a violator in a civil case for enforcement of the requirements herein. If

a court's civil penalty is a fine, it will have a separate range of severity from that of administrative fines. But see also definition, for this purpose, of code enforcement board and code enforcement special master fines, in Chapter 11, Orange County Code.

COLOR shall mean the "true color" due to the substances in solution using the procedures in EPA's "Methods for the Chemical Analysis of Water and Wastes" or "Standard Methods," latest edition.

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

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

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

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

CONCENTRATION LIMIT shall mean a limit based on the mass of pollutant per unit volume, usually expressed in mg/L.

CONSENT ORDER shall mean an administrative order embodying a legally enforceable agreement between the control authority and the noncompliant user designed to restore the user to compliant status.

CONSISTENT REMOVAL shall mean the average of the lowest 50 percent of the removal efficiencies that are determined for a user or pretreatment facility in accordance with Rule 62-625.420(1)(b)(2), F.A.C.

CONTAMINANT shall mean any physical, chemical, biological, or radiological substance introduced into a flow of water in a concentration that renders the water unsuitable for its intended use.

CONTROL AUTHORITY shall mean the County and as such authority is delegated by the County to the Director of Utilities in accordance with the provisions of 40 CFR 403.8, Chapter I, Subchapter N; 40 CFR 403.12, Chapter I, Subchapter N; and Rule 62-625.510, F.A.C.

COOLING WATER shall mean the discharge from air conditioning, cooling, or refrigeration systems that has been used for heat transfer purposes and that may contain chemical additives.

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

COUNTY COLLECTION SYSTEM shall mean the portion of the publicly owned treatment works (POTW) or water reclamation facility (WRF) that receives discharges from users and conveys the resultant wastewater to the WRF. Such a system generally consists of gravity sewers, force mains, pump stations, and other necessary appurtenances.

COUNTY WASTEWATER SYSTEM shall mean all facilities and interests in the real and personal property owned, operated, managed, or controlled by the County now and in the future, and used to provide wastewater service to existing and future customers within the service area of the County.

CUSTOMER shall mean the user of the County wastewater system.

DILUTE WASTE STREAM shall mean, for purposes of the combined waste stream formula, the average daily flow (at least a 30-day average) from: (a) boiler blowdown streams, noncontact cooling streams, stormwater streams, and demineralized backwash streams; provided, however, that where such streams contain a significant amount of pollutant and the combination of such streams, prior to treatment, with an industrial user's regulated process waste stream(s) will result in a substantial reduction of that pollutant, the control authority, upon application of the industrial user, may exercise its discretion to determine whether such stream(s) should be classified as diluted or unregulated; (b) sanitary waste streams where such streams are not regulated by a categorical pretreatment standard; or (c) from any process waste streams that were, or could have been, entirely exempted from

categorical pretreatment standards pursuant to Appendix D of 40 CRF 403 for one or more of the following reasons: (1) the pollutants of concern are not detectable in the effluent from the industrial user; (2) the pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects; (3) the pollutants of concern are present in amounts too small to be effectively deduced by technologies known to the approval authority; or (4) the waste stream contains only pollutants that are compatible with the POTW.

DIRECTOR shall mean the County Director of Utilities, who is the County administrative official responsible for administering the County wastewater system, or his or her authorized deputy, agent, or representative.

DISCHARGE shall mean the introduction of pollutants into the County wastewater system by any nondomestic source that is subject to the regulations of F.S. Chapter 403.

DISCHARGE PERMIT. Refer to “Industrial wastewater discharge permit.”

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

DOMESTIC SEWAGE OR WASTEWATER shall mean human body waste and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste, and other similar waste from household or establishment appurtenances. Domestic sewage wastes are further categorized as: (1) blackwater: waste carried off by toilets, urinals, and kitchen drains; or (2) graywater: all domestic waste not covered in (1) above and including bath, laundry, and sink, except kitchen sink waste.

EFFLUENT shall mean pollutants, partially or completely treated, or in their natural state.

ENFORCEMENT RESPONSE PLAN (ERP) shall mean the FDEP-approved enforcement procedures followed by the control authority to identify, document, and respond to any violations of this ordinance, as referenced in Section 37-749(g)(6) of Article XX, as prepared in accordance with Rule 62-625.500, F.A.C., as established by the Board of County Commissioners and adopted by County resolution.

ENVIRONMENTAL PROTECTION AGENCY (EPA) shall mean the United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of such agency.

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

EQUIVALENT RESIDENTIAL CONNECTION (ERC) shall mean the equivalent residential flow value (water), specified in the County rate resolution in gallons per day, whereby one ERC shall have an assigned value of one. The total ERC value for an establishment shall be calculated by multiplying the ERC factor specified in the County rate resolution by the number of units.

EQUIVALENT RESIDENTIAL UNIT (ERU) shall mean the equivalent residential flow value (wastewater), specified in the County rate resolution in gallons per day, whereby one ERU shall have an assigned value of one. The total ERU value for an establishment shall be calculated by multiplying the ERU factor specified in the County rate resolution by the number of units.

ESTABLISHMENT shall mean a business organization or public institution, an entity other than a household.

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

FLORIDA ADMINISTRATIVE CODE (F.A.C.) shall mean the codification of administration rules to implement legislation approved by the legislature and the resultant F.S.

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) shall mean the State of Florida Department of Environmental Protection created by F.S. § 20.255.

FLORIDA DEPARTMENT OF HEALTH (FDOH) shall mean the State of Florida Department of Health, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of such agency that administers the regulations pertaining to analytical laboratory certification in the state authorized by Chapter 64E-1, F.A.C. The FDOH, through its National

Environmental Laboratory Accreditation Program, is the approval authority for certification of analytical laboratories and analytical methods in the state.

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

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

GARBAGE GRINDER OR DISPOSAL shall mean an electric device that shreds solid or semisolid waste materials, generally food-related, into smaller portions for discharge into the County wastewater system.

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

GRAB SAMPLE shall mean a sample that is taken from a waste stream at a specific time and location and on a one-time basis without regard to flow in the waste stream and consideration of time. Sampling period shall not exceed 15 minutes.

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

HAULER. Refer to "Transporter."

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

- A. Causes or significantly contributes to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness;
- B. Poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed; or
- C. Meets one of the following four conditions:

1. Exhibits a characteristic of a hazardous waste as defined in 40 CFR Sections 261.20 through 262.24;
2. Listed as a hazardous substance in 40 CFR Sections 261.31 through 261.33;
3. A mixture containing a listed hazardous waste and a nonhazardous solid waste, unless the mixture is specifically excluded or no longer exhibits any of the characteristics of hazardous waste; or
4. Not excluded from regulation as a hazardous waste.

HEARING EXAMINER shall mean the hearing officer shown in Section 37-749(j) of Article XX to which any person or user may appeal the enforcement decision, interpretation, or order of the Director, described only in that section, established by the Board of County Commissioners in accordance with the procedures established by County resolution by the Board of County Commissioners for said hearing officer.

INDIRECT DISCHARGE shall mean the discharge or the introduction of pollutants from any nondomestic source regulated under Sections 307(b), (c), or (d) of the Act (Title 33 USC, Section 1317) into the County POTW or WRF.

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

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

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

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

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

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

INTERFERENCE shall mean a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the County's POTW or WRF, its treatment processes or operations, or its bio-solids processes, use, or disposal; and therefore constitutes or causes a violation of the County's National Pollutant Discharge Elimination System (NPDES) or FDEP permit(s) (including an increase in the magnitude or duration of a violation) or the prevention of wastewater bio-solids reuse or disposal in compliance with any of the statutory/regulatory provisions or permits issued thereunder, or any other more stringent federal, state, or local regulations.

LIFT STATION. Refer to "Pump station."

LOCAL LIMIT shall mean a discharge standard for nonresidential or industrial users of the County POTW or WRF in order to achieve the purposes of Article XX and for the County to comply with the conditions set forth in its NPDES or FDEP permits for effluent disposal, reuse, or recycling, and disposal or recycling of residuals.

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

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

MEDICAL WASTES shall mean any solid wastes or liquids that may present a threat of infection to humans, such as, but not limited to, isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts,

contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

NATIONAL CATEGORICAL PRETREATMENT STANDARD refers to categorical pretreatment standards.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT shall mean a permit issued to a POTW pursuant to Sections 307, 318, 402, and 405 of the Act (Title 33 USC, Section 1342) for the discharge of pollutants from point sources into navigable waters, contiguous zones, and oceans.

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

- A. The building, structure, facility, or installation is constructed at a site at which no other source is located;
- B. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source;
- C. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered; or
- D. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs A, B, or C above but otherwise alters, replaces, or adds to existing process or production equipment.
- E. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous on-site construction program;
2. Any placement, assembly, or installation of facilities or equipment;
3. Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or
4. Entered a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

NONCONTACT COOLING WATER shall mean water used for cooling purposes that does not come in direct contact with any raw material, intermediate product, waste product, or finished product; and the only pollutant that was added to the water was heat.

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

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

NOTICE OF SIGNIFICANT NONCOMPLIANCE (NOSNC) shall mean a document by the control authority notifying a nonresidential user that it has violated one or more of the pretreatment standards or program requirements as set forth in Article XX or one or more of the criteria classifying the violation as a significant noncompliance.

NOTICE OF VIOLATION shall mean a document from the control authority notifying a user that it has violated the pretreatment standards or program requirements set forth in Article XX.

OIL AND GREASE shall mean materials, either liquid or solid, that are composed primarily of fatty material from animal or vegetable sources, or petroleum-based hydrocarbons.

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

OIL AND GREASE TRAP shall mean a device designed and constructed in accordance with the Florida Building Code, Orange County Utilities Department Engineering Division's Development Review Section policies, and Orange County Utilities Standards and Construction Specifications Manual, installed inside the building and constructed to separate, trap, and hold solids, oil, and grease substances from animal or vegetable sources that are present in the discharge from users of the County POTW or WRF. The purpose of the oil and grease trap shall be to prevent solids, oil, and grease from entering the County POTW or WRF.

OIL AND GREASE TRAP WASTE shall mean waste removed from oil and grease interceptors or oil and grease traps at food and/or beverage service facilities and food and/or beverage sales and processing establishments.

OIL AND WATER SEPARATOR OR INTERCEPTOR shall mean a device designed and constructed to separate, trap, and retain oil and grease substances derived from petroleum hydrocarbons that are found in the discharge from users of the County wastewater system. The purpose of the separator is to prevent petroleum hydrocarbons from entering the County wastewater system and to improve the safety of said system for both County personnel and the general public.

OPERATING PERMIT. Refer to "Waste Hauler Operating Permit."

PASS THROUGH shall mean the discharge of pollutants through the POTW or any other portion of the County wastewater system into waters of the state or nation in quantities or concentrations that, alone or in combination with a discharge or discharges from other sources, is a cause of or significantly contributes to a violation

of any requirement of any NPDES or FDEP permit, issued for and applicable to the County wastewater system, including an increase in the magnitude or duration of a violation, or a violation of any contract, resolution, law, rule, regulation, permit, or approval applicable to the industrial, commercial, or agricultural reuse of reclaimed water.

PERMIT shall mean a document issued to the County by federal or state regulatory authorities that sets out provisions or requirements for the disposal or reuse of effluent or biosolids, or effluent discharges from the County facilities.

PERSON shall mean an individual, partnership, or association, the State of Florida or any agency or institution thereof, the United States or any agency or institution thereof, or any municipality, political subdivision, public or private corporation, or other entity and includes any officer or governing or managing body of the State of Florida, the United States, any agency, any municipality, political subdivision, or public or private corporation. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

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

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

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

POLLUTION PREVENTION shall mean the use of materials, processes, or operation and maintenance practices to reduce or eliminate the generation or creation of pollutants at the source before the constituents can enter the waste stream.

Pollution prevention includes, but is not limited to, equipment modifications, process or operating alterations, reformulation or redesign of products, substitution or raw materials, and improvements in housekeeping, maintenance, personnel training, or inventory control.

POLLUTION PREVENTION PLAN shall mean a plan prepared by the user to minimize the likelihood of introducing pollutants in the process wastewater or other types of discharges from their facility.

PRETREATMENT shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the County POTW or WRF. The reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard (Rule 62-625.410, F.A.C.) and 40 CFR 403.5, Chapter I, Subchapter N, unless allowed by an applicable pretreatment standard. Appropriate pretreatment technology includes control equipment, such as equalization tanks of facilities, for protection against surges or slug loading that might interfere with or otherwise be incompatible with the County WRF. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or flows from another regulated process, the discharge from the equalization facility must meet an adjusted pretreatment limit using the combined waste stream formula.

PRETREATMENT FACILITIES shall mean the equipment, structures, and processes that are configured together for the treatment of user waste streams prior to discharge to the County wastewater system.

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

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

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

PRIVATE WASTEWATER COLLECTION SYSTEM shall mean a wastewater collection system installed, maintained, operated, and owned by persons other than the County; and that may be connected to the County wastewater system.

PROCESS WASTE STREAMS shall mean any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, byproduct, or waste product.

PROCESS WASTEWATER shall mean any water that, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, byproduct, or waste product.

PROPERTY OWNER OR OWNER shall mean the title holder of record for the premises being served or proposed to be served by the County wastewater system.

PUBLIC AND PRIVATE SEWER SYSTEM USE REQUIREMENTS shall mean Article XX - Public and Private Sewer System Use Requirements of Orange County Code of Ordinances, Part II, Orange County Code, Chapter 37, Water and Wastewater (or the "Sewer Use Ordinance") enacted pursuant to the Orange County Charter and all general and special acts authority of the County, including home rule powers, for the purpose of providing for the necessary regulations for the use of public and private sewers and drains in the interest of the public health, safety, and welfare of the citizens and residents of the County.

PUBLIC SEWER shall mean a sanitary sewer, other than a building lateral sewer, that is owned or controlled by the County.

PUMP STATION OR LIFT STATION shall mean the facility containing pumps and appurtenances that conveys wastewater through the collection system to the treatment works.

QUALITY ASSURANCE shall refer to a management/administrative check on procedures and practices used during sampling and analysis that ensures the accuracy, precision, reproducibility, and representativeness of the reported data.

RECLAIMED WATER shall mean highly treated wastewater that is suitable for direct, nonpotable beneficial reuse or a controlled use by public, agricultural, commercial, resident, industrial, or institutional projects or development and meets the requirements of Chapter 62-610, F.A.C.

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

REPRESENTATIVE SAMPLE shall mean a sample collected from a waste stream that is as nearly identical as possible in composition to the larger volume of the flow stream that is being discharged to the County wastewater system during a normal operating day.

RESIDUALS shall mean the solid, semisolid, or liquid residues that are generated during the treatment of wastes or wastewater in a pretreatment or treatment facility. Typically, residuals do not include grit, screenings, or incinerator ash. Refer to "Biosolids" or "Sludge."

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

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

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

SEPTIC TANK shall mean a watertight receptacle constructed to promote separation of solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system.

SETTLEABLE SOLIDS shall mean that matter in wastewater not staying in suspension during a preselected settling period, such as one hour, but either settles to the bottom or floats to the top.

SEWAGE OR WASTEWATER shall mean a combination of the water-carried wastes from residences, business buildings, institutions, industrial establishments, and other customers of wastewater facilities (WWFs), together with such ground, surface and storm waters as may be present.

SEWER shall mean a public sewer that has only building drain sewers and connections tributary to it and that discharges into a branch sewer of the County wastewater collection system.

SHALL infers “mandatory” or “must.” **MAY** infers “allowed” or “permissible.”

SIGNIFICANT COMMERCIAL USER shall mean any commercial user of the County wastewater system that has:

- A. A discharge flow of 10,000 gallons or more per day during any day of any calendar year;
- B. A discharge containing one or more of the compatible pollutants; or
- C. A discharge that has been found by the Director or FDEP to potentially have a significant impact, either singly or in combination with other contributing users, on the County wastewater system.

SIGNIFICANT INDUSTRIAL USER (SIU) shall mean any industrial user of the County POTW or WRF that meets one or more of the following criteria:

- A. Discharges a flow of 25,000 gallons or more per day, during any day, during any calendar year, to the County wastewater system, excluding sanitary and domestic wastes, noncontact cooling water, condensate, stormwater, and boiler blowdown wastes;
- B. Contributes a process waste stream that makes up more than five percent or more of the average dry weather hydraulic or organic design capacity (allowable pollutant loading) of a County wastewater treatment plant receiving the indirect discharge;
- C. Is subject to a national categorical pretreatment standard as described in 40 CFR 405-471, and as adopted by reference in Chapter 62-660, F.A.C.;
- D. Discharges one or more of the federally defined “priority pollutants” or toxic pollutants, as defined pursuant to Section 307 of the Act, F.S., or in any applicable local, state, or federal rules;
- E. Is found by the County, EPA, or FDEP to have a significant impact, either singly or in combination with other contributing industries, on the County collection system, the quality of sludge, the quality of the reclaimed water or effluent, or air emissions generated by the County wastewater system; or

F. Is designated as such by the Director on the basis that it has a reasonable potential for adversely affecting the operation of the County POTW or WRF or violating any pretreatment standard or requirement in accordance with Rule 62-625.500, F.A.C.

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

SIGNIFICANT NONCOMPLIANCE (SNC) shall mean a nonresidential user whose violation meets one or more of the following criteria as defined in 40 CFR 403.8(f)(4)(2)(viii), and Rule 62-625.500(8), F.A.C.:

- A. Chronic violations of wastewater discharge limits;
- B. Technical review criteria (TRC) for violations;
- C. Any other discharge violation of a pretreatment standard, limit, or requirement as defined by 40 CFR 403.3(1), Chapter I, Subchapter N (daily maximum, long-term average, instantaneous limit, or narrative standard) that the control authority or the Director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of County personnel or the general public;
- D. Any discharge of pollutants that has caused imminent endangerment to the public or the environment, or has resulted in the Director exercising emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports

on compliance with compliance schedules, as required by and authorized by this article;

G. Failure to accurately report noncompliance; or

H. Any other violation(s) that the Director determines will adversely affect the operation or implementation of the local pretreatment program.

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

SILVER TEST PAPER shall mean a test paper coated with an analytical reagent which reacts by changing color in relationship to the amount of silver in the solution. A reference color code allows determination of the approximate concentration of silver in the solution; or an equivalent test determining this concentration.

SLUDGE shall mean the accumulated solids or residuals that separate from liquids or water during chemical treatment, coagulation, flocculation, sedimentation, flotation, or biological oxidation of wastes or wastewater at a pretreatment or treatment facility. Refer to “Biosolids” or “Residuals.”

SLUG shall mean any discharge of a nonroutine or episodic nature, such that the concentration of any given constituent in the flow or the volume of the flow exceeds more than five times the average 24-hour concentration for that constituent or quantity of flow during normal operation. Furthermore, such discharge could cause a violation of the prohibited discharge standards or local limits set forth in Article XX, or to the extent that the discharge interferes with the operation of the collection system or treatment works, or the reuse or disposal of the effluent or residuals.

SLUG (ACCIDENTAL) DISCHARGE CONTROL PLAN shall mean detailed plans showing facilities and operating procedures to provide control of slug (accidental) discharges.

SOURCE CONTROL OR REDUCTION shall mean control of the introduction or reducing the amount of pollutants that enter a waste stream at the point of production or their origins. Refer to “Pollution prevention.”

SPILL CONTAINMENT PLAN (SCP) shall mean detailed plans, prepared by the user, showing facilities and operating procedures to prevent and to provide protection from spills, including containment, rapid response, and cleanup.

SPILL PREVENTION (ACCIDENTAL DISCHARGE) AND CONTROL PLAN shall mean a plan prepared by a user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur. Refer to “Pollution prevention plan.”

SPLIT SAMPLE shall mean a portion of a collected sample given to the industry or to another agency for the purpose of verifying or comparing laboratory results.

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

STATE shall mean the State of Florida.

SURCHARGE shall mean a charge to a user for the discharge of abnormally high strength, compatible pollutants to the County wastewater system above the standards or criteria set forth in Article XX. The charge is based on the loading of a pollutant in pounds and is levied in addition to the regular wastewater service charges or fees.

SUSPENDED SOLIDS shall mean the matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and which is removable by various filtering and settling techniques in accordance with EPA protocols or “Standard Methods,” current edition.

TECHNICAL REVIEW CRITERIA (TRC) shall mean violations in which 33 percent or more of all of the wastewater measurements taken for the same pollutant parameter during any consecutive six-month period equals or exceeds the product of the numeric pretreatment standard, limit, or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1), Chapter I, Subchapter N, multiplied by the applicable TRC: (TRC = 1.4 for CBOD, TSS, total oil and grease, and 1.2 for all other pollutants except pH), in accordance with 40 CFR 403.8(f)(2)(viii)(B), Chapter I, Subchapter N, and Chapter 62-625, F.A.C.

TOTAL KJELDAHL NITROGEN (TKN) shall mean the analytical quantity of organic nitrogen and ammonia that is determined together and is equal to the sum of the concentration of ammonia and organically bound nitrogen in the tri-negative oxidation state in accordance with protocols in EPA’s “Methods for the Chemical Analysis of Water and Wastes,” current edition.

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

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

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

UNDER-THE-SINK OIL AND GREASE TRAP shall mean a device that is designed for a flow of less than 50 gallons per minute (gpm) that is installed inside the building beneath or in close proximity to the sink or other facilities likely to discharge oil and grease from animal or vegetable sources in an attempt to separate, trap, or store these fat-soluble substances and prevent their entry into the collection system.

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

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

UTILITIES shall mean Utilities Department of the Orange County Board of County Commissioners, Orange County, Florida, and/or its designated representative(s).

WASTE HAULER. Refer to "Transporter" and "User."

WASTE HAULER OPERATING PERMIT shall mean the permit issued to waste haulers for the disposal of hauled waste to the WRF and/or service (remove wastes from or maintain) of oil and grease interceptors, oil and grease traps, pump stations, oil and water separators, or sand interceptors/traps that discharge to the County's POTW or WRF, as set forth in Section 37-739 of Article XX.

WASTE MINIMIZATION shall mean the reduction of pollutants or wastes after their generation and prior to discharge. Refer to pollution prevention and source control.

WASTEWATER shall mean a combination of the water-carried wastes from residences, commercial buildings, institutions, industrial establishments, and other customers of the County wastewater system.

WASTEWATER TREATMENT PLANT shall mean an arrangement of devices, equipment, processes, and structures for treating domestic and industrial wastes by removing pollutants from the flow stream. Refer to "Water reclamation facility."

WATER RECLAMATION FACILITY (WRF) shall mean that portion of the County wastewater system that is designed to provide treatment of sewage or wastewater (domestic and industrial wastes) to a level such that the discharge meets the criteria and state and local standards for reuse or recycling.

WATERS OF THE STATE shall mean any surface or ground water located within the boundaries of the state as defined in F.S. § 403.031, or Chapter 62-302, F.A.C., or elsewhere in Chapter 62, F.A.C.

CHAPTER 1 GENERAL INFORMATION

Section 1113: Abbreviations

A. The following abbreviations shall have the designated meanings:

B

BMP - Best management practice

BMPP - Best management practices plan

C

°C - Degrees Celsius or centigrade

CBOD - Carbonaceous biochemical oxygen demand

CFR - Code of Federal Regulations

COD - Chemical oxygen demand

E

EPA - U.S. Environmental Protection Agency

ERC - Equivalent residential connection

ERU - Equivalent residential unit

F

°F - Degrees Fahrenheit

F.A.C. - Florida Administrative Code

FDEP - Florida Department of Environmental Protection

FDOH - Florida Department of Health

F.S. - Florida Statutes

G

gpd - gallons per day

L

L - Liter

M

mg/L - milligrams per liter

N

NAICS - North American Industry Classification System

NOSNC - Notice of significant noncompliance

NOV - Notice of violation

NPDES - National Pollutant Discharge Elimination System

O

O&G - Oil and grease

OGPP - Oil and Grease Prevention Program

P

POTW - Publicly owned treatment works

S

SIU - Significant industrial user

SNC - Significant noncompliance

T

TKN - Total kjeldahl nitrogen

TN - Total nitrogen

TOMP - Toxic Organics Management Plan

TSS - Total suspended solids

U

U.S.C. - United States Code

W

WRF - Water reclamation facility

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

CHAPTER 2 BEST MANAGEMENT PROGRAMS AND PLANS

Section 2110: Purpose Statement and General Criteria

Part 1 Purpose and Intent

A. The purpose of this chapter is to provide for the implementation of best management programs for contaminants of concern as designated by the Director or as referenced in the Sewer Use Ordinance Section 37-737 and as defined by County local limits established by County resolution. The objectives of the best management programs include:

1. To minimize the introduction of wastes containing contaminants of concern into the County wastewater system;
2. To promote pollution prevention by generators of wastes containing contaminants of concern;
3. To require the installation and maintenance of equipment in order to achieve a level of treatment appropriate to the size of the generator (user) or proportional to the volume of discharge or the magnitude of the contribution (loading) from the generator (user); and
4. To enable the County to comply with the effluent discharge standards set forth in the FDEP permits for the County WRFs; the reclaimed water standards in various agreements; or the requirements and objectives for the pretreatment program.

B. The intent of this section is to provide for the control and regulation of users that discharge wastes containing the designated contaminants of concern to the County wastewater system. Implementation of a best management program(s) will allow a reduction in the loadings of the contaminants of concern to the County wastewater system.

Part 2 General Criteria

A. The Director may require any nonresidential user that generates wastes containing contaminants of concern that could or does adversely impact the County wastewater treatment system to participate in the best management program.

B. The Director may require any nonresidential user to comply with the guidelines set forth in the County best management programs for the contaminants of concern.

- C. The Director may require all nonresidential users that generate waste streams containing contaminants of concern to develop and implement a BMPP to reduce the loadings of said constituents to the County POTW or WRF and to achieve a specific level of treatment, recovery, or removal as set forth in Article XX and as specified and established by County resolution.
- D. The BMPP shall contain those elements that are set forth for pollution prevention and best management plans in Section 37-744 of Article XX. The Director may require the BMPP to contain an accidental discharge/slug control and a spill containment plan.
- E. The specific level of treatment, recovery, or removal shall depend on the volume or loadings of wastes that are generated by the user.
- F. SIUs shall comply with the County's numerical local limit set forth for the specific contaminant of concern referenced and established by County resolution and as referenced to in Section 37-737 of Article XX and are prohibited from using a best management program in lieu of the numerical limit.
- G. SIUs shall obtain an industrial wastewater discharge permit pursuant to Section 37-745 of Article XX that includes BMPPs required to be performed by the SIU to comply with required categorical pretreatment standards, local limits, and state or local law, or where a local limit was not required to be established for the parameter but a BMP requirement for the parameter is mandated, as determined by the Director or as referenced in County local limits established by County resolution.
- H. The nonresidential user, as required by the Director, shall develop and implement the BMPP within 60 days of notification by the Director and shall exercise due diligence in pursuit thereof of the BMPP and maintenance of the treatment or recovery system.
- I. The Director, at his or her discretion, shall have the authority to impose the numerical local limit or BMPP for a contaminant of concern upon any nonresidential user contributing wastes containing said contaminant of concern to the County POTW or WRF.
- J. Development and implementation of the BMPP by the user shall be done at the sole expense of the user.

Part 3 Reporting Requirements

- A. In general, users shall be subject to the reporting requirements set forth in 40 CFR 403, Chapter I, Subchapter N; Chapter 62-625, F.A.C.; and Section 37-747, including the report of changed conditions.
- B. Users in a best management program shall submit the results from compliance monitoring activities in accordance with the requirements and schedule established by the County, including the reporting of BMPP compliance status with requirements and schedules established in 40 CFR 403, Chapter I, Subchapter N; Chapter 62-625, F.A.C.; or industrial wastewater discharge permits.
- C. The results and other necessary information shall be submitted to the County in the format or on the form(s) as established by the Director and/or in the industrial wastewater discharge permit.
- D. All reports submitted to the Director shall contain a certification statement and shall be signed in accordance with 40 CFR 403, Chapter I, Subchapter N; Chapter 62-625, F.A.C.; Section 37-745; and Section 37-747.

Part 4 Record Keeping

- A. The following records and documents shall be retained by the user in a file on-site:
 - 1. Volume of total process wastewater;
 - 2. A log of weekly monitoring results;
 - 3. Report of analyses from the commercial laboratory;
 - 4. Operating, service, and maintenance logs;
 - 5. Uniform hazardous wastes manifests, if applicable;
 - 6. Record drawings for the treatment or recovery system; and
 - 7. Installation, operation, and maintenance procedures.
- B. The files shall be subject to the retention requirements set forth in Section 37-747 of Article XX. The files shall be available for inspection and review by the Director in accordance with 40 CFR 403, Chapter I, Subchapter N; Chapter 62-625, F.A.C.; and Section 37-747.

Part 5 Compliance Inspections and Monitoring.

- A. The Director shall have the right to conduct compliance facility inspections and random compliance monitoring as set forth in Section 37-748 and Section 37-749 of Article XX. At the discretion of the Director, any user

subject to this section may be required to install a control manhole in accordance with Section 37-748 for compliance monitoring purposes.

Part 6 Enforcement

- A. Users that fail to comply with the requirements set forth in this section shall be subject to the enforcement provisions, including penalties, as set forth in Section 37-749 through Section 37-751 and the County's ERP.
- B. A notice of violation may be issued to a user for failure to:
 - 1. Submit the user information survey in a time limit set by the County;
 - 2. Develop and implement the best management program;
 - 3. Install the necessary pretreatment equipment or system;
 - 4. Properly maintain the pretreatment equipment or system;
 - 5. Perform the requisite monitoring;
 - 6. Properly maintain records on-site; or
 - 7. Provide required information to the Director, including a BMPP compliance status report as required in industrial wastewater discharge permits.

Part 7 Pollution Prevention and BMPP

- A. The intent of pollution prevention and BMPPs is to prevent or reduce pollution whenever feasible in an environmentally safe manner, such as recycling and source reclamation. BMPPs may be required to be implemented by the user to comply with required categorical pretreatment standards, local limits, and state or local law, or where a local limit was not required to be established for the parameter but a BMP requirement for the parameter is mandated, as determined by the Director or as referenced in County local limits established by County resolution. Treatment and disposal, such as discharge to the County WRF, should be considered one of the last options. It is the policy of the County to encourage and support pollution prevention and best management practices whenever and wherever practical.
- B. Pollution prevention plans. The Director may require a nonresidential user to develop and submit a pollution prevention plan for approval. The user shall implement the pollution prevention plan on a timely basis once the plan has been approved by the Director. The pollution prevention plan shall be developed in accordance with EPA and FDEP guidelines.
- C. Best management practices and plans. The Director may require a user to develop and submit for approval a BMPP to control specific pollutants in

the discharge or types of discharges to the County WRF. The Director will require the SIU to develop a BMPP and incorporate the BMPP requirements into an industrial wastewater discharge permit to comply with required categorical pretreatment standards, local limits, and state or local law, or where a local limit was not required to be established for the parameter but a BMP requirement for the parameter is mandated, as determined by the Director or as referenced in County local limits established by County resolution. The user shall implement the provisions of the BMPP on a timely basis and shall exercise due diligence in pursuit thereof.

D. Plan elements. The pollution prevention and BMPPs shall contain at a minimum, but may not be limited to, the following elements:

1. Purpose and objective(s);
2. Description of strategies to minimize, reduce, or prevent the introduction of pollutants into the user's discharge (waste stream);
3. Description of BMPs or options, including source control and waste minimization techniques, available to the user;
4. Description of best available technologies available for treatment or recovery of the specific contaminant of concern;
5. Description of routine preventive maintenance and schedule for said activities;
6. Description of spill prevention techniques and response procedures;
7. Description of employee training, continuing education programs, technical workshops/seminars, and participation in pollution prevention measures, preventive maintenance, and response procedures and activities;
8. Description of ongoing programs to comply with plan goals and to improve pollution prevention activities;
9. Description of monitoring activities, including sample locations, frequencies, sample collection procedures, analytical protocols, and quality assurance procedures;
10. Description of recordkeeping and reporting protocols, including forms and logs;
11. Description of the overall facility, including site plan, process schematics, and plumbing diagrams;
12. Description of waste handling, treatment, and discharge facilities, including flow diagrams and process schematics;

13. List of sources of wastes and locations for their introduction into the discharge (waste stream);
14. Inventory of raw materials, chemicals, intermediate products, and final products on-site;
15. List of facility personnel, including organization chart, emergency phone numbers, and emergency contact persons, including maintenance or service representatives;
16. Description of notification procedures and communication methods;
17. Compilation of applicable permits and regulatory contact persons; and
18. Schedule for implementation of the pollution prevention plan and any necessary modifications to the user's facilities.

Part 8 BMPP for Silver Dischargers

A. Purpose and intent. The purpose of establishing a BMPP for silver dischargers is to prevent or reduce silver pollution discharges to the County's POTW or WRF whenever feasible and in an environmentally safe manner to meet the following objectives:

1. To minimize the introduction of wastes containing silver into the County's POTW or WRF;
2. To promote pollution prevention by generators of wastes containing silver;
3. To require the installation and maintenance of equipment to achieve a level of treatment appropriate for the size of the generator (user) or as required to meet pretreatment standards, County local limits, and requirements; and
4. To enable County WRFs to comply with effluent discharge standards set forth in the FDEP permits and comply with pretreatment program requirements.

B. General Criteria

1. The County's best management program as well as required best management practices for silver dischargers shall apply to all users of the County POTW or WRF that generate wastes containing silver.
2. All users that generate wastes containing silver may be required by the Director to comply with the guidelines set forth in the County's best management program for silver dischargers.

3. All users that generate wastes containing silver may be required to implement a BMP or best management strategy to achieve a specific level of treatment (silver recovery or removal) as set forth in this section. This specific level of treatment (recovery or removal) shall depend on the volume of wastes that are generated by the user.
4. Significant industrial users shall comply with the County's local limit for silver as established by County resolution. SIUs shall obtain an industrial wastewater discharge permit pursuant to Section 37-745 of Article XX.
5. All users that generate wastes containing silver may be required by the Director to prepare a BMPP. The BMPP shall contain the elements that are listed in Part 7, Paragraph D above. An accidental discharge/slug control/spill containment plan shall be included in the BMPP by the user.
6. The user, as required by the Director, shall develop and implement the BMPP within 60 days of notification by the Director and shall exercise due diligence in pursuit of the BMPP and maintenance of the silver recovery system.
7. Preparation and implementation of the BMPP by the user shall be done at the sole expense of the user.

C. Off-Site Management

1. Nonresidential users that generate wastes containing silver may have these solutions transported by a certified hazardous waste hauler to an approved off-site facility for treatment, recovery, and disposal.
2. Nonresidential users shall provide containment for their holding tanks and shall maintain them to prevent spills and leakage.
3. Nonresidential users that exercise this best management strategy shall retain and preserve the uniform hazardous waste manifests (as required by the EPA or other agencies) and other related documents in a file on-site for a minimum of three years. The files shall be made available for inspection by the Director.

D. On-Site Recovery and Management

1. Nonresidential users that generate wastes containing silver may be required by the Director to obtain a registration certificate and provide treatment for the wastes prior to discharge to the County WRF.

2. Pretreatment equipment and treatment (recovery) processes shall be designed to meet the minimum silver recovery (removal) levels referenced in this section and as specified in County local limits established by County resolution. The user may be required by the Director to obtain written approval of the pretreatment equipment and recovery process prior to installation.
3. Pretreatment equipment shall be operated and maintained properly at the sole expense of the user.
4. Monitoring taps shall be installed on the process influent and effluent lines for retrieval of representative composite samples to determine the efficiency of the pretreatment (recovery) processes.
5. For those nonresidential users that generate and/or discharge wastewater containing silver to the County's POTW or WRF but the County does not have an established local limit for silver for the corresponding WRF service area (as identified and referenced by County resolution), or those users that are not an SIU, the minimum recovery efficiency for the pretreatment (recovery) processes shall be based on the volume of the wastes containing silver that are generated by the user. Minimum recovery efficiencies shall be:
 - a. Users that generate an average of two gpd or less of silver-rich solutions and 1,000 gpd or less of total process wastewater shall recover a minimum of 90 gpd of the silver from the wastes.
 - b. Users that generate an average of more than 2 to 20 gpd of silver-rich solutions and over 1,000 to 10,000 gpd of total process wastewater shall recover a minimum of 95 gpd of the silver from the wastes.
 - c. Users that generate an average of more than 20 gpd of silver-rich solutions and over 10,000 gpd of total process wastewater shall recover a minimum of 99 gpd of the silver from the wastes.
 - d. Significant industrial users shall meet the County's numerical local limit established by County resolution and as referenced in Section 37-737 as well as the BMP-based categorical pretreatment standards or categorical pretreatment standards (when applicable).

6. The recovery efficiency of the pretreatment (recovery) processes shall be determined at least once per week using silver test paper. Users that generate more than 20 gpd of silver-rich solutions shall determine the recovery efficiency at least once every four months by collecting one composite sample of the influent and effluent for analysis by a certified commercial laboratory using EPA/FDEP- or FDOH-approved analytical methods and protocols.

Part 9 Spill Containment Plans

- A. The Director may require any nonresidential user to develop, submit for approval, and implement a spill containment plan. Alternatively, the Director may develop such a plan for any user. The spill containment plan shall contain, at a minimum those elements that were listed in Section 37-743 for accidental discharge/slug control plans and in Section 37-744 for pollution prevention/best management plans.
- B. A user shall develop and implement the pollution prevention plan, BMP, or spill containment plan within 60 days of written notification by the Director.

Part 10 Dental Effluent Guidelines

- A. This section applies to discharges from dental clinics where amalgam is placed or removed. For the purpose of this section, a dental clinic is a non-mobile facility dedicated to the examination and treatment of patients by a healthcare professional specializing in the care of teeth, gums, and other oral tissue. This section does not apply to orthodontics, periodontics, oral and maxillofacial surgery, endodontics, prosthodontics, or other practices that do not place or remove amalgam, or which are identified by the County as *de minimis* contributors.
- B. Dental clinics that place or remove amalgam shall implement BMPs for amalgam as established by the American Dental Association.
- C. Dental clinics shall install, operate, and maintain an amalgam separator meeting the criteria of the International Organization for Standardization (ISO) 11143 for every vacuum system receiving amalgam waste. Amalgam separators shall be installed, operated, and maintained according to instructions provided by the manufacturer. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system.

D. Dental clinics will annually submit reporting information to their pretreatment control authority at the Orange County Utilities Department using forms provided by the County. Reporting information may include:

1. Certification that the amalgam separator is operated and maintained in accordance with instructions provided by the manufacturer;
2. Certification that BMPs for amalgam as established by the American Dental Association are being implemented; and
3. Any other information deemed relevant by the County.

E. Dental clinics shall obtain recycling records for each shipment showing the volume or mass of amalgam waste shipped, the name and address of the destination, and the name and address of the contractor. Dental clinics shall maintain these records for a minimum of three years. Dental clinics shall make these records available to the County for inspection and copying upon request by the County.

F. Dental clinics shall allow the County to inspect the vacuum system, amalgam separator, amalgam waste storage areas, and other areas deemed necessary by the County to determine compliance with this Section. Inspections shall occur during the normal operating hours of the dental clinic.

CHAPTER 3 OIL AND GREASE PREVENTION PROGRAM

Section 3110: Purpose Statement and General Criteria

Part 1 OGPP Overview

A. The purpose of this chapter is to provide for the implementation of the County's Oil and Grease Prevention Program (OGPP). The objective of the OGPP is to minimize the introduction of fat-soluble wastes, including petroleum-based hydrocarbons, into the County WRF.

Part 2 Limits Established

A. Pursuant to the County's resolution establishing County local limits, the County has established a local limit for total oils and grease, including dispersed petroleum-based hydrocarbons, for all nonresidential users discharging wastewater to the County POTW or WRF, users in the County's OGPP, as well as the County's pretreatment program.

Part 3 General Criteria

A. The discharge by any nonresidential user of certain liquids or wastes to the County WRF may be prohibited or limited pursuant to the provisions of Article XX.

B. Wastes that contain oils and grease may be discharged to the County WRF in accordance to the conditions set forth in Article XX.

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

D. Wastes containing residual or trace amounts of petroleum-based oils and greases shall be directed to the County-approved oil/water separator.

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

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

G. Oil and grease interceptors/traps and oil/water separators shall be installed in accordance with the County building codes; Florida Building Code; County-approved plans and specifications created to implement this ordinance; and development review requirements, and in a location that provides easy and safe access at all times for inspections, cleaning, and proper maintenance, such as routine pumping. Oil and grease interceptors and oil/water separators shall not be located inside of a structure. The Director shall approve the location of the oil and grease interceptor/trap or oil/water separator prior to installation.

H. Nonresidential establishments (users) that prepare, process, or serve food, beverages, or food/beverage products shall install an oil and grease interceptor. Nonresidential establishments that have the potential to discharge wastes containing petroleum-based oil and grease, such as commercial laundries (laundries that clean uniforms, rags, rugs, or mats that are stained with petroleum-based oils or laundries that use oils to remove stains), car washes, and automotive-related facilities shall have an oil/water separator. Other nonresidential users may be required by the Director to install an oil and grease interceptor and/or an oil/water separator, as appropriate, for the proper handling of wastes containing oils and greases in excess of the limit established in Article XX.

I. Other types of food manufacturing or food preparation enterprises, such as, but not limited to, commissaries, commercial kitchens, and caterers shall install an oil and grease interceptor. Oil and grease interceptors shall be sized on a case-by-case basis in accordance with Florida Building Code and County building codes and County-approved plans and specifications. A control manhole or inspection box for monitoring purposes may be required and shall be installed as approved by the Director.

J. Multifamily dwellings, such as triplexes, quadruplexes, townhouses, condominiums, apartment buildings, apartment complexes, or other areas of intensified dwelling that are found by the Director to be contributing oil and grease in quantities sufficient to cause main line stoppage or pump station malfunctions, or that necessitate increased maintenance on the collection system, may be directed to cease discharging oil and grease in excess of the limit herein to the County WRF; may be required to remove oil and grease from the private collection system that directly or indirectly discharges to the County's collection system; and may be required to install at cost to the user an oil and grease interceptor, individual oil and grease traps, and/or an oil and

water separator. Such users shall be required to maintain oil and grease interceptors/traps and/or oil and water separators, properly dispose of wastes from related devices, provide for proper waste disposal manifesting and reporting in accordance with this article, pay fees related to County OGPP participation, and be subject to County inspection and monitoring. All maintenance of oil and grease management devices, including proper waste disposal, shall be performed by the user at the user's sole expense. These users may also be required to participate in public education activities. The capacity of the oil and grease interceptor and/or oil and water separator shall be evaluated on a case-by-case basis. A control manhole or inspection box for monitoring purposes may be required and shall be installed by the utility system user, as approved by the Director. The County shall have the right to inspect all private wastewater collection systems and appurtenances, and to cause discontinuance of sewer service if the private wastewater collection system is not maintained in a sanitary and effective operating condition or if the public sewer facilities may be harmed thereby.

K. Dischargers with private pump stations that discharge oil and grease to a private sewer or public sewer connected to the County's POTW or WRF which are found by the Director to be contributing oil and grease in quantities sufficient to cause main line stoppage or pump station malfunctions, or to necessitate increased maintenance on the collection system, may be directed to cease discharging oil and grease in excess of the limit herein to the County POTW or WRF and may be required to participate in the County's OGPP, pay County OGPP fees, and be required to provide for the proper maintenance and emergency notification signage of all pump stations privately maintained.

L. Private Pump Stations

1. Remove all floatable and settleable solids from private pump station wet wells, clean the wet well walls and all associated equipment (floats, etc.), and properly complete a waste disposal manifest and dispose of the wastes removed at least every 180 days, or more frequently as needed to prevent the discharge of grease into the County's POTW or WRF.
2. The owner of a private pump station shall operate and maintain the private pump stations in proper working order (including the control panel and all other electrical and mechanical components) and properly secure the private pump station. The owner of a private pump station shall provide the Director verification of the

experienced staff directly employed by the owner experienced in the operations, maintenance, and repairs of the pump stations for review, or a copy of the contract with a reputable person or firm experienced in the operation, maintenance, and repair of pump stations for review prior to committing to contract for service. The owner shall provide proof to the Director that the owner's designated pump station maintenance staff or contractor possesses a minimum of two years of experience in pump station operations and maintenance, including pump and electrical maintenance experience. The pump station owner shall provide the designated facility private pump station staff or contractor with enough access to all equipment as needed to pull and service pump station pumps and other related equipment and components, as well as access needed for pumping and removing pump station waste. The designated facility private pump station staff or contractor must be able to respond to and provide contracted pump station services 24 hours a day, seven days a week and respond to the site within two hours after notification of pump station-related spill or overflow.

3. Provide the user's 24-hour emergency contact telephone numbers to the Director, enabling the County to notify the property owner and contractor of reported emergency.
4. Provide the Director with 72 hours advanced notice upon the expiration or change of status of the ownership, management, designated facility private pump station staff, or contractor.
5. Provide for a sign, posted on or adjacent to the pump station site (preferably on the control panel). The sign size should be approximately 12 inches by 18 inches, white background with black letters. The letters should be legible. The sign shall state the following minimum information:
 - a. "Private Sanitary Sewer Pump Station"
 - b. "In Case of Emergency contact the following numbers:
 - c. "Facility Owned by:
Name: (_____)
Phone: (_____)"
 - d. "Facility Maintained by:

Name: (_____)

Phone (_____)"

e. "Station No. (_____)"

6. The name and the number referenced in Part 3, Paragraph L(5)(e) must be the maintenance contractor company's name (if a contracted firm is performing the private pump station maintenance) or the contracted individual's name (if an individual is contracted to perform private pump station maintenance), or the private pump station owner's name (if the pump station is maintained by the owner's maintenance staff) and the 24-hour response phone number for the contracted company, individual, or owner's maintenance staff.
7. The station number referenced in Part 3, Paragraph L(5)(e) shall be assigned by the County.
8. The County shall have the right to inspect all private pump stations and appurtenances, and to discontinue sewer service if the private pump station and appurtenances are not maintained in a sanitary and effective operating condition or if the County POTW or WRF may be harmed thereby.
9. Oil and grease interceptors and oil/water separators and control manholes or inspection boxes shall be installed at the user's sole expense. Proper operation, maintenance, and repair shall be done solely at the user's expense. For multifamily dwellings, the Director may require the management company to be responsible for the proper maintenance of the individual grease traps.
10. The Director may request that the nonresidential user provide documentation on the design and performance of the oil and grease interceptor/trap or oil/water separator. Information to be submitted to the Director includes, but may not be limited to, catalogs, performance and operating data, materials of construction, installation instructions, and the operation and maintenance manual.

Part 4 General Design Criteria

- A. Oil and grease interceptors/traps and oil/water separators shall be designed and constructed in accordance with Article XX, County building codes, the Florida Building Code, and other applicable state and County

regulations. Design and construction of the devices shall be approved by the Director. The minimum oil and grease interceptor size shall be 750 gallons, and the maximum oil and grease interceptor size shall be 1,250 gallons. The maximum oil and grease trap size shall not exceed 50 gpm and 100 pounds of grease storage capacity (as rated by manufacturer specifications). At no time shall an oil and grease interceptor/trap or an oil/water separator be sized smaller or larger than the minimum and maximum sizes specified in the Florida Building Code.

B. Oil and grease interceptors/traps and oil/water separators shall have a minimum of two compartments and shall be capable of separation and retention of oil and grease and storage of settleable solids.

C. Alternative oil and grease removal devices or technologies shall be subject to written approval by the Director prior to installation. Approval of the device shall be based on demonstrated (proven) removal efficiencies and reliability of operation.

D. Under-the-sink oil and grease traps shall be prohibited for new facilities. Some facilities that discharge less than 50 gpm of nondomestic wastewater from sink fixtures and do not grill foods, fry foods, or cook foods containing oil and grease may qualify for a variance to Chapter 37, Article XX requirements for the use of an under-the-sink oil and grease trap, as approved by the Director. The design and installation of under-the-sink oil and grease traps shall be designed and constructed in accordance with this article, County building codes, County-approved plans and specifications, County design standards, the Florida Building Code, and other applicable state and County regulations. All commercial sinks, hand sinks, mop sinks, and floor drains are required to be connected to the approved oil and grease interceptor/trap devices. All oil and grease traps shall be equipped with a flow control device (provided at the inlet piping location) and a vent (to be provided at the discharge outlet piping location).

E. An adequate number of access points shall be provided for inspection and monitoring purposes. Covers shall have a gas-tight fit. Where additional weight loads may exist, the oil and grease interceptor and oil/water separator shall be designed, constructed, and installed for adequate load-bearing capacity.

F. The design of oil/water separators shall be based on peak flow and, where applicable, capable of treating and removing emulsions. Oil/water separators shall be sized to provide reliable, consistent, and efficient removal

(retention) of the petroleum-based oils and greases in the user's discharge to the County collection system. At no time shall an oil/water separator be sized smaller or larger than the minimum and maximum sizes specified in the Florida Building Code.

G. A control manhole or inspection box shall be placed downstream of the oil and grease interceptor or trap or oil/water separator. The control manhole or inspection box shall be adequate in size for proper compliance inspections and monitoring. Covers for the control manhole or inspection box shall have a gas-tight fit.

H. Minimum removal efficiency for oil and grease interceptors for animal fats and vegetable oils shall be 80 percent. Minimum removal efficiency for oil/water separators for petroleum-based oils and grease shall be 75 percent of the total recoverable product.

I. Where possible, multiple oil and grease interceptors and oil/water separators shall be placed in series instead of a single large unit.

Part 5 Capacity

A. The design and capacity of the oil and grease interceptor/trap or oil/water separator shall be in accordance with the guidelines and criteria set forth in the latest edition of the Standards and Construction Specifications Manual. The minimum oil and grease interceptor size shall be 750 gallons, and the maximum oil and grease interceptor size shall be 1,250 gallons. The maximum oil and grease trap size shall not exceed 50 gpm and 100 pounds of oil and grease storage capacity (as rated by manufacturer specifications). At no time shall an oil and grease interceptor/trap or an oil/water separator be sized smaller or larger than the minimum and maximum sizes specified in the Florida Building Code.

Part 6 Installation

A. New Facilities

1. After the effective date of Article XX, facilities with the potential to discharge oil and grease which are existing, newly proposed, or constructed, or existing structures, buildings, or facilities which are being expanded, remodeled, or renovated to include a food/beverage service facility; vehicle or engine maintenance, sales, service, cleaning, or detailing facilities; or commercial laundry facilities discharging petroleum-based oil and grease, where such facilities

did not previously exist, shall be required to install an approved oil and grease interceptor and/or oil and water separator.

2. Sizing calculations shall be in accordance with the criteria and formulas set forth in the latest edition of the Standards and Construction Specifications Manual and the Florida Building Code. Oil and grease interceptors shall be installed and approved by the County prior to the issuance of a certificate of occupancy.
3. Oil and grease traps shall be prohibited except in those instances where the site does not permit the proper installation of an interceptor and the physical constraints did not result from the user's actions. Such an oil and grease trap shall require the user to apply for and receive a variance from the Director pursuant to this ordinance.
4. The Director may require a user to submit calculations to determine the capacity of the oil and grease management devices for facilities.

B. Existing Facilities. Existing automotive maintenance, sales, service, cleaning, or detailing facilities and food service facilities shall be required to install an approved oil/water separator and/or oil and grease interceptor, respectively, when any of the following conditions exist:

1. The facilities are found by the Director to be contributing oil and grease or solids in quantities enough to cause line stoppages or sewer system overflows, or to increase maintenance for the County collection system;
2. Remodeling of the food/beverage preparation or kitchen waste plumbing facilities where a permit has been issued by the County building department;
3. Expansion of food service operations or facilities that requires a permit for the County building department;
4. Remodeling of an automotive-related enterprise, commercial laundry, or similar facilities by users with the potential to contribute wastes containing petroleum-based oils and greases; or
5. The facility is either discharging or has the potential to discharge fats, oil, grease, solids, or petroleum oils to the County's sanitary system.

The compliance date pursuant to this article shall be determined by the Director. Generally, the compliance date shall be 60 days following written notification by the Director to install the necessary facilities or the final

inspection date by the County building department for the new or remodeling construction.

C. Extensions. Any requests for extensions to the required compliance dates shall be made in writing to the Director at least 15 days in advance of the compliance date. The written request shall include the reasons for the user's failure or inability to comply with the compliance date set forth, the additional time needed to complete the remaining work, and the steps to be taken to avoid future delays. Extensions of time shall not exceed 60 days and shall only be valid if granted in writing by the Director or his designee.

Part 7 Maintenance

A. Cleaning and maintenance of the oil and grease interceptor/trap or the oil/water separator shall be performed by the user on a regularly scheduled basis. Cleaning shall include complete removal of the entire contents of the device, including floating materials, wastewater, and bottom sludges and solids. Cleaning shall also include removal of materials from the tank walls, baffles, cross pipes, inlets, outlets, and vents.

B. Decanting, skimming, or back flushing of the oil and grease trap/interceptor and/or oil and water separator or its wastes for the purpose of reducing the volume to be hauled is prohibited. Furthermore, vehicles are prohibited from discharging liquids, semi-solids, or solids into an oil and grease trap/interceptor or an oil and water separator after servicing. Vehicles capable of separating water from oil or grease shall not discharge separated water into the oil and grease interceptor/trap, the oil and water separator, or the County POTW or WRF, storm sewer, storm drain, or natural stream. All discharges shall be at a State-approved facility permitted to accept this type of wastewater. Top skimming of floating materials, solids, or liquids of oil and grease interceptors or oil/water separators is strictly prohibited.

C. Oil and grease interceptors and oil/water separators shall be pumped out completely and cleaned at least once every three months, or every 90 days, or more frequently as needed to prevent the discharge of oil and grease into the County collection system. Oil and grease traps shall be inspected at a minimum frequency of once every seven days, and a log of inspection dates must be maintained on-site. All excessive solids and fats, grease, and oil shall be removed at that time, and the entire device shall be cleaned (all contents completely removed) at least every 90 days or more often, as necessary, to

prevent pass through of fats, grease, oils, and other food solids to the County collection system, or as required to comply with the “25 Percent Rule” as defined in Part 7, Paragraph F.

D. A variance to the minimum pump-out requirements for oil and grease traps and/or oil and grease interceptors and oil/water separators described in Part 7, Paragraph C may be granted by the control authority if the user’s discharge contains minimal amounts of fats, oils, grease, or solids, and if the user does not cook, grill, or fry food at the premises discharging to the oil and grease traps and/or oil and grease interceptors, upon the County’s review of all required user variance request submittals and upon inspection by the County to verify the information contained in user variance request submittals is accurate. At minimum, the user’s variance request must include the following:

1. A signed oil and grease management device minimum pump-out requirement variance request form;
2. A copy of all facility menus (if available); a list of all foods prepared and/or cooked and beverages prepared, brewed, or served on the premises; or a list of services performed at the facility (for non-food establishments);
3. An updated “Orange County Utilities Department Water Reclamation Division Oil and Grease Prevention Program Facility Information Survey” form;
4. Copies of all waste disposal manifests (where applicable) for all oil and grease interceptors, oil and grease traps, and oil and water separators on-site for the last 12-month period;
5. Copies of all user inspection logs for all oil and grease traps on-site for the last 12-month period; and
6. Payment of all fees related to filing a variance request with the County (where and when applicable).

E. The County will inspect the user’s oil and grease trap(s) and/or oil and grease interceptor(s) and/or oil/water separator device(s) over the requested variance extension period to determine the appropriateness of the user’s variance request. The County will notify the user in writing if the user’s variance request has been granted. If the County grants a user’s variance request to reduce the frequency of required cleaning maintenance for oil and grease trap and/or oil and grease interceptor and/or oil/water separator

devices, the County will prepare an updated County OGPP registration certificate indicating the minimum required frequency for pretreatment device cleaning maintenance and submit this document to the user. The user will continue to be monitored and inspected by the County to assess customer compliance with all provisions required by the County's OGPP, and the user shall continue to comply with all program requirements as well as continue to pay all required program fees. The County will revoke the variance approved for the facility if the user fails to comply with County OGPP requirements or changes the nature of the wastewater discharged to the oil and grease trap and/or oil and grease interceptor and/or oil/water separator device that has the potential to impact wastewater quality.

F. Pumping frequency shall be determined by the Director based on flows, quantity of oil and grease in the discharge, volume of business, hours of operation, and seasonal variations. The user shall be responsible for maintaining the interceptor/trap or oil/water separator in such a condition for efficient and proper operation. Compliance will be evaluated as follows:

1. An oil and grease interceptor shall be considered out of compliance if the oil and grease layer on top exceeds six inches; the solids layer on the bottom exceeds the depth of the bottom of the outlet/inspection pipe tee, typically 8 inches from the bottom; the device is not retaining/capturing oils and greases; or the removal efficiency of the oil and grease interceptor device, as determined through sampling and analysis, is less than 80 percent. An oil/water separator shall be considered out of compliance if the retained oil layer is leaking into the discharge; the captured oil reservoir is full and overflowing; the containment area or vault is flooded; or the removal efficiency of the device, as determined through sampling and analysis, is less than 75 percent.
2. In the event that the oil and grease interceptor/trap and oil/water separator cannot be evaluated using the method described in paragraph "1" above, compliance may be evaluated using the "25 Percent Rule." The "25 Percent Rule" requires that the depth of oil and grease (floating and settled) in an oil and grease interceptor/trap or an oil and water separator shall not be equal to or greater than 25 percent of the total operating depth of the trap. The operating depth of a trap is determined by measuring the internal depth from the outlet water elevation to the bottom of the trap.

G. Wastes removed from each oil and grease interceptor/trap or oil/water separator shall be properly manifested or documented (for oil and grease trap wastes disposed of in drums or in the user's trash) and disposed at a facility that is permitted to receive such wastes or a location so designated by the County for such purposes, in accordance with the provisions of Article XX. Oil and grease trap waste that is removed by the user and disposed of in the trash shall be properly documented as such on the user's maintenance log that shall be retained on site for County inspection. Oil and grease trap wastes disposed of in drums and transported off-site for disposal shall be documented by both invoices received by the waste transporter/disposal/recycling firm and on the user's maintenance log, which shall be retained on-site for County inspection. In no way shall the waste removed from an oil and grease interceptor/trap or oil/water separator (pumped waste) be returned to any private or public portion of the County collection system or treatment facilities without prior written approval from the Director. The waste disposal manifest must be signed by the waste generator (user), the waste hauler, and the waste disposal facility. A copy of the waste disposal manifest must be retained on-site (waste generator) for County inspection. The original copy of the completed waste disposal manifest containing all required signatures must be forwarded to the County within 30 days of the waste removal date.

H. Water having a temperature in excess of 140°F shall be strictly prohibited.

I. Additives such as commercial bacteria, emulsifiers, enzymes, or other additives that absorb, purge, dissolve, saponify, emulsify, transfer, or generate excessive inert solids, oils, grease, fatty acids, or glycerides downstream of the application point or oil and grease interceptor/trap and/or oil and water separator; otherwise alter or transfer oils and grease; or treat wastewater drain lines, oil and grease interceptors/traps, or pump stations placed into the oil and grease interceptor/trap, oil/water separator, or building sewer lateral or drain shall be strictly prohibited.

J. Commercially available bacteria additives require approval by the Director prior to product use or placement into the oil and grease interceptor/trap, the oil and water separator, or building sewer lateral or drain. Each commercial bacteria-additive product must be completely evaluated for safety and negative impact on the County POTW or WRF prior to product approval by the Director at the expense of the user. All product approval requests must be made in writing to the Director. Product approval for

bacterial additives may be granted by the Director upon the user's written request, the user's completion of all product evaluation and sampling protocol activity requirements, and the user's submittal of an evaluation and sampling protocol report that concludes that the product does not adversely impact the County's POTW or WRF as determined by the Director. Product approval may also be rescinded by the Director if the County finds that the product is adversely impacting the County's POTW or WRF or causing pollutant pass through to the County's POTW or WRF. The use of bacterial additives will not be accepted as an alternative to the required removal of wastes from oil and grease interceptors/traps or be accepted as a basis to lengthen the time (reduce the frequency) between required oil and grease interceptor/trap maintenance (waste removal) events. No solvents shall be introduced into the waste stream.

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

Part 8 Registration Certificate

A. It is unlawful for any facility producing oils and grease to discharge waste into the County collection system without prior authorization from the Director. Authorization shall be given in the form of an "oil and grease discharge registration certificate." Application for the discharge registration certificate shall be made to the Director. If, after examining the information contained in the oil and grease discharge registration certificate application, it is determined by the Director that the proposed discharge does not conflict with the provisions of Article XX, an oil and grease discharge registration certificate shall be issued allowing the discharge of such wastes into the County collection system. Each oil and grease discharge registration certificate shall be issued for a time not to exceed five years from the date of issuance. The user shall apply for renewal of the oil and grease discharge registration certificate a minimum of 60 days prior to the expiration of the user's existing oil and grease discharge registration certificate. The terms and conditions of the oil and grease discharge registration certificate may be subject to modification by the Director during the term of the registration certificate should the limitations or requirements, as identified in Article XX, be modified or as other just causes may exist under state, federal, or County regulations. The user shall be informed of any proposed changes in the oil and grease discharge registration certificate as issued by the Director at least 60

days prior to the effective date of the change(s). Any changes or new conditions in the oil and grease discharge registration certificate shall include a schedule for compliance.

B. The Director shall issue an oil and grease discharge registration certificate to the users in the OGPP. The Director may require users to complete an information questionnaire, and County personnel may conduct a facility visit prior to issuance of the oil and grease discharge registration certificate.

C. As a condition precedent to the granting of an oil and grease discharge registration certificate, the user shall agree to hold harmless the County and the County's employees from any liabilities arising from the discharge registration certificate holder's operations pursuant to the issuance of the oil and grease discharge registration certificate.

D. Failure to secure a discharge registration certificate or comply with its provisions shall constitute a violation.

Part 9 Administrative Procedures

A. Wastes removed or pumped from oil and grease interceptors and oil/water separators shall be tracked by a waste disposal manifest that confirms pumping, hauling, and disposal of the wastes. The waste disposal manifest shall be in the format and contain the tracking information set forth. The waste disposal manifest must be signed by the waste generator (user), the waste hauler, and the waste disposal facility. A copy of the waste disposal manifest must be retained on-site (waste generator) for County inspection for a 12-month period at minimum and maintained in accordance with state and federal requirements. The original copy of the completed waste disposal manifest containing all required signatures must be forwarded to the County within 30 days of the waste removal date.

B. The user shall maintain a log of oil and grease trap maintenance activities (including waste removal) and maintain waste analysis results (where applicable) for the previous 12 months. The log shall be posted in a conspicuous location on-site, and waste disposal documentation, waste disposal manifests, and waste analysis results shall be retained on-site and be ready for immediate access and inspection by County employees. The log and other required documentation, including waste disposal manifests, shall be in the format and contain the information set forth by the Director. Oil/water separator waste analysis results and other wastes analyzed as required for off-

site disposal shall be performed in accordance with federal and state requirements, including 40 CFR 136, Chapter I, Subchapter D, and Chapter 62-160, F.A.C.

C. The user shall mail a copy of the completed waste disposal manifest or nonhazardous waste disposal manifest documenting the pump-out activity and the proper disposal of waste within 30 days of each pump-out event to the Director, using the waste disposal manifest so designated by the County or state and federal agencies for such purposes.

D. The user shall maintain a file on-site of the records and other documents pertaining to the facility's oil and grease interceptor/trap or oil/water separator. The file contents shall include, but not be limited to, the record (as-built) drawings, record of facility inspections, logs of pumping activities (for oil and grease traps) and receipts, log of maintenance activities, hauler information, waste disposal manifests with disposal information, and monitoring data. The file shall be available at all times for inspection and review by authorized County employees. The file shall be retained and preserved in accordance with 40 CFR 403, Chapter I, Subchapter N; Chapter 62-625, F.A.C.; and Section 37-747(n) of Article XX.

E. The Director may require a user to provide, operate, and maintain, at the user's expense, appropriate monitoring facilities, such as a control manhole, that are safe and accessible at all times for observation, inspection, sample collection, and flow measurement of the user's discharge to the County wastewater system. The Director may impose additional limitations and monitoring requirements for discharge to the County wastewater system in accordance with the provisions in Article XX.

Part 10 Enforcement

- A. A notice of violation shall be issued to a user for failure to:
1. Submit the required user survey in a timely manner;
 2. Report pumping activities to the County within the designated time frame on a County-approved waste disposal manifest;
 3. Properly maintain (clean out or pump) the oil and grease trap/interceptor; pump station or oil and grease separator; or sand and grit separator in accordance with the provisions of Article XX and as stated on the oil and grease discharge registration certificate;
 4. Maintain on-site the log of oil and grease trap maintenance activities or log of pumping activities, or maintain waste disposal

documentation, waste disposal manifests, or waste analytical results;

5. Retain and preserve a file of records on-site at all times;
6. Provide access to logs, files, records for inspection, or monitoring activities;
7. Properly complete and sign logs, waste disposal manifests, or records required by this ordinance;
8. Obtain or renew the oil and grease discharge registration certificate; or
9. Pay the appropriate program fees or assessed penalties.

B. A notice of violation shall also be issued for the following:

1. Any discharge of wastewater containing fats, oils, or grease that causes or contributes to any violation of any section of the County ordinances or codes;
2. Violation of any terms or conditions of the County's OGPP registration certificate (issued by the County);
3. Obtaining a County OGPP registration certificate or oil and grease interceptor/trap and/or oil and water separator variance from the County by misrepresentation or failure to disclose fully all relevant facts;
4. Refusal of immediate access to the user's premises;
5. A discharge that, in the opinion of the Director, may cause interference with the operation or maintenance of the County's POTW or WRF or threaten human health or safety;
6. Failure to provide advance notice of the transfer of business ownership of a facility registered in the County's OGPP;
7. Failure to pay fines;
8. Failure to pay sewer charges, surcharges, or administrative fees;
9. Failure to meet compliance schedules;
10. Falsifying oil and grease trap, oil and grease interceptor, pump station, or oil and water separator maintenance reports, waste disposal manifests, laboratory reports, or data;
11. Tampering with monitoring equipment or oil or grease removal devices (including oil and grease traps, oil and grease interceptors, oil and water separators, and pump stations);

12. Failure to perform laboratory analysis of oil/water separator wastes or wastewater recycling or recovery device sludges at a frequency required pursuant to 40 CFR 261, Chapter I, Subchapter I, through 262, and Chapter 62-730, F.A.C.; or
13. Failure to obtain approval by the Director before applying bacteria additives.

C. The Director shall provide the user with written notice stating the nature of the violation and the amount of time in which the user is required to complete the corrective action. The user shall complete corrective action within the timeframe specified on the written notice and submit evidence of compliance to the Director.

D. If a user violates or continues to violate the provisions set forth in Section 37-754 of Article XX or fails to initiate/complete corrective action in response to a notice of violation, then the Director may pursue one or a combination of the following options, pursuant to the County's ERP:

1. Pump and clean the oil and grease interceptor/trap or oil and water separator and place the appropriate charge on the user's monthly utility bill;
2. Collect a sample and assess the appropriate surcharge in accordance with the provisions in Section 37-755 of Article XX;
3. Impose an administrative penalty in accordance with Section 37-749(g) and the County's ERP for each violation;
4. Assess a reasonable fee for each additional facility compliance inspection, sample collection, and laboratory analysis, or other monitoring activities;
5. Assign the user to the surcharge program;
6. Terminate water and wastewater service; or
7. A combination of the above enforcement response options, as specified in the County's ERP.

E. Progressive enforcement action shall be pursued against users with multiple violations of the provisions in this section, including, but not limited to, termination of water service, as specified in the County's ERP.

F. The user shall pay all outstanding fees, penalties, and other utility charges prior to reinstatement of water and sewer service.

G. Any user in the County's OGPP found in violation of the provisions of this section, and any orders, rules, regulations, and permits that are issued to said user pursuant to the provisions of Article XX shall be served by the County with written notice by personal delivery, by an authorized County employee or other person, or by registered/certified mail (return receipt requested) that states the nature of the violation and provides a reasonable time limit for satisfactory correction of the violation. The affected user shall permanently cease all violations within the time period specified in the notice. The enforcement remedies available to the Director to achieve compliance with the requirements of the OGPP shall include those set forth in Sections 37-749 through 37-751 of Article XX, and as specified in the County's ERP.

Part 11 Fees

A. The Board of County Commissioners shall establish by resolution reasonable fees for the implementation and enforcement of the OGPP. Fees may include, but may not be limited to, application or renewal of the oil and grease discharge registration certificate, monthly program fee, facility compliance inspections, and enforcement response. Fees for the OGPP shall be set to ensure the full and equitable cost recovery for implementation and enforcement of said program.

B. Fees and penalties related to the County's OGPP shall be invoiced on the user's monthly utility billing statement and shall be paid in accordance to the schedule set forth in the billing document (the County's rate resolution fee directory and the County's ERP).

C. County fees shall be applied per facility discharging pollutants regulated by the OGPP.

D. County program fees shall be applied if the facility qualifies for program application, regardless of other County pretreatment program participation.

CHAPTER 4 ENFORCEMENT RESPONSE PLAN

Section 4110: Overview

Part 1 Enforcement Response Overview

A. The Board of County Commissioners establishes the necessary regulations for the use of public and private sewers and drains discharging to the County wastewater system in the interest of public health, safety, and welfare of citizens and residents of the County pursuant to its home rule powers granted to the County by the Florida Constitution, the Orange County Charter, and Chapter 125 of F.S., and;

Furthermore, the Board of County Commissioners provides for the regulation of direct and indirect contributors to the County wastewater system to protect against pass through and interference. This is achieved through the issuance of permits to certain nondomestic users, through the enforcement of specific permit conditions, and through the enforcement of general sewer use requirements, pursuant to County code, to comply with the federal pretreatment regulations set forth by the U.S. EPA general pretreatment regulations, 40 CFR 403; the state pretreatment regulations set forth by the FDEP pretreatment requirements, Chapter 62-625, F.A.C.; the requirements in applicable NPDES and FDEP permits for the County wastewater system; and the terms and conditions in agreements for the reuse of reclaimed water and residuals, and;

The Board of County Commissioners ensures due process and equal protection to all respondents through the ERP, which:

1. Defines methods of investigating noncompliance;
2. Identifies personnel responsible for enforcement;
3. Describes the types of escalating enforcement responses;
4. Establishes time frame requirements for user and County responses;
5. Details enforcement tools available to the County;
6. Establishes tracking and follow-up requirements;
7. Provides for an enforcement response guide, including the specific penalty matrix for all noncompliance types pursuant to Chapter 37,

Article XX, Sections 37-747 through 37-751, Orange County code, and as authorized by Rule 62-625.500, F.A.C.; and

8. Provides a process and requirements by which the County's appeals Hearing Officer will hear all appeals filed by users in violation of or relating to various issues or decisions.

The ERP is located in Appendix C of the Manual, with additional information in Chapter 37, Article XX, Sections 37-747 through 37-752, Orange County Code.

CHAPTER 5 SURCHARGE PROGRAM

Section 5110: Purpose Statement and General Criteria

Part 1 Purpose and Requirements

A. The purpose of this chapter is to provide for implementation of the surcharge program. The objective of the surcharge program is the equitable recovery of costs for receiving and treating abnormally high-strength wastes, such as BOD, TSS, TN, TP, and total oil and grease, from nonresidential users.

B. Surcharge for excess of limits. A surcharge shall be assessed for wastes in excess of the limits as specified and adopted by County resolution for BOD, TSS, TKN, TP, and total oil and grease.

C. General Criteria

1. Significant commercial user and SIU, as defined in Article XX, shall be subject to a surcharge on discharges of abnormally high-strength compatible wastes, as defined in Article XX, to the County WRF.
2. The surcharge in dollars shall be computed by multiplying the difference in the period average concentration in mg/L above the defined surcharge limits for each applicable constituent times the volume of potable water or metered sewer flow during the billing period in millions of gallons times a conversion factor times the respective unit cost for treatment in dollars per pound.
3. The period average concentration shall mean the average concentration of at least two samples collected by the County, each collected on a minimum quarterly basis. If two samples are not available for averaging purposes, then the period average will be based on the one available sample result.
4. The general criteria, general design criteria, capacity requirements, installation requirements, maintenance requirements, and administrative procedures for all users with oil and grease interceptors/traps and oil and water separators shall be performed.
5. The surcharge shall be in addition to any applicable wastewater charges and shall be assessed for each billing period. The surcharge shall be billed on the monthly utility statement to the user and shall

be collected in the same manner as the other utility charges. Nonpayment or delinquency shall subject the user to the same fines and penalties, including termination of service, as set forth for the other utility services.

D. Flow Determination

1. The flow volume for determination of the surcharge shall be based on one of the following methods:
 - a. Metered water consumption as shown in the records of meter readings made by the utility authority;
 - b. Flow monitoring devices that measure the actual volume of wastewater discharged to the County WRF; or
 - c. Flow monitoring devices for other water supplies procured from other sources besides the utility authority.
2. The surcharge flow may be based on the total ERU value for an establishment, as calculated and as specified in the County's rate resolution, with approval by the Director
3. Flow monitoring devices other than those for the utility authority shall be provided, installed, calibrated, and maintained at the user's expense and in accordance with plans approved by the Director. Flow monitoring devices shall be calibrated at least annually at the sole expense of the user and the calibration records provided to the Director within 30 days of the date of calibration.
4. Flow measurement and calibration records shall be retained and preserved by the user in a file in accordance with Section 37-747(n). The records shall be made available by the user for inspection and copying by authorized County personnel.

E. Constituent concentrations

The concentration of constituents in the user's discharge to the County WRF shall be determined by samples collected and analyzed by authorized County personnel. Samples shall be collected and analyzed in accordance with FDEP standard operating procedure (SOP) 01/001, FS2400, and in such a manner to be representative of the actual discharge to the County collection system, where feasible. Samples shall be analyzed in accordance with procedures set forth in 40 CFR 136, Chapter I, Subchapter D. The surcharge shall be

based on the determination of the contaminant concentrations by the Director.

F. Monitoring

1. Samples shall be collected on a regularly scheduled basis, but no less than once per year, by authorized County personnel.
2. Samples of discharges shall be collected routinely from users that are known to be or suspected of containing abnormally high-strength compatible wastes or significant commercial users with flows of 10,000 gallons or more per day during any day of any calendar year.
3. Samples may be collected manually using grab samples or with automatic sampling equipment. Composite samples may be retrieved with automatic sampling equipment or performed manually using grab samples as aliquots.
4. To the extent possible, samples will be collected to obtain a representative characterization of the user's discharge. Samples may be flow or time proportional as is appropriate to be representative of the actual discharge to the County wastewater system.
5. Users shall install and maintain at their sole expense an appropriate monitoring facility, including, but not limited to, a control manhole and suitable automatic sampling equipment. Monitoring sites and facilities shall be accessible at all times to authorized County personnel.
6. Sample analyses shall be performed at the County's wastewater laboratories. The Director may send the samples to a certified commercial laboratory currently under contract to the County.
7. The costs of sample analysis performed by the certified commercial laboratory shall be assessed directly to the user.
8. The user may request that the sample analyses be performed by an independent, certified commercial laboratory, as well as request a split sample from samples collected by the County, upon written request. The costs for such analyses shall be borne exclusively by the user.
9. The costs of sample collection and analysis may be assessed daily by the Director if such monitoring activities indicate that the wastes are unacceptable or detrimental to the County wastewater system.

10. The charges for sample collection and analysis (laboratory work) shall be those rates as described in the schedule of costs (fees) for the certified commercial laboratory currently under contract to the County.
11. Significant commercial users may be assessed the costs for sample collection and laboratory analyses, not to exceed one monitoring activity per billing period. Charges for additional sample collection and laboratory analyses may be assessed daily if the results demonstrate that the user is discharging unacceptable wastes to the County wastewater system.

G. Permits. The Director may require specified users in the surcharge program to apply for an industrial wastewater discharge permit. All users that meet the criteria for an SIU shall obtain an industrial wastewater discharge permit.

H. A user has the right to appeal a surcharge in writing to the Director within 30 days of the date of the monthly bill. The decision of the Director shall be final.

CHAPTER 6

HAULED WASTEWATER PROGRAM

Section 6110: Purpose Statement and Requirements

A. The County has established a hauled wastewater program and a waste hauler operating permit requirement. The County may include such provisions, terms, and conditions in the waste hauler operating permit as it may determine reasonable and necessary pursuant to this ordinance and applicable local, state, and federal wastewater standards. No such permit shall be issued until all fees, including but not limited to, County septage receiving station disposal deposits, permit application fees, annual vehicle registration fees, appeals processing charges, and permit transfer fees are paid to the County in accordance with County rate resolutions and ordinances. The application, issuance, duration, modification, enforcement, and revocation of such permits shall be controlled by the provisions of this section.

B. Waste hauler operating permit requirements. It is unlawful to discharge hauled waste to the County's POTW or WRF, the County's septage receiving station, or areas approved by the Director without obtaining a waste hauler operating permit from the Director prior to the beginning of such discharge. It is unlawful to service (remove wastes from or perform maintenance activities on) an oil and grease interceptor, oil and grease trap, pump station, oil and water separator, or sand interceptor/trap that discharges to the County's POTW or WRF without obtaining a waste hauler operating permit from the Director. Any violations of the terms and conditions of the County-issued waste hauler operating permit or policies and procedures established for hauled waste disposal shall be deemed a violation of Article XX and shall subject the waste hauler to the sanctions set out in Article XX. Obtaining a waste hauler operating permit does not relieve a permittee of its obligations to comply with all federal and state requirements and limitations or any other requirements and limitations of federal, state, and local laws. It shall be unlawful for a domestic waste hauler, industrial waste hauler, or person to discharge or cause to be discharged to the County WRF any trucked or hauled wastes, pollutants, solids, or substances without prior written authorization from the Director and payment of applicable fees and charges in accordance with the provisions of Article XX and the rate schedules adopted by the Board of County Commissioners. The Director may require waste haulers hauling

industrial wastewater to obtain an industrial wastewater discharge permit as necessary to carry out the purposes of Article XX.

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

D. Only authorized waste transporters or haulers shall be allowed to discharge hauled wastes to the County WRF. Transporters and haulers shall obtain a waste hauler operating permit and, where applicable, an industrial wastewater discharge permit and other applicable state and local permits prior to being allowed to discharge hauled wastes to the County WRF. The Director shall incorporate conditions in the waste hauler operating permit and, where applicable, the industrial wastewater discharge permit as reasonably deemed necessary to prevent pass through or interference with the operation of County facilities, and to ensure compliance with all applicable state and federal permits and the provisions of Article XX. The Director may prohibit the discharge of hauled wastes to achieve the objectives of the pretreatment program.

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

F. Haulers that serve oil and grease interceptors, oil and grease traps, pump stations, oil and water separators, or sand interceptors/traps that discharge to the County's WRF and/or haulers that discharge wastes directly to the County's WRF, the County's septage receiving station, or areas approved by the Director shall provide the Director with a waste disposal manifest for every load. This form shall include, at a minimum, all information as identified. The waste disposal manifest shall identify the type of waste and any known or suspected constituents of the wastes.

G. For every occurrence when hauled waste is rejected by the Director, the waste hauler must submit a completed waste disposal manifest within one week from the waste rejection date to the Director.

H. The Director may rescind the authorization for a transporter or hauler to discharge hauled wastes to the County POTW or WRF for the following reasons:

1. Violations of the provisions of the hauled waste operating permit, the industrial wastewater discharge permit, this article, or other County ordinances;
2. Failure to obey the orders of County personnel or staff;
3. Failure to comply with operating procedures at County facilities;
4. Failure to pay the assessed charges, fees, and surcharges;
5. Failure to obtain the requisite state or local permit(s) or licensure(s);
6. Failure to submit a waste disposal manifest or failure to complete a waste disposal manifest that does not include the information identified; or
7. Failure to comply with any applicable federal, state, or local regulations, or the provisions set forth in the waste hauler operating permit or the industrial wastewater discharge permit.

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

1. Prior written approval has not been granted;
2. The hauler does not have a valid waste hauler operating permit or industrial wastewater discharge permit;
3. The hauler is delinquent in paying past charges/fees;
4. The wastes could cause operational and maintenance problems or be detrimental to the health and safety of County personnel; or
5. The wastes could create pass-through conditions or cause violations of all applicable permits or other regulations.

J. The Director may rescind the authorization for a transporter or hauler to service (pump out or maintain) oil and grease interceptors, oil and grease traps, pump stations, oil and water separators, or sand interceptors/traps that discharge to the County's WRF for the following reasons:

1. Violations of the provisions of the waste hauler operating permit, the industrial wastewater discharge permit, Article XX, or other County ordinances;
2. Failure to pay the assessed charges, fees, and surcharges;
3. Failure to obtain the requisite state or local permit(s) or licensure(s); or
4. Failure to comply with any applicable federal, state, or local regulations, or the provisions set forth in the waste hauler operating permit and the industrial wastewater discharge permit, where applicable.

K. The hauler shall pay a fee for discharging hauled wastes to the County WRF in accordance with the rate schedules adopted by the Board. A surcharge may be assessed for abnormally high-strength compatible wastes. The Director retains the right to bill the original source of the hauled wastes for all applicable fees and surcharges.

L. The hauler shall pay a charge associated with applying for a waste hauler operating permit and/or an industrial wastewater discharge permit, in accordance with the rate schedules adopted by the Board of County Commissioners.

M. The hauler shall pay a charge associated with the registration of all vehicles used to transport wastes for discharge to County WWFs and/or wastes received from oil and grease traps, oil and grease interceptors, pump stations, oil and water separators, or sand traps/interceptors that discharge to the County's WRF, in accordance with the rate schedules adopted by the Board of County Commissioners.

N. The hauler shall pay a charge associated with the late submittal of applications required to obtain a waste hauler operating permit and/or an industrial wastewater discharge permit, in accordance with the rate schedules adopted by the Board of County Commissioners.

O. The hauler shall pay a fee associated with the transfer of a waste hauler operating permit and/or an industrial wastewater discharge permit (where applicable), in accordance with the rate schedules adopted by the Board of County Commissioners.

P. The hauler shall pay a fee associated with the County's processing of each appeal requested by the hauler. Appeal charges apply to appeal requests pertaining to waste hauler operating permit requirements, industrial wastewater discharge permit requirements, article requirements, a notice of

violation (NOV), an NOSNC, consent orders, or a notice of termination of utility services, in accordance with the rate schedules adopted by the Board of County Commissioners.

Q. The original source of the hauled wastes and the transporter (hauler) may be assessed the costs related to resolving upsets at County treatment facilities, including any fines or penalties for violations of federal or state permit conditions or agreements for the reuse of reclaimed water or residuals, the costs for cleanup of application sites for residuals, and damages to the County POTW or WRF. Furthermore, the County shall have the right to initiate enforcement action against said offenders and to seek administrative and judicial remedies as set forth in Article XX. The Director may require a hauler to be part a performance bond or carry liability insurance as conditions for granting authorization to discharge hauled wastes to the County WRF.

R. Waste hauler operating permitting: existing sources. Any current waste hauler servicing oil and grease interceptors, oil and grease traps, pump stations, oil and water separators, or sand interceptors/traps that discharge to the County's WRF or haulers proposing to discharge wastes directly to the County's POTW or WRF, the County's septage receiving station, or areas approved by the Director must apply for a waste hauler operating permit. Prior to requesting a waste hauler operating permit application, the waste hauler must establish a billing account with the Director and comply with the requirements associated with establishing a billing account, which may include the submission of information and deposits by the waste hauler.

S. Waste hauler operating permitting: new sources. Any new waste hauler (business or sole proprietor established after the date of Article XX's approval by the Board of County Commissioners) servicing oil and grease interceptors, oil and grease traps, pump stations, oil and water separators, or sand interceptors/traps that discharge to the County's WRF or haulers proposing to discharge wastes directly to the County's POTW or WRF, the County's septage receiving station, or areas approved by the Director must apply for a waste hauler operating permit within 60 days of company establishment.

T. Waste hauler operating permit application contents. In order to be considered for a waste hauler operating permit, all waste haulers required to obtain a waste hauler operating permit must submit the information specified on a permit application in the form prescribed by the Director and accompanied by the application fee. In support of the application, the waste

hauler shall submit, in terms appropriate for evaluation, the following information at minimum:

1. Hauler name, address, and location (if different from the facility address);
2. Business name, address, telephone number, and fax number;
3. Vehicle storage location(s);
4. The specific waste types to be disposed;
5. Designated facility contact;
6. All environmental permits and/or licenses held, including type, issuing body, and applicable expiration date; and
7. Waste hauling vehicle information for every vehicle to be utilized for the transport and disposal of hauled waste in the County, including vehicle make/model, year, registration number, vehicle license tag number, FDOH-issued hauled waste transporter license decal number or County decal number (where applicable), and waste disposal capacity (in gallons).

U. Application signatories and certification. All waste hauler discharge permit applications must contain the following certification statement and be signed by an authorized representative of the waste hauler:

“I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

V. Waste hauler operating permit decisions. Upon receipt of a complete waste hauler operating permit application, the Director may issue a waste hauler operating permit requiring the waste hauler to comply with this chapter.

W. Waste hauler operating permit issuance process.

1. All holders of waste hauler operating permits shall be subject to all provisions of Article XX, all other applicable regulations, and user charges and fees established by the County. Waste hauler operating permits shall include such conditions as are reasonably deemed necessary by the Director to ensure for effective tracking of waste; to ensure for the proper disposal of wastes; to prevent pass through or interference; to protect the quality of the water body receiving the County POTW's or WRF's effluent; to protect worker health and safety; to facilitate biosolids and effluent reuse management

and disposal; to protect ambient air quality; and to protect against damage to the County POTW or WRF.

2. Waste hauler operating permits must contain the following general permit conditions:
 - a. A statement that violation of any permit condition may result in the suspension or revocation of the permittee's disposal privileges at the designated waste disposal facility;
 - b. A statement that the Director reserves the unconditional right to refuse the acceptance of any load or stop an unloading operation in progress at any time;
 - c. A listing of acceptable waste types;
 - d. A listing of waste types subject to approval by the Director on a case-by-case basis before disposal;
 - e. A listing of prohibited waste types;
 - f. A listing of all disposal facilities authorized to be used by the waste hauler;
 - g. The administrative requirement of the waste hauler to obtain a waste hauler operating permit prior to servicing (pump out or maintain) any oil and grease interceptor, oil and grease trap, pump station, oil and water separator, or sand interceptor/trap that discharges to the County's WRF and/or prior to discharging wastewater at the County's septage receiving station or location approved by the Director;
 - h. The administrative requirement of the waste hauler to register each vehicle with the County for the transportation of each waste type identified by the waste hauler on the hauled waste operation permit application;
 - i. The administrative requirement of the waste hauler to obtain a waste hauler operating permit registration vehicle decal from the Director for the transportation of domestic or industrial waste;
 - j. The administrative requirement of the waste hauler to obtain a hauled waste transporter license decal (number) from FDOH as required for the transportation of domestic septage waste;
 - k. The administrative requirement of the waste hauler to maintain a current waste hauler account with the Director;
 - l. A statement that the waste hauler must complete and submit to the Director prior to discharge and a waste disposal manifest

- identifying the source of all waste (i.e., origin/location, address, and estimated volume) for each waste load received from users of the County WRF or to be disposed at the County's septage receiving station or designated disposal location;
- m. A statement that all vehicles used to haul waste must be equipped with a safe and easily accessible sample point; and
- n. A statement that analytical data may be required of all waste types subject to approval.
3. Waste hauler operating permits must contain the following specific permit conditions:
- a. A detailed listing of specific acceptable waste types and a statement that the waste hauler may dispose the specific waste types listed;
 - b. A detailed listing of the specific vehicles (as identified by vehicle make, FDOH hauled waste transporter license decal number [where applicable], license tag, waste hauler operating permit registration vehicle decal number, and total waste storage capacity [in gallons]) authorized to dispose hauled waste;
 - c. A statement that the original waste hauler discharge permit must be kept on file in the permanent business office location of the waste hauler;
 - d. A statement that each registered waste hauling vehicle shall carry a copy of the waste hauler operating permit at all times;
 - e. A statement that the waste hauler shall immediately report any changes in business name, ownership, address, registered vehicles, and disposal facilities used in writing by submitting to the Director a waste hauler discharge permit application (with appropriate fee) detailing all reported changes;
 - f. A statement that all wastes subject to approval shall not be commingled with other waste;
 - g. A statement that in the case of multiple waste sources contained in one vehicle load, any part of the load that is unacceptable, pursuant to the requirements defined in Article XX or waste hauler operating permit requirements, may render the entire load unacceptable for discharge; and

- h. A statement that the waste hauler shall follow the established procedures and policies regarding the use of the County's septage receiving station.
- 4. Waste hauler operating permits shall require the waste hauler to use a waste disposal manifest or nonhazardous waste disposal manifest identifying the following information at a minimum:
 - a. Waste hauler business name and address;
 - b. Waste hauler operating license vehicle decal number issued by the Director;
 - c. County septage receiving station waste hauler account number (where applicable);
 - d. Waste hauler operating permit number issued by the Director;
 - e. Waste pickup date;
 - f. Waste generator name, address (of waste origin), including County of origin, for all waste types excluding portable toilet waste. Waste haulers disposing of portable toilet waste must maintain customer records identifying generator name and address and shall make this information available to the Director upon request;
 - g. Estimated waste volume removed (in gallons);
 - h. Identification of the waste type and device serviced;
 - i. Inspection and identification of the condition of the device, noting all repairs needed to comply with state and local requirements;
 - j. A signed and dated certification statement from the waste hauler and customer that the information provided on the waste disposal manifest or nonhazardous waste disposal manifest is true, accurate, and complete, which also includes the customer's printed name and phone number;
 - k. Waste hauler driver printed name and dated signature; and
 - l. Waste disposal facility business name and phone number, date and time the waste was received by the waste disposal facility, and waste disposal facility operator printed name and signature.
- 5. Requirements for waste disposal manifest or nonhazardous waste disposal manifests. Waste hauler operating permits shall include the

following requirements for waste disposal manifest or nonhazardous waste disposal manifest completion and signature requirements:

- a. Waste haulers, waste generators, and the receiving waste disposal facility shall complete, sign, and date a separate waste disposal manifest or nonhazardous waste disposal manifest with every waste load removed at each customer (waste origin) location, excluding portable toilet waste.
- b. For the instance where waste was removed at more than one customer location by the waste hauler and these wastes are contained in one waste hauler vehicle, a separate waste disposal manifest must be completed for each customer (waste origin) location that generated the waste contained in the vehicle, excluding portable toilet waste. In addition, each waste disposal manifest or nonhazardous waste disposal manifest is required to be completed, signed, and dated by the waste hauler, waste generator, and the receiving waste disposal facility.
- c. For portable toilet waste, the waste hauler and waste disposal facility are required to date, sign, and provide all information contained in the waste disposal manifest or nonhazardous waste disposal manifest, with the exception of customer name, signature, and phone number, provided that this information is available upon Director request or inspection of waste hauler files.

X. Waste hauler operating permit duration. Permits shall be issued for any specified time period not to exceed two years. Each waste hauler discharge permit will be stated to expire on a specific date as set forth in the permit.

Y. Waste hauler operating permit transfer. Waste hauler operating permits are issued to a specific waste hauler for a specific operation at a specific location. A waste hauler discharge permit is not transferable to another person or business.

Z. Waste hauler operating permit review. Any user may petition the control authority to review the conditions of a waste hauler operating permit within 30 days of the user's receipt. The petition for review must be received by the control authority within the 30-day period.

1. Failure to submit a timely petition shall be deemed to be a waiver of the administrative review.

2. In its petition, the party seeking review must indicate the waste hauler discharge permit conditions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the waste hauler operating permit.
3. The effectiveness of the waste hauler operating permit shall not be stayed pending the appeal.
4. Decisions denying review of a waste hauler operating permit, denying issuance of a waste hauler operating permit, or denying proposed modifications to a waste hauler operating permit shall be considered for appeal by the customer, pursuant to the appeals process described in Section 37-749(j).

AA. Waste hauler operating permit modification. The Director or permittee may request by written notice a modification of the waste hauler operating permit at any time for good cause including, but not limited to, the following:

1. Any new or revised local, state, or federal pretreatment standards or requirements;
2. Alterations or additions to the industrial user's operation, processes, acceptable or unacceptable waste types, vehicle make, license tag, waste capacity, waste transporter license number, or the County-issued waste hauler operating license vehicle decal number since the time of waste hauler operating permit issuance;
3. A change in the POTW or WRF that requires either a temporary or permanent reduction or elimination of the authorized waste discharge;
4. Information indicating that the permitted discharge poses a threat to the County's POTW, WRF, or persons or waters of the state;
5. Violations of any terms or conditions of the waste hauler operating permit;
6. Permittee's misrepresentations or failure to fully disclose all relevant facts in the waste hauler operating permit application or in any required reporting;
7. Discovery of typographical or other errors in the waste hauler operating permit; or
8. A transfer of the facility ownership, location, or operation. The filing of a request by the permittee for a waste hauler operating permit modification does not stay any waste hauler operating permit condition.

BB. Waste hauler operating permit revocation. Waste hauler operating permits may be revoked for any of the following actions or inactions by the permittee:

1. Discharge of industrial wastewater without prior control authority approval;
2. Disposing hauled waste at any location not designated or approved by the control authority;
3. Misrepresentation or failure to fully disclose all relevant facts in the waste hauler operating permit application;
4. Falsifying information provided on waste disposal manifest or nonhazardous waste disposal manifest;
5. Tampering with samples collected from waste loads;
6. Refusing to allow the control authority timely access to the facility premises and records;
7. Failure to meet effluent requirements;
8. Failure to pay penalties;
9. Failure to pay waste disposal charges;
10. Failure to meet compliance schedules;
11. Failure to complete a waste hauler operating permit application; or
12. Violation of any general or specific permit condition or requirement, or any terms of the waste hauler operating permit or this article.

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

CC. Waste hauler discharge permit reissuance. A user with an expiring waste hauler operating permit may apply for reissuance of its waste hauler operating permit by submitting a complete operating permit application prior to the expiration of the user's existing waste hauler operating permit.

DD. Regulation of hauled waste received from outside service area.

1. Any industrial facility discharging industrial waste to the County POTW or WRF by means of a waste hauler may be subject to the requirement of obtaining a discharge permit and regulation by the control authority.
2. Violation of the terms and conditions of the interlocal agreement subjects the discharging jurisdiction or municipality to the sanctions set out in Sections 37-749 through 37-751 of Article XX.

CHAPTER 7 COUNTY LOCAL LIMITS

Section 7110: Local Limits

A. The County's local limits are established by County resolution to protect its WRF against pass through and interference, and to comply with the federal and state pretreatment regulations in 40 CFR 403, Chapter I, Subchapter N and Chapter 62-625, F.A.C., respectively, and the requirements in applicable NPDES and FDEP permits for the County WRF, and the terms and conditions in agreements for the reuse of reclaimed water and residuals.

B. No person shall discharge wastewater to the County WRF containing pollutants in excess of pretreatment standards and requirements or the local limit established by County resolution and developed using standard procedures, calculations, and methods acceptable to FDEP to protect against pass through, interference, protection of County POTW or WRF employees, and adverse effects on wastewater residuals disposal. No industrial user shall discharge process waste streams, unregulated waste streams, or dilute waste streams in excess of the concentration set forth by pretreatment standards, County local limits, or pretreatment requirements. The pretreatment standards, County local limits established by County resolution, and pretreatment requirements shall be included as permit conditions and attached to each industrial wastewater discharge permit issued.

C. County local limits shall be established by County resolution, and the table of local limits currently set forth within this manual will be amended on the effective date of the initial such resolution, which establishes the new local limits. The established County local limits are subject to change and shall be modified as needed based on regulatory requirements and standards, WRF operation, performance and processes, the industrial user base, potable water quality, and domestic wastewater characteristics. Modifications to the established County local limits must be reviewed and approved by FDEP prior to implementation. The Director shall inform the regulated community of all proposed changes to the County's local limits by means of a public workshop or direct written correspondence to all permitted SIUs prior to making proposed changes to the County's local limits and related local limits resolution. Implementation shall be effective 30 days from notice of

acceptance of the modified limits by FDEP and upon Board of County Commissioner's approval of County local limits by County resolution. Permitted SIUs shall also be issued an addendum to their industrial wastewater discharge permit containing the new County local limits.

D. No person shall discharge wastewater to the County POTW or WRF containing pollutants in excess of the County's local limits as established by County resolution, pretreatment standard, or requirement, unless the industrial wastewater discharge permit for the user provides, as a special permit condition, a higher interim maximum uniform concentration limit in conjunction with a requirement that the user construct a pretreatment facility or institute changes in its operation and maintenance procedures to reduce the concentration of pollutants to levels not to exceed the County's local limits established by County resolution within a fixed period or in accordance with a compliance schedule.

E. SIUs shall be subject to the numerical County local limits established by County resolution.

F. At the discretion of the Director, any nonresidential user may be required to develop and fully implement a BMPP for specific constituents, and to participate in the related County best management program. All SIUs shall develop and fully implement a BMPP if required to comply with applicable general pretreatment standards in 40 CFR 403, Chapter I, Subchapter N; categorical pretreatment standards; County local limits; and state and local law. This requirement may be in addition to the County local limits set forth in this section. SIUs shall comply with the County local limits established by County resolution, with the exception in which the Director specifically requires a user to develop, implement, and comply with a BMPP as a condition of the industrial wastewater discharge permit.

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

H. Additional County local limits may be imposed by the Director for groundwater remediation facilities as set forth in Section 37-756 of Article XX.

I. The County's local limits apply at the point where the wastewater is discharged into the County WRF. All concentrations for metallic substances are for total recoverable metal, unless indicated otherwise. Requirements for sample collection and analysis are set forth in Article XX, Sections 37-747(j) and (k).

J. For the purposes of pH monitoring, an exceedance shall be defined as an excursion outside of the County local limit for pH established by County resolution that persists for more than 15 consecutive minutes in a calendar day. However, if only one grab sample is collected for pH monitoring within a 15-minute consecutive period, the one grab sample will be deemed representative for the entire 15-minute consecutive period. If multiple samples are collected for pH monitoring within a 15-minute consecutive period, all samples results must exceed the local limit for the samples to be defined as one exceedance for the 15-minute consecutive period.

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

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

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

N. State requirements and limitations on discharges from nonresidential users to the County WRF shall apply in any case where they are more stringent than federal requirements or limitations, or those contained in Article XX.

O. The County reserves the right to establish by County resolution or ordinance more stringent limitations or requirements for discharges to the County WRF, if deemed necessary to comply with the objectives stated in Article XX.

See Appendix D for the latest Board of County Commissioners resolution establishing current County local limits.

APPENDIX A

GREASE TRAPS, INTERCEPTORS AND SEPARATORS

Section A-1

NOTE: This is an excerpt from Orange County Utilities Standards and Construction Specifications Manual.

ORANGE COUNTY UTILITIES STANDARDS AND CONSTRUCTION SPECIFICATIONS MANUAL

PART 7 - GREASE TRAPS, INTERCEPTORS AND SEPARATORS

A. A grease interceptor is required for all commercial establishments where food or beverages will be processed, cooked, or prepared in any way. All kitchen and/or food and beverage preparation waste lines will be routed through the grease interceptor. However, no domestic waste will be allowed to enter the grease interceptor. All wastewater flow from kitchen areas and/or food and beverage preparation areas shall flow through approved grease interceptors prior to entering the UTILITIES system.

B. Grease interceptors shall be located outside of buildings in accordance with the most current edition of Chapter 37 of the Orange County Code, as such provisions may be periodically amended. Interceptors shall be placed where the proposed food waste line will have adequate slope and be accessible for maintenance and inspection at all times.

C. The grease interceptor will be sized as defined in Table 2310-4 below and will have a minimum volume of 750 gallons and may not exceed a maximum volume of 1,250 gallons. When interceptors are installed in series, the combined interceptor capacity required may be calculated based on the reduced capacity requirements per seat or per meal as shown in Table 2310-4. The grease interceptor shall be designed and installed in accordance with the manufacturer's instructions, the requirements of this section, and OCU standard detail Figure A307-1, Appendix A.

Table 2310-4. Sizing Requirements for Grease Interceptors.

Type of Facility	Unit	Grease Interceptor Capacity Single (gallons)	Grease Interceptor Capacity In Series (gallons)
Restaurant, Food, or Beverage Preparation	seat	20	10
Restaurant – Fast Food	seat	10	5
Restaurant – 24-hour	seat	30	15
Convention Center, Catering Facility, or Cafeteria	meal	3	1.5

D. Interior Under-the-Counter or Subfloor Grease Traps:

1. UTILITIES may approve an interior under-the-counter or subfloor grease trap in lieu of an exterior grease interceptor on a case-by-case basis and only for the following circumstances:

a. A commercial establishment where food or beverages will be cooked, grilled, fried, processed, or handled will only be considered for an under-the-counter or subfloor grease trap if there is a utility (electric, water, sewer or gas) conflict impeding the construction of a grease interceptor device.

b. If there is no utility conflict, a commercial establishment where food or beverages will be prepared, processed or handled will only be considered for an under-the-counter or subfloor grease trap if no frying, cooking or grilling will occur on the premises.

2. The following conditions must also apply for a grease trap variance to be considered:

a. The restaurant or food/beverage preparation establishment must have less than 600 gpd (two ERUs) wastewater flow;

b. An under-the-counter or subfloor grease trap must be installed on all drain fixtures in the food preparation areas, including hand sinks, food or beverage preparation sinks, dish or glassware washing sinks, mop sinks, and floor drains; and

c. The ENGINEER shall consult with UTILITIES personnel to request and receive approval of a code variance for the grease trap before finalizing the design and installing a grease trap device.

3. Refer to the following calculation to determine minimum grease trap sizing (flow-through rating) requirements:

$$\text{Minimum Grease Trap Capacity (gpm)} = \frac{[\text{Combined Sink** Storage Volume (units in gallons)}] \times 0.75}{1.0 \text{ minute (sink drain decant time)}}$$

**Include all hand sinks and food/beverage prep sink interior bowl/basin volumes, but do not include the mop sink basin volume or floor drain flows in this calculation.

E. Lint Interceptors/Traps: Lint interceptors/traps are required for all commercial laundry operations, laundry mats, hotels, and resorts having more than two residential sized laundry machines or one or more commercial laundry machine. Lint interceptors/traps must be a minimum of 100 gallons in size and be equipped with a screening device capable of separating lint and other solid materials from the wastewater. Lint traps shall be sized based on number of washing machines, wastewater flow rate, wastewater retention time and storage factor. Refer to the following calculation to determine minimum lint interceptor/trap sizing requirements:

$$\text{Minimum Lint Interceptor/Trap Size (in gallons)} = (\text{TGC}) \times (\text{CPH}) \times (\text{RT}) \times (\text{ST})$$

Where: TGC = Total Gallons per Standard Wash Cycle

CPH = Cycles per hour

RT = Retention time:

2.5 for Institutional Laundry

2.0 for Standard Commercial Laundry

1.5 for Light Commercial Laundry

ST = Storage Factor, based on hours of operation:

1.0 for 8 hours of operation

1.5 for 12 or more hours of operation

F. Oil and Water Separators:

1. Oil and water separators are required for all facilities where commercial vehicles or equipment are repaired, maintained or washed, including vehicle repair garages, car-washing facilities, factories, and all other facilities where oily liquid wastes are produced.

2. Oil and water separators shall be individually designed and sized for each site-specific application.

3. Where automobiles are serviced, greased, repaired or washed or where gasoline is dispensed, oil and water separators shall have a minimum capacity of 6 cubic feet for the first 100 square feet of area to be drained, plus 1 cubic foot for each additional 100 square feet of area to be drained into the separator.

4. All commercial vehicle-washing systems shall be equipped with a water recycling system that has no connection to the County sanitary sewer system. For the purposes of this Section, commercial vehicle washing systems shall include systems associated with businesses that sell or lease cars, trucks, boats, and other motorized vehicles. Hand-held hoses are exempt from this provision.

G. Sand and grit separators/traps: Sand and grit separators/traps are required for all commercial facilities discharging fine particles, floatables, or other debris that could cause clogs or blockages in the County collection system. Examples include sand, dust, metal shavings, rags, strings, feathers, glass, etc. Sand and grit separators shall be individually designed and sized for each site-specific application.

APPENDIX B

GREASE INTERCEPTOR DESIGN GUIDELINES

Section B-1



Grease Interceptor Design Guidelines

**Utilities Development
Engineering Division**
(407) 254-9924
FAX: (407) 254-9999

**Water Reclamation Division
Environmental Compliance Section**
(407) 254-7710
FAX: (407) 354-2607
Environmental.Compliance@ocfl.net

**Division of Building Safety
Plumbing Inspection**
(407) 836-5559
FAX: (407) 836-5545

For sites that discharge to the Orange County wastewater system, grease interceptor design and sizing is regulated by both the Florida Plumbing Code (Chapter 10, Section 1003) and the Orange County Code (Chapter 37, Article XX, Division 3, Section 37-754). The three Orange County Divisions listed in the header above participate in grease interceptor design decisions. The Division that takes the lead in a given activity coordinates with the other Divisions. Roles are as follows: The Orange County Division of Building Safety Plumbing Inspection reviews and issues plumbing permits and inspects grease interceptors during construction. The Utilities Development Engineering Division reviews grease interceptor sizing as part of the permitting process for site work and vertical construction. After the interceptor is operational, the Water Reclamation Division's Environmental Compliance Section monitors oil and grease pollutants discharged to the Orange County wastewater system by restaurants and food processing facilities.

Interceptors must be sized in accordance with the County Code sizing criteria, as described in the Orange County Utilities Standards and Construction Specifications Manual, Section 2310, Part 7. An interceptor Standard Detail is presented in the Manual as Figure A307-1. Minimum and maximum interceptor sizes are 750 gallons and 1,250 gallons, respectively. Variances to the minimum size requirement may be requested for establishments generating limited quantities of oil and grease (no grilling, frying, or cooking). Establishments that qualify for a variance may install an appropriately sized under-the-counter grease trap, with County approval. All variance requests are processed by the Water Reclamation Division Environmental Compliance Section. To request a variance, contact the Water Reclamation Division using the contact information shown in the header above.

Use the links below to access the Orange County Code and the Utilities Standards and Construction Manual:

[Orange County Utilities Standards and Construction Specifications Manual](#)

Orange County Code: <http://www.municode.com/Resources/gateway.asp?pid=10182&sid=9>

January 2012

APPENDIX A

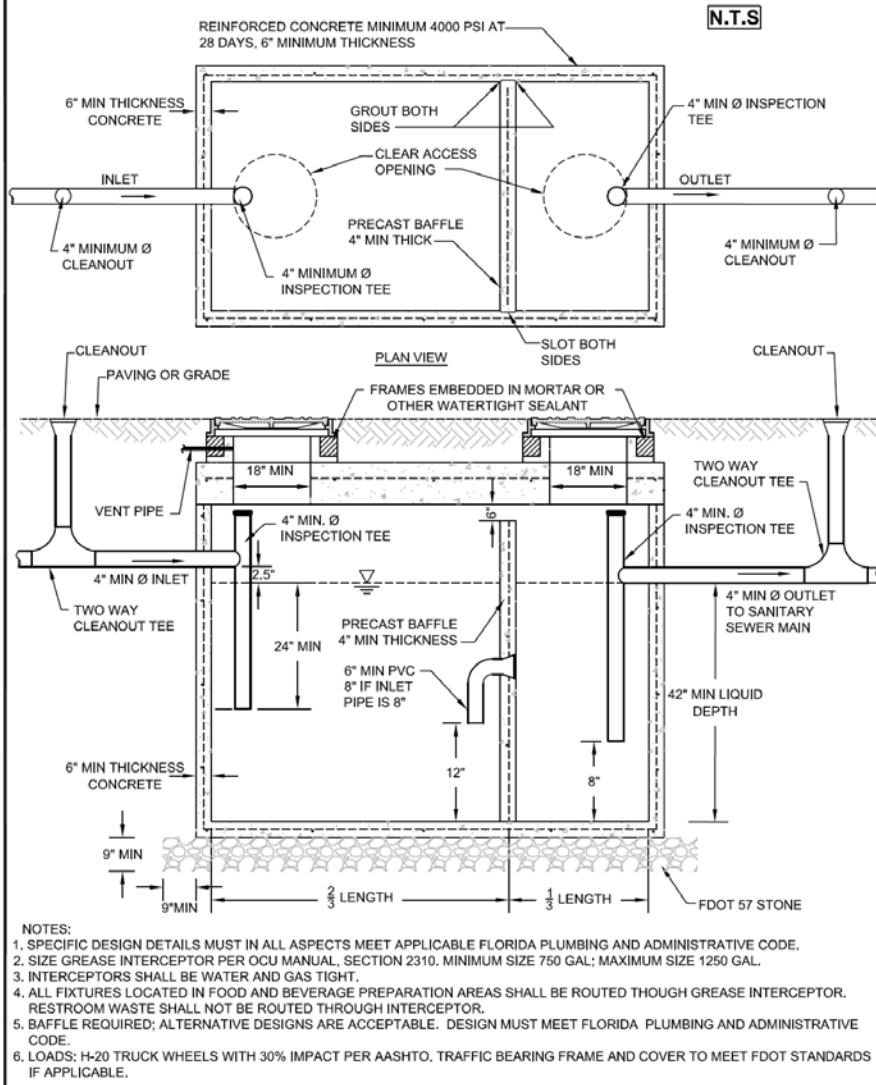
STANDARD DRAWINGS

GENERAL

DATE: February 11, 2011

GREASE INTERCEPTOR

FIGURE A307-1



APPENDIX C
ORANGE COUNTY ENFORCEMENT RESPONSE PLAN FOR
USERS OF THE COUNTY WASTEWATER SYSTEM

Section C-1

ENFORCEMENT RESPONSE PLAN

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EXECUTIVE SUMMARY

This Enforcement Response Plan (ERP) has been developed in accordance with 40 Code of Federal Regulations (CFR) 403.8(f)(5), Rule 62-625.500(2)(d), Florida Administrative Code (F.A.C.) and Orange County Sewer Use Ordinance (Orange County Code) Chapter 37, Article XX - Public and Private Sewer System Use Requirements.

Enforcement is an integral part of the Orange County Utilities Department's (OCUD's) pretreatment program. In the 1986 Pretreatment Compliance Enforcement Guidance, the Environmental Protection Agency (EPA) encouraged each control authority (CA) to develop an Enforcement Response Guide (ERG), which is a set of procedures describing how the CA will investigate industrial users and waste haulers (hereafter referred to as users) that are in violation and which enforcement actions the CA may take to respond to such violations. On November 23, 1988, the EPA proposed to require all CAs with approved pretreatment programs to develop and implement an ERP, and the Domestic Sludge Study (DSS) Regulations finalized the proposed rule in 40 CFR 403.8(f)(5).

This ERP shall be used in conjunction with the Orange County Code, Chapter 37, Article XX. The purpose of the County's ERP is two-fold. First, to ensure user(s) compliance with federal pretreatment regulations, local pretreatment regulations, and the provisions stipulated in Orange County Code Chapter 37, Article XX - Public and Private Sewer System Use Requirements. Second, to make certain that if the CA needs to enforce federal and local pretreatment standards and regulations, associated industrial wastewater discharge permit requirements, and the provisions stipulated in Orange County Code, Chapter 37, Article XX, that all users are treated fairly and equitably.

Key elements for an ERP:

- Description of who will act as the County's CA and how the CA will investigate instances of noncompliance.
- Description of the types of escalating enforcement response the CA will take in response to all anticipated types of user violations and the time periods within which the responses will take place.
- Identification by title of key personnel and their responsibility for implementing each type of enforcement response.

- CA pretreatment program's primary responsibility to enforce all applicable pretreatment requirements and standards as provided in 40 CFR Part 403 and Chapter 62-625, F.A.C.

In general, the following criteria will be used to evaluate violations by users:

- Nature of the violation
- Magnitude of violation
- Number of violations cited
- Duration of violation
- Effect on the receiving water, reclaimed water quality, residuals, and regulatory requirements
- Effect of violation on the water reclamation facility (WRF), personnel, and Orange County residents
- Compliance history of the users
- Good faith efforts by the users

SECTION 1 - METHODS TO INVESTIGATE NONCOMPLIANCE

The Orange County Utilities, Environmental Compliance Section (OCU-ECS) is designated as the CA to investigate the compliance status of users, using the following methods:

1.1 Field Inspections - The CA shall inspect each Industrial Pretreatment Program permittee, not less than twice a year, to evaluate compliance with federal and local pretreatment standards and regulations, industrial wastewater discharge permit requirements, and the provisions stipulated in Orange County Code Chapter 37, Article XX. During the facility site inspection, the inspector shall gather data necessary for the evaluation of compliance. This data includes facility observations, employee statements, analytical documents, waste manifests, waste disposal or recycle records, physical evidence, and other information supporting enforcement action resulting from noncompliance. Permittees under the hauled wastewater program and non-permitted users on the Oil and Grease Prevention Program shall be inspected not less than once per year, in accordance with Orange County Code Chapter 37, Article XX.

1.2 Regulatory Sampling - The regulatory sampling shall be carried out by the CA in accordance with the Florida Department of Environmental Protection (FDEP) Field Sampling Standard Operating Procedure. These personnel shall collect representative samples of the user's wastewater discharge to the WRF (where possible) and prepare and deliver collected samples to a certified laboratory for analysis according to FDEP regulatory requirements. If a representative sample cannot be collected, then a sample from the process generating the pollutants of concern will be collected for compliance evaluation.

1.3 Document Review - The CA shall review and analyze user documents, which are required by the users, to determine compliance status, such as, self-monitoring reports (SMRs), notice of violation (NOV) responses, compliance schedule milestones, baseline monitoring reports, spill/slug plans, best management practices plans (BMPPs), toxic organic management plans (TOMPs), and any other information pertaining to Orange County Code Chapter 37, Article XX program compliance.

1.4 Meetings - Formal and informal meetings with users are used to obtain and share information related to any aspect of the program requirements and may be used to investigate compliance status and technical issues, such as users' classification, additional sampling procedures or location, pretreatment requirements, laboratory analyses, BMPPs, and/or other requirements to ensure compliance.

1.5 Increased Monitoring - Increased self-monitoring and/or regulatory sampling may be required to monitor compliance status.

1.6 Interaction with Other Agencies - The FDEP; Orange County Environmental Protection Department (OC-EPD); Orange County, County Attorney Office (OC-CAO); EPA Criminal Investigation Division (EPA-CID), and the Federal Bureau of Investigation (FBI) are agencies used to further investigate user's' compliance status.

1.7 Search for Non-Permitted Users - All users connected with the WRF and discharging industrial wastewater and/or commercial wastewater containing pollutants of concern may require a permit prior to discharge or for the continued discharge to the WRF in accordance with Orange County Code Chapter 37, Article XX.

SECTION 2 - PERSONNEL FOR ENFORCEMENT

2.1 Field Personnel; Duties; Limits on Authority - Field personnel are the first line of enforcers for pretreatment standards and requirements. If a user denies entry to the field personnel or withdraws this consent during an inspection, the Environmental Compliance Section's Environmental Coordinator shall be contacted for access to the site. Documented telephone calls to users regarding compliance may be made by the inspector(s), as indicated in Section 5, Enforcement Response Guide. Inspectors under the Orange County pretreatment program may include managers, supervisors, program specialists, field inspectors or technicians, engineers, environmental compliance officers, or any other certified personnel. Field personnel may:

- Make a telephone call.
- Issue a field NOV (FNOV).
- Request/issue a warning letter.

2.2 Environmental Coordinator - Duties; Limits on Authority - The duties of the EC include the preparation of enforcement action cases against noncomplying users. The actions taken by the EC include:

- Issue warning letter.
- Issue NOV.
- Issue notice of significant noncompliance (NOSNC).
- Request/approve compliance meeting.
- Request cost recovery.
- Request penalty.

The EC has a major role in the enforcement responses initiated by the OCU-ECS to help users achieve and maintain compliance.

2.3 Manager - Duties; Limits on Authority - The Division or Section Manager, as designated by the Director, has the full responsibility for the following enforcement actions taken against noncomplying users. These responsibilities include:

- Penalty Approval
- Compliance Schedule Approval

- Show Cause Meeting Request
- Cease and Desist Order Request
- Emergency Suspension Request
- Petition for Civil Penalties
- Performance Bond Request
- Letter of Credit Request (See ERG Note 16.)
- Water Supply Severance Request

2.4 Orange County Utilities Department Director - Duties; Limits on authority

- The OCUD Director (Director) approves the following enforcement actions, which are severe in nature:

- Issue Cease and Desist Order
- Show Cause Meeting Approval Determination
- Termination of Discharge
- Performance Bond
- Letter of Credit (See ERG Note 16.)
- Water Supply Severance

The Director requests the following enforcement actions from the County Attorney's office, which are severe in nature:

- Injunctive relief
- Civil penalties
- Criminal prosecution

The Director also acts as the chairperson for initial show cause meetings by the users regarding enforcement actions and penalties.¹

¹ Although a show cause meeting has certain characteristics of a hearing, with the Director applying his or her knowledge and judgment to a given showing by a respondent, what he or she issues as a result of the meeting, such as a Compliance Order, is not a judgment, but a final determination for purposes of appeal to the third-party hearing examiner.

2.5 Legal Counsel - Orange County - County Attorney's Office - Duties: Limits on Authority - Orange County - County Attorney's Office (OC-CAO) provides legal counsel for the CA and has a significant role in the support and preparation of formal enforcement actions against users who are found to be in significant noncompliance (SNC) with Orange County Code. When enforcement actions, such as obtaining search warrants² to inspect users' facilities, or civil and/or criminal suits need to be filed, the legal counsel for the CA charts out the strategy, gathers evidence, petitions the courts, and argues the case for the CA.

2.6 Orange County Sheriff's Office - Duties: Limits on authority - If the OCU-ECS field personnel (inspectors) are denied access to a facility, which prevents investigation of potential environmental crimes, the inspector shall notify the OCU-ECS EC. The OCU-ECS EC may request a search warrant² in accordance with Orange County Code Chapter 37 Article XX, Sec. 37-748. The search warrant² shall be served at reasonable hours by the CA personnel in the company of a uniformed police officer of Orange County or the local municipality. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

SECTION 3 -ENFORCEMENT TOOLS, TRACKING, AND FOLLOW-UP

This section describes available enforcement actions used by the CA. The enforcement philosophy is escalating; that is, violations are addressed at the lowest appropriate level with the least formality and proceed to more formal levels with increasing actions and penalties until compliance is achieved. However, it should be noted that the enforcement action is not contingent upon any sequence of prior enforcement actions, and, depending upon the scenario, any level of enforcement tools may be used for the initial action. Below is the list of available enforcement tools used by the CA.

3.1 Compliance Request - A compliance request is an informal but very effective enforcement action. A compliance request may be made either in person (during field inspections, site visits, or in meetings) or by telephone, e-mail or a faxed correspondence. Depending on the circumstance, the inspector or enforcement

² See references to administrative "inspection" warrants below, where criminal activity is not suspected. A "search" warrant is a term of art referring to a search in a criminal investigation.

coordinator may take this action. Many users will consider the action seriously and try to comply immediately or at least as soon as practicable. If a user continues to be in noncompliance, the enforcement action must be escalated. Internal policy is the source for this action, and the provision is not shown in the Orange County Code. It is a courtesy for our customer. It is not final and therefore not appealable.

3.2 Warning Letter - The warning letter, signed by the CA, may be used by staff as an informal tool, which documents that the users' representative is aware and knowledgeable of requirements to achieve compliance. This document, which is hand delivered via certified mail, identifies the nature of noncompliance and time frames to comply, and requires signatures by the users' representative. See 37-749(a)(I) Orange County Code. Usually, this is a final determination, where notice thereon so indicates. If it is final, then it is appealable to the hearing examiner.

3.3 Compliance Meeting - The compliance meeting is an informal tool for informing the users of their noncompliant status that results in a corrective action agreement to achieve compliance in 90 days or other enforcement action as necessary. The term is not defined in §749: It's considered a Courtesy for our customer; utilities requests it. It is not final, and not appealable, per se. Its purpose is for development of a compliance schedule, which would be final, enforceable, and appealable, or for the development of a Consent Agreement, which would be final and enforceable, if signed by respondent, but not appealable.

ADMINISTRATIVE ENFORCEMENT

3.4 Field Notice of Violation - An FNOV is an NOV issued by the field staff for a user's noncompliance with the provisions of the Oil and Grease Management Program and non-permitted users not operating under a Best Management Plan (BMP), as defined by Orange County Code Chapter 37 Article XX, Sections 37-754 and 37-744.³ The FNOV clearly states the nature of the noncompliance and requires the user to comply with a specific remedial action within the notated time frame. FNOVs are followed up by the ECS after the notated time frame has elapsed to confirm the required action has been taken. If compliance has not been achieved, escalating enforcement will be taken. See 37-703(definitions): See §§37-749(a)(I): With penalty: See also 37-749(b) (\$1000;) and 37-749(g)(I) and (6). Unless special

³ *Orange County would not likely be able to tell whether the non-permitted operator was operating under BMP without the permit having been previously screened, supervised, and granted.*

language is placed in the notices indicating otherwise, both NOV and FNOV are considered a final determination for appeal, in all cases.⁴

3.5 Notice of Violation (See ERG Note 3.) - Whenever a user has violated the Orange County Code Chapter 37, Article XX, ~ permit, or any provision of 40 CFR 403 or 62-625, F.A.C., an NOV may be issued (by the EC), pursuant to Orange County Code Chapter 37 Article XX, Section 37-749.

The NOV clearly states the noncompliance and requires the user to respond in writing to the violation within 30 working days of the receipt date of this notice. The user's response shall include a written plan for the satisfactory correction and prevention thereof, including proposed specific actions to be taken. See 37-703(definitions): See §§37-749(a)(1): With penalty: See 37-749(b) (\$1000;) 37-749(g)(1) and (6). It is considered a final determination for appeal, in all cases.

3.6 Compliance Schedule - The compliance schedule is a schedule of requisite remedial activities or milestones necessary for a user to achieve compliance with all pretreatment program requirements. A compliance schedule is typically set forth in the user's industrial wastewater discharge permit, waste hauler operating permit, consent order, or other enforcement documents.

3.7 Show Cause Order - Defined in 37-703 (under "administrative order"). See also 37-749(d)(1): "The Director may order a user who has violated ... , to appear before the Director and show cause why the proposed enforcement action should not be taken." This show cause order itself is a final determination for purposes of appeal.

3.8 Show Cause Meeting - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-749(d), the Director and/or Section Manager may order a user who has violated or continues to violate any provision of the article, an industrial wastewater discharge permit, or any other order issued hereunder or any other pretreatment standard or requirement to appear before the Director/Section Manager and show cause why the proposed enforcement action should not be taken. Provided for in 37-703 (under "administrative order"), the meeting itself is not punitive, but a show cause order that requires the meeting to begin with would likely state that "the Director has found the respondent in violation," which would count as a final determination, and the order to come in and show cause would therefore be final

⁴ The language will always state affirmatively that the notices may be appealed. Only where there is language making an exception to that standard will the effect be otherwise.

also. Therefore, the time for appeal starts from the issuance of the show cause order. In the meantime, the respondent could come in and attempt to show the Director why he or she thinks the Director is in error, but the setting of the time for the show cause meeting does not itself stay the running of the time for the appeal of the underlying finding of violation, unless special language is placed therein to that effect.

3.9 Compliance Orders - When the CA finds that a user has violated or continues to violate any provision of the article, an industrial wastewater discharge permit, or any other order issued hereunder or any other pretreatment standard or requirement, the Director may issue an order for the user responsible for the discharge directing that the user come into compliance within a specified period of time, pursuant to Orange County Code Chapter 37 Article XX, Section 37-749(e). Defined in 37-703 (definitions), a Compliance Order is a final determination for appeal in all cases, unless otherwise specified.

3.10 Cease and Desist Order - When a user is found violating the Orange County Code Chapter 37, Article XX, permit, any order issued hereunder, or any other pretreatment standard or requirement, the user may be issued an order to cease and desist all such discharge, pursuant to Orange County Code Chapter 37 Article XX, Section 37-749(f). The Cease and Desist Order directs the user to:

1. Immediately comply with all Orange County Code Chapter 37, Article XX requirements; and
2. Take such appropriate remedial or preventive action as may be necessary to properly address a continuing or threatened violation, including halting operation and/or terminating discharge.

Defined in 37-703(definitions): Final determination for appeal in all cases, unless otherwise specified.

3.11 Administrative Penalties - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-749(g), administrative penalties are enforcement actions used by the CA before taking severe enforcement action, such as termination of service or water service severance. Any users found to have violated any provision of the Orange County Code Chapter 37, Article XX, permit, any order used hereunder, or any other pretreatment standard or requirement may be penalized. Each instance on which noncompliance occurs and each day a violation continues

shall be deemed a separate and distinct violation. Final determination for appeal in all cases, unless otherwise specified.

3.12 Administrative Fine - This is a specific type of an administrative penalty, which shall mean a punitive monetary charge unrelated to actual treatment costs and is assessed by the CA rather than a court for enforcement of the requirements herein. Where an administrative fine is upheld by a hearing officer, or the amount is changed by that officer, but the assessment of a fine is still upheld, or where an administrative fine is likewise upheld, or the amount is changed by a court, the fine does not lose its identity as an administrative fine because it may be so modified. Administrative fines are also distinguished from civil penalties or civil fines due to their separate matrix and range of severity.

3.13 Emergency Suspension - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-749(h), the Director may suspend a user's permit after formal notice to the user whenever such suspension is necessary to stop an actual or threatened discharge that reasonably appears to be an imminent or substantial endangerment to the health or welfare of persons or causes the WRF to be noncompliant. Any users notified of a suspension of their permit shall immediately stop or eliminate the noncompliant wastewater discharge. If the user fails to immediately comply with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WRF or degradation to the quality of its receiving stream, reclaimed water, or residuals or cause noncompliance with regulatory requirements or endangerment to any person. The Director may reinstate the permit or, in cases where the user does not require a permit, authorize resumption of the discharge when the user has demonstrated to the Director the elimination of the noncomplying discharge. Final determination for appeal in all cases, unless otherwise specified. This is a profound and rare action that is not commenced unless there is a high likelihood of severe and imminent damage, and an appeal does not toll immediate suspension.

3.14 Termination of Discharge - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-749(i), a user shall be subject to termination of discharge for the following actions or inactions:

- Violation of OCUD-issued permit conditions
- Any program requirements contained in Orange County Code Chapter 37, Article XX

- Failure to accurately report wastewater (discharge) constituents and characteristics
- Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge to the Orange County's wastewater system
- Refusal to provide the CA access to the user's premises for the purpose of inspection, monitoring, or sampling
- Violation of the pretreatment standards or requirements referenced in Orange County Code Chapter 37 Article XX, Section 37-735 through 37-737, Section 37-747, and Section 37-756

Termination of discharge is a term of art that is defined as a physical blockage or cutting off a discharge. For purposes of enforcement, that action may be taken by the respondent/owner or, if respondent/owner refuses, is unable to do so, or absent, then by personnel from OCUD or persons contracted to do the work. Such users shall be notified of the proposed termination of their discharge. To require, in an order, a termination of discharge and include a notice that the County will terminate the discharge at respondent's cost, if such is not done, is a final determination for appeal in all cases, unless otherwise specified. This is a profound and rare action that is not commenced unless there is a high likelihood of severe and imminent damage, and an appeal does not toll immediate suspension.

See "Injunctive 'Relief' regarding reconnection or interference with County Personnel or contract employees in connection with Termination.

3.15 Judicial Enforcement - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-750, if any person is discharging wastewater to the Orange County WRF that is in violation of the provisions of the Orange County Code Chapter 37, Article XX or any order or permit issued hereunder after being ordered to discontinue such discharge (pursuant to Orange County Code Chapter 37 Article XX, Section 34-139), the Director, through the OC-CAO, may commence an action in the name of the County for appropriate legal or equitable relief in the Circuit Court for Orange County.

a. Injunctive Relief - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-750(a), the Director, through the OC-CAO, may commence an action in the name of the County for injunctive relief, that restrains or compels the specific performance of the provisions of the Orange County Code Chapter 37, Article XX.

b. Civil Penalties (distinguished from administrative penalties) - Civil penalty shall mean, but not be limited to, a monetary fine issued by a court against a violator in a civil case for enforcement of the requirements herein. If a court's Civil Penalty is a fine, it will have a separate range of severity from that of administrative fines. But see also definition, for this purpose, of Code Enforcement Board (CEB) and Code Enforcement Special Magistrate (SM) fines, in Chapter 11, Orange County Code, and as further described herein above.

Pursuant to Orange County Code Chapter 37 Article XX, Section 37-750(b), any user who has violated or continues to violate the Orange County Code Chapter 37, Article XX, any order or permit issued hereunder, or any other pretreatment standard or requirement shall be liable to the County to the maximum civil penalty permitted, plus actual damages incurred by Orange County per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the Director may recover court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the CA. The County, through the Director and the OC-CAO, shall petition the court to impose, assess, and recover such sums. In determining the amount of liability, the County shall request that the court take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

c. Criminal Prosecution - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-750(c), any user who willfully or negligently violates any provision of the Orange County Code Chapter 37, Article XX, permit, order issued hereunder, or any other pretreatment requirement shall, upon conviction, be punished by the maximum civil penalty permitted under state law per violation per day, imprisonment, or both. Any user who knowingly makes false statements, representations, or certifications in any application, record report, plan, or other documentation filed or required to be maintained, pursuant to the Orange County Code Chapter 37, Article XX, permit, or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under the Orange County Code Chapter 37, Article XX, shall, upon conviction, be punished by the maximum civil penalty permitted under state law per violation per day, imprisonment, or both.

3.16 Supplemental Enforcement - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-751, the CA may initiate the following supplemental enforcement actions for a user's failure to comply with Orange County Code Chapter 37, Article XX requirements:

a. Performance Bond - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-751(a), the Director may decline to reissue a permit to any user that has failed to comply with the provisions of the Orange County Code Chapter 37, Article XX, permit, or order issued hereunder, unless such user first files a performance bond, payable to Orange County.

b. Letter of Credit - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-751(a), the Director may decline to reissue a permit to any user that has failed to comply with the provisions of the Orange County Code Chapter 37, Article XX, permit, or order issued hereunder, unless such user first files a Letter of Credit (LOC), payable to Orange County. This LOC may be required for:

- Special circumstances that require an immediate source of revenue for cleanup or repair
- Construction of wastewater pretreatment facilities
- Collection of a suspended fine

c. Water Supply Severance - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-751(c), whenever a user has violated or continues to violate the provisions of the Orange County Code Chapter 37, Article XX, permit, or order issued hereunder, water service to the user may be severed, and service will only recommence at the user's expense, after the user has satisfactorily demonstrated its ability to comply. The County shall not be responsible for any damages incurred by a user caused by, or related to, the water supply being severed. This is a final determination for purposes of appeal. (See ERG Note 15.)

d. Search Warrants⁵ - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-748(c), if CA personnel have been refused access to a building, structure,

⁵ More specifically referred to in the Florida statutes, Section 933.20, as administrative "Inspection Warrants," except those issued during criminal investigations. See Section 933.20; "Inspection warrant"; definition.--As used in ss. 933.20-933.30, "inspection warrant" means an order in writing, in the name of the people, signed by a person competent to issue search warrants pursuant to s. 933.01, and directed to a state or local official, commanding him or her to conduct an inspection required or authorized by state or local law or rule relating to municipal or [County](#)

or property or any part thereof, and if the CA personnel have demonstrated probable cause to believe that there may be a violation of this chapter or that there is a need to inspect as part of a routine inspection program by the CA to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the County attorney may appear before any magistrate empowered to issue warrants in criminal cases and provide an affidavit and apply for the issuance of a warrant in the manner provided by law ⁶.

3.17 Notice of Significant Noncompliance (See ERG Note 3.) - Pursuant to Orange County Code Chapter 37 Article XX, Section 37-749(a)(b) or Rule 62-625.500(2)(b)8, F.A.C., the CA notify a user (in writing) that is found to be in SNC with Orange County Code Chapter 37 Article XX requirements and will annually publish the list of all users in SNC in the daily newspaper with the largest circulation in Orange County. A user is defined to be in SNC (of the Orange County Code) if the user's noncompliance meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all wastewater measurements for the same pollutant parameter taken during a rolling six-month period exceed (by any magnitude) a numeric pretreatment standard, limit, or requirement, including instantaneous limits;
2. Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all the wastewater measurements taken for the same pollutant parameter during a rolling six-month period equal or exceed the product of the numeric pretreatment standard, limit, or requirement, including instantaneous limits as defined in 40 CFR 403.3(1) multiplied by the applicable TRC criteria ($TRC = 1.4$

building, fire, safety, environmental, animal control, land use, plumbing, electrical, health, minimum housing, or zoning standards.

⁶ *If the requirements of Section 933.21 have been properly followed up to that point, the County Attorney may so appear and request the issuance of the warrant. However, that section provides: An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the place, dwelling, structure, or premises to be inspected and the purpose for which the inspection is to be made. In addition, the affidavit shall contain a statement that consent to inspect has been sought and refused or a statement setting forth facts or circumstances reasonably justifying the failure to seek such consent. Owner occupied family residences are exempt from the provisions of this act.*

for biochemical oxygen demand [BOD], chemical oxygen demand [COD], total suspended solids [TSS], TOC, IDS, and oil and grease [O&G]; and TRC = 1.2 for all other pollutants except pH) in accordance with 40 CFR 403.8(f)(2)(viii)(B) and the F. A. C.;

3. Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the CA determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of wastewater personnel or the general public);

4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the County's exercise of its emergency authority to halt or prevent such a discharge;

5. Failure to meet, within 90 days after a scheduled date, a compliance schedule milestone contained in a control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

6. Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic SMRs, and reports on compliance with compliance schedules;

7. Failure to provide waste acceptance sampling results and manifest information to the CA prior to the discharge of hauled waste to the CA.

8. Failure to accurately report compliance; or

9. Any other violation or group of violations that the CA determines will adversely affect the operation or implementation of County's the pretreatment program, its WRF, or WRF compliance with regulatory permits or requirements.

3.18 Method of Tracking - Enforcement actions are maintained by the CA. The date of the initial violation begins the tracking of the user's noncompliance. When compliance is achieved, this provides closure of the enforcement case.

After violation detection, requests for enforcement actions are prepared with appropriate documentation; an enforcement action initiated by ECS will be taken within 30 days. The enforcement action is then entered in the database and monitored for compliance with established milestone due dates.

3.19 Follow-Up Procedures - Failure to achieve compliance invokes the next level of enforcement. Generally, escalating enforcement proceeds as follows:

- a. Telephone logs, inspection reports, field issued NOVs, and/or other enforcement tools documenting required actions having completion dates shall be verified by ECS 10 working days after their due date. Failure of the users to achieve compliance shall require an issuance of a request for escalated enforcement actions.
- b. An issued NOV requires a user's response within 30 working days. The NOV shall be considered closed on the date when compliance is achieved.
- c. If compliance isn't achieved by the user using the above tools, then the OCU-ECS Section Manager may request cease and desist orders, termination of service, water supply severance, or any judicial enforcement as provided by the Orange County Code Chapter 37, Article XX.

3.20 Appealable and Non-Appealable Elements and Determinations - The Director's⁷ determinations, findings, permit conditions, or requirements may or may not be appealable to a disinterested board or hearing examiner, depending on their content and the circumstances surrounding them. The following is a summary showing which ones may be appealed, and which may not.

Telephone Call - Internal policy, not shown in code. Courtesy for customer. Not final, and not appealable.

Warning Letter - See 37-749(a)(1): May be final determination, where notice thereon so indicates. If final, then appealable to hearing examiner.

NOV/NOSNC - See 37-703(definitions) with or without Penalty §§37-749(a)(1), with penalty: 37-749(b) (\$1000;) 37-749(g)(1) and (6): Final determination for appeal, in all cases.

Compliance Meeting - Not defined in §749: Courtesy for customer; utilities requests it. Not final. Purpose is for development of Consent Agreement.

⁷ In virtually all cases, when the language in this ERP says "Director," it is intended to include those individuals occupying managerial and code enforcement officer's positions to which the Director has specifically or by inference delegated authority. The exceptions to that general rule are always made clear by context or by specific provision, such as where only the Director chairs a show cause hearing.

Consent Agreement - Not directly defined in code. Enforceable agreement between County and respondent. Not a consent order, but similar in effect if signed by respondent. Not appealable if signed by respondent and County.

Consent Order - See 37-703(definitions) and 37-749(c): Final resolution and enforceable. Not appealable if signed by respondent. If refused by respondent, must be appealed within specific time.

Show Cause Order - Defined in 37- 703: (under “administrative order”). See also 37-749(d)(1): Final determination.

Show Cause Meeting - Provided for in 37- 703: (under “administrative order”). See also 37-749(d): Meeting not a final determination.

Compliance Order - Defined in 37-703 and see 37-749(e): Final determination for appeal in all cases, unless otherwise specified.

Cease and Desist Order - Defined in 37-703(definitions), 37-749(f): Final determination for appeal in all cases, unless otherwise specified.

Emergency Suspension - See 37-749(h): Final determination for appeal in all cases, unless otherwise specified.

Termination of Discharge - See 37-749(i): Final determination for appeal in all cases, unless otherwise specified.

Civil Penalties - See 37-749(g) or 37-750(b): Final determination for appeal in all cases, unless otherwise specified.

Performance Bond - See 37-751(a): Final determination for appeal in all cases, unless otherwise specified, or agreed to in writing by respondent.

Letter of Credit - Final determination for appeal where not agreed to in writing by respondent. LOC may be required where special circumstances exist requiring an immediate source of revenue for cleanup, repair, etc.

Liability Insurance - See 37-751(b): Final determination for appeal in all cases, unless otherwise specified.

Water Severance - See 37-749(c) and 37-751(c): Final determination for appeal in all cases, unless otherwise specified.

Rescind Authority for Waste Transporter/Hauler to Discharge into County Wastewater System - See 37-739 Final determination for appeal in all cases, unless otherwise specified.

Rescind Authority to Discharge to the Orange County Wastewater System - See 37-739, 37-746(h), 37-749(h), 37-749(i), 37-754: Final determination for appeal in all cases, unless otherwise specified.

Revocation of Waste Hauler Operating Permit - See 37-749: Final determination for appeal in all cases, unless otherwise specified.

Revocation of Industrial Wastewater Discharge Permit - See 37-739, 37-745(a), 37-746(h): Final determination for appeal in all cases, unless otherwise specified.

County May Refuse to Accept Hauled Waste - See 37-739: Final determination for appeal in all cases, unless otherwise specified.

Rescind Authority for Waste Transporter/Hauler to Service Grease Traps, Grease Interceptors, Oil and Water Separators, Sand Traps, or Pump Stations in Orange County - See 37-739: Final determination for appeal in all cases, unless otherwise specified.

Rescind Product Approval - See 37-754 Final determination for appeal in all cases, unless otherwise specified.

3.21 Injunction - See 37-750: Used when immediate action must be taken to abate irreparable harm. Requires delegated authority. See 37-750: to act or permission from governing authority but may be used at very early stage. (Outside consideration of appeal to hearing examiner.)

3.22 Respondent's/Violator's Appeal from Findings or Other Elements Will Be Considered Waived If the Notice of Appeal Is Not Filed within the Time Frame for Appeal - A respondent/violator must file a notice of appeal and request for hearing with the Director within the period for such or such right will be considered waived by respondent/violator. See time frames for responses, in Section 4 below.

3.23 Use of the "Code Enforcement Board"(CEB) or "Code Enforcement Special Magistrate" Methodology Provided in Orange County Code Chapter 11 - Nothing in the provisions herein shall prevent the Public Utilities Department from using the above CEB or SM methodology, which has been available prior to the establishment of this ERP and the amendment of Article XX of Chapter 37, establishing the requirement for this ERP.

SECTION 4 - TIME FRAMES FOR RESPONSES FOR APPEAL AND PROCEDURE FOR APPEAL

4.1 Enforcement Time Frames; Flexibility; CA's Discretion; Appellate times separate - One of the foundations of effective enforcement is the timely response upon discovery of a violation. Therefore, time frames are an important aspect of the OCUD's ERP. The actual time frames to be incorporated into the ERP are left to the discretion of each CA.⁸ By leaving this decision to the CA, the EPA and FDEP recognize the need for local (OCU-ECS) flexibility in determining appropriate responses. See subsection 4.7 below for time frames for appeal.

4.2 Initial Enforcement Action Response; 30 days to notify; 30 days to respond - The OCU-ECS shall identify and document all noncompliance events as soon as detected. Once the violation is detected, the initial enforcement action shall be issued within 30 days. The following internal procedures will support the 30-day time frame.

The users in violation shall respond in writing, within 30 days of the receipt date of this notice. The response shall include a written plan for the satisfactory correction and prevention thereof, including specific actions to be taken.

4.3 Requesting Escalating Enforcement Action - A request for escalated enforcement action shall be completed within five working days of documented continued noncompliance. This request shall include support documentation (i.e., a copy of the initial enforcement action, copy of users permit, report of analytical results, chain of custody, industrial SMR, corporate officers' list, inspection report, inspection site photos, or any other documents or evidence to support the enforcement case file).

The OCU-ECS is responsible for preparation of the request and case documentation. Once prepared, these case documents shall be submitted to the OCU Environmental Coordinator for review and preparation of a draft enforcement action document. This draft shall be reviewed and approved within five working days of receipt by the Manager for execution or forwarded to the appropriate C.A. personnel for execution.

⁸ *Though discretion is liberally delegated to the C.A.s by the Director and by operation of this document, the time frames themselves are usually appealable under this ERP and the Orange County Code, with provisions available for the respondents to request a temporary stay.*

Within five working days of receipt of an approved request for escalated enforcement action, the Manager shall review, approve, and sign the final enforcement document. The enforcement document(s) are then delivered via certified mailing.

4.4 Follow-Up Actions; 10 working days to initiate – Within 10 working days of receipt of the initial enforcement action response by the users, the OCU-ECS shall initiate follow-up action. This follow-up action may include penalty determination, escalated enforcement action, or case closure.

4.5 Emergency Enforcement Actions; immediate responses - Violations that threaten health, property, the environment, water, reclaimed water quality, residuals quality, or regulatory requirements are considered emergencies and shall receive immediate responses, such as halting the discharge or termination of service. The Orange County Code Chapter 37, Article XX has provisions for termination of both sewer and water services, if the situation warrants that such drastic enforcement actions to be taken.

4.6 Enforcement Actions for NOSNC; Permitted users' evaluations, violations, SNC violations, 10 days to respond; 90-day compliance, publication of SNC - All permitted users will be evaluated for SNC at the end of each quarter for the previous six-month period.

NOSNC identification and issuance time frames for the CA will be as follows:

- a. The violations of all users will be evaluated monthly to determine the facility's compliance status meets the criteria for SNC.
- b. The users found in SNC will be issued written correspondence identified as an NOSNC.
- c. Within 10 days of receipt of the NOSNC, the user shall contact the EC to schedule a compliance meeting within the next 30 days.
- d. The users will be given a 90-day period to achieve compliance.
- e. Failure to achieve compliance in item d above will place the user in a 90-day enforceable compliance schedule.
- f. All users determined to be in SNC for any period of the reporting year will be published in the daily newspaper with the largest circulation in Orange County prior the date of the submittal of the CA's Annual Pretreatment Report to the FDEP.

4.7 Time period for filing notice of appeal: 30 calendar days unless otherwise notified - Except where a time frame for appeal of a matter is specified in such notices or other papers given to respondent by the Director, or where a time is specified for appeal in the Orange County Code for a particular issue, a respondent violator shall have 30 calendar days to file any notice of appeal of such determination, finding, requirement, etc. If such notice is not received by the Director within that period, the appeal of that determination, etc., is waived.

4.8 Time period for compliance with order: Appeal not automatic stay of compliance - Except where a time period for compliance with the order is to be stayed, as stated in the NOV or other similar paper, or a request for stay is granted, the filing of an appeal does toll or stay the required compliance.

4.9 Appeals; General provisions; persons aggrieved may appeal; must be directly affected; provisions exclude Division 2 and exclude Surcharge billing issues - Persons aggrieved as a result of the enforcement proceedings set out herein, or by certain other determinations by the Director or his or her designees, shall have an opportunity to have their grievances heard by a neutral third party. However, only a user directly affected by the decision or enforcement order or interpretation has standing to bring such an appeal, and the appeals procedure referenced in this section does not include appeals pursuant to Division 2 of Article XX, the ordinance relating to septic tanks or package or interim treatment plants because an appeals mechanism for these issues is provided for elsewhere in the ordinance. Surcharge billing issues, pursuant to Section 37-755(h), are not appealable hereunder.

4.10 Provisions made for Hearing examiner - The Board of County Commissioners having created the position of hearing examiner by ordinance, the hearing examiner shall conduct the hearing in accordance with the rules and regulations set forth herein.

4.11 Appeal Procedure; state whether notice final; person or user directly affected may appeal final determination - All notices of enforcement decision, violation, or interpretation of code or orders by the Director must include notice whether those are final determinations for purposes of appeal under this chapter. Any person or user directly affected may appeal the final enforcement decision, interpretation or order of the Director described herein, to the hearing examiner above.

4.12 Appeal through Administrative hearing, subjects for appeal - The appeal will be accomplished through an administrative hearing, initiated by appellant's

filing of a notice of appeal in writing to include the decision, interpretation, or order being appealed and the grounds for the appeal. The notice of appeal shall be sent to the address indicated on the instrument being appealed, not later than 30 days after the receipt date. Appeals sent (postmarked) after 30 days from receipt by the County shall not be considered for appeal by the hearing examiner. The appeal shall relate to the following decisions about which the user is alleged to be in violation:

- An industrial wastewater discharge permit
- A waste hauler operating permit
- An enforcement order issued hereunder
- Any pretreatment standard or requirement
- A show cause order issued under this ordinance
- Denial of a variance under this ordinance
- Any provision of Article XX, Chapter 37, Orange County Code (except as described in subsection 37-749 Orange County Code)

4.13 Appeal to be set for hearing, and inter alia, decision to be followed - Upon receipt of a timely request for an administrative hearing, the matter shall be set for hearing on the next regularly scheduled hearing date that shall not exceed 90 days from County receipt of the hearing request, or be less than 30 days, unless involving emergency suspensions. The decision of the Director shall be complied with until the Director's decision is altered, amended, or reversed by the appeals hearing examiner or a court.

4.14 Director's duty to schedule hearing, continuances, notices of hearing, method of notice, contents of notice, right to bring evidence, witnesses - After the date that the notice of appeal is filed with the Director, the Director shall schedule a hearing date before the hearing examiner for the purpose of considering the appeal, based upon the grounds set forth in the notice of appeal and the provisions in Chapter 37, Article XX. The hearing may be continued by the hearing examiner on his or her own motion, or at the request of the Director or the appealing party for good cause shown. A notice of the hearing scheduled to consider the appeal shall be provided to the person filing the appeal by hand delivery or by registered/certified mail setting forth the time and place of the hearing and providing notification that, should any person decide to appeal the decision of the hearing examiner, a verbatim record may

be necessary, and the appellant shall make arrangements for securing such a transcript. The hearing notice shall include, but not be limited to, the following:

- a. Place, date and time of the hearing
- b. Right of the violator to present witnesses and evidence and conduct cross-examination
- c. A conspicuous statement reflecting the requirements of Chapter 286, Florida Statutes, that a person deciding to appeal a decision of a hearing examiner regarding the decision thereof, will need to ensure that a verbatim record of the proceedings is made

4.15 Powers, duties, requirements and limitations on the Hearing examiner; administrative hearing rules - Prior to the administrative hearing, the hearing officer shall have reviewed the written documents issued and received, including written testimony, so long as the individual author of written testimony has indicated thereon that he or she will be present at the hearing to verify and be cross-examined on it. At the administrative hearing, the designated hearing examiner shall verify his or her jurisdiction over the matters under appeal and thereafter shall consider the evidence and arguments presented in the hearing and may affirm the decision, interpretation, or order of the Director; modify the decision if technically justified by the appellant under this ordinance, based on information presented by the appellant at the hearing; or reverse same.

4.16 Oaths, subpoenas, ruling on motions, orders on discovery, regulation of hearing, disposition of procedural requests, etc. - Hearing examiner's powers, duties, and requirements regarding such: Prior to and during the hearing, the examiner may:

- Administer oaths and affirmations.
- Issue subpoenas authorized by law, including those requiring the attendance of witnesses and the production of documents and other items that may be used as evidence.
- Rule upon motions presented and offers of proof and receive relevant evidence.
- Issue appropriate orders to effectuate discovery.
- Regulate the course of the hearing.
- Dispose of procedural requests or similar matters.

- Enter any order, consistent with the authority granted by this division, to carry out the purposes of this section.
- Make final orders and issue findings of fact and conclusions of law.
- Enter agreed final orders upon motion of the parties.
- Upon motion by the Director or CA, enter finalized settlements as final orders.
- Enter final orders that require compliance with the standards, rules, and provisions established by this chapter and with any license condition and may specify a reasonable time for such compliance.
- Render unchallenged fines, fees, or penalties into final orders.
- Enter orders resolving administrative review of final Director/CA decisions.
- Order that the violator conduct appropriate actions as necessary to correct the violation and any environmental damage and to ensure compliance with this chapter.
- The hearing examiner may affirm the CA's compliance requirements or establish his or her own compliance requirements.
- The hearing examiner may consider and review the CA's determination and assessment against the violator of reasonable costs incurred by the County in the enforcement of this chapter.
- The hearing examiner may issue an order setting aside or withdrawing an order for good cause shown.
- Enter other orders and consider other issues as necessary for the exercise of the hearing examiner's jurisdiction.

4.17 Examiners: fines related to time; where fine amount is challenged: health concerns, cooperation, history, economics, knowledge, compliance costs; fine limits, power to remand, compliance statements, retention of jurisdiction, writing requirement, decision rendered within reasonable time -

- Entry of orders regarding certain fines related to reasonable time: If the hearing examiner finds that the fine, fee, or penalty was issued by the Director before the reasonable time expired, the hearing examiner may enter an order finding that a fine, fee, or penalty should occur but is not required to agree with the assessment of the applicable fine against the violator or the amount. However, if the hearing examiner finds that the alleged violator has not complied by the time of the hearing, the hearing

examiner may choose, on cause shown, to disregard the failure of the CA to provide a reasonable time for the alleged violator to come into compliance and agree with the entry of the fine.

- Entry of orders regarding fines where issue of existence of violation has been determined at the hearing to exist, where the Director has previously ordered a specific fine to be paid, and the appellant contests the amount or duration in days of the fine: If it is determined by the hearing examiner, from a preponderance of the evidence after receiving all of the competent relevant evidence, that the respondent (alleged violator) has violated a provision of this chapter, and/or the existence of the violation is or was not the issue, and a specific fine amount has been demanded, the hearing examiner may affirm the decision, interpretation, or order of the Director regarding that fine; modify the decision if technically justified by the appellant under this ordinance based on information presented by the appellant at the hearing; or reverse same. Specifically, the hearing examiner may order that the civil penalty determined by the CA be upheld and ratified as is, upheld at a reduced level, eliminated altogether, or upheld at an increased level. The hearing examiner may consider, during the review of a penalty, among other issues, the following:

- o The potential extent of the health concerns, damage to the WRF, and/or environmental damage;

- o The violator's cooperation with the CA in taking remedial action to correct the violation and any environmental damage and/or to perform other mitigation prior to the hearing;

- o History of noncompliance before and after the violation;

- o Economic benefit of noncompliance;

- o Whether the violator knew or should have known that it was not complying with this chapter;

- o The amount necessary to ensure immediate and continued compliance with this chapter; and/or

- o The amount of money or its equivalent expended by the violator to correct the violation or to come into compliance with this chapter.

- Hearing examiner's limitations regarding the amount of fines: During the appeal hearing of a fine, fee, or penalty, the hearing examiner may exceed the schedule of civil penalties for fines, fees, or penalties and ratify the assessment of a fine per day

not to exceed a cumulative total of \$10,000 per day. Notwithstanding that limit, the hearing examiner may not exceed the amount of penalty established in the schedule of civil penalties in accordance with the ERP merely because the respondent has exercised its right to an appellate hearing.

- **Hearing examiners power to remand:** During the hearing of an appeal, the hearing examiner may remand the matter with instructions that the issuance of a new general NOV be considered when the violation is not identified in the schedule of civil penalties for fines, fees, or penalties but causes or may cause substantial harm, health issues, WRF noncompliance, or degradation of the environment or is a substantial violation or SNC of this chapter.
- **Compliance requirements:** May be stated generally or, upon delegation by the hearing examiner, established by the CA.
- **Retention of jurisdiction:** The hearing examiner shall retain jurisdiction until the compliance activities have been completed to ensure compliance with this chapter.
- **Decisions in writing:** Any decision by the hearing examiner shall be in writing, setting forth findings of fact conclusions of law, and an order determining the outcome.
- **Decision within reasonable time:** At the conclusion of the hearing, or within a reasonable time thereafter, depending on the complexity and difficulty of the issues, facts, and law, the hearing examiner shall issue the above findings of fact and conclusions of law and, based on evidence of record and conclusions of law, issue an order affording the proper relief consistent with powers granted by this chapter.

4.18 Compliance activities reviewed and monitored by Control Authority - The violator's compliance activities shall be reviewed by the CA to ensure compliance with the hearing examiner's order and this chapter and shall be conducted in accordance with the CA requirements and/or pursuant to an appropriate CA permit.

4.19 Rules before the hearing examiner require due process, but not strict formality; testimony under oath; Minutes required; recordings where available; Hearings must be open to the public - All testimony before the hearing examiner shall be under oath. The Florida Evidence Code shall not apply (i.e., formal rules of evidence shall not apply), but fundamental due process shall be observed and shall govern the proceedings. Nor shall strict adherence to the Florida Rules of Civil Procedure apply, but the hearing shall otherwise comply with the requirements of due process, as follows:

- Formal rules of evidence not applying, nonetheless irrelevant, immaterial, or unduly repetitious evidence shall be excluded, and all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether such evidence would be admissible in a trial in the courts of this state.
- Minutes shall be kept of all hearings. Where available, a video record shall be made, but if such is not available, an audiotape recording with each speaker identifying himself or herself for the record shall be made.
- All hearings and proceedings shall be open to the public.

4.20 Hearing the cases: Written Testimony - The hearing examiner shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded, as stated above. The hearing examiner shall take testimony from the inspector, alleged violator, and any witnesses. The hearing examiner may, at the examiner's sole discretion, consider sworn written testimony, prior to the hearing, so long as (1) the original and one copy have been sent to the hearing examiner and the opposing party by U.S. mail not later than 15 calendar days, evidenced by postmark, prior to the hearing; (2) the witness giving the written testimony gives a sworn written assurance therein that he or she will be present at the hearing to be cross-examined on it; and 3) the witness is present at the hearing.

4.21 Examination and Cross-examination - Examination and cross-examination shall be allowed, as follows: A hearing examiner, or the counsel to the hearing examiner, if any, may inquire of any witness before the hearing examiner. The respondent or his or her attorney and the County staff, including, but not limited to, the officer/inspector or member of the County Attorney's staff, shall be permitted to inquire of any witness before the hearing examiner and present brief opening and closing statements.

4.22 Order by examiner must be issued with reasonable dispatch - At the conclusion of the hearing, or within a reasonable time thereafter, the hearing examiner's determination shall be issued, as stated above.

4.23 Order by examiner must contain notice that it can be appealed -The order by the hearing examiner must include a statement that any person aggrieved by the order who was a party before the hearing examiner may appeal in accordance with the procedures shown in this chapter. A certified copy of such order may be recorded in the public records of the County and shall constitute notice to any subsequent

purchasers, successors, and assigns if the matter concerns real property, and the findings therein shall be binding upon the respondent and, if the issue concerns real property, any subsequent purchasers, successors, and assigns.

4.24 Examiner may set aside own order - If an order is recorded in the public records pursuant to this subsection, the hearing examiner may issue an order setting aside or withdrawing it for good cause shown, recording it in the public records. (A hearing is not required to issue an order withdrawing or setting aside such order.)

4.25 General upper and lower limits on administrative fines - At an NOV hearing, an administrative fine, if upheld by the hearing examiner, assessed against the violator on a per day basis, shall be in an amount, determined by the hearing examiner, not to exceed a maximum cumulative amount of \$50,000 per case and shall not be less than \$1,000 per violation per day. If the case is not presented on appeal as one for a running fine per day but instead reviewed on the case of a single incident or fixed (non-running daily) fine, the maximum single fine shall not exceed \$10,000 per case. More than one case against, and appealed by, the respondent, may be presented on appeal, and a fine may reach the same limit on that case as in the first case, except where the hearing examiner determines that there is significant overlap between the two cases, in which circumstance both may, in the discretion of the hearing examiner, be combined into one case to avoid abuse.

4.26 Continuous violation counted as separate violation each day it continues - Each day during any portion of which a violation of this chapter occurs constitutes a separate violation, except that the cumulative total may not exceed \$10,000 [GDI], whether couched as a separate charge or a running fine on the same charge, unless [GDI] the violation is not the same or very similar.

4.27 Appeal of examiner to be by writ of certiorari - The Director/CA or appealing party may challenge the hearing examiner's decision hereunder by filing a petition for writ of certiorari in the circuit court of the County within 30 days of the hearing examiner's written decision.

4.28 Enforcement remedies on refusal to comply - If the respondent violator refuses to comply with the Director/CA's orders and fails to appeal within a reasonable time to the hearing examiner or beyond to such appellate courts as are provided by law or fails to comply with the results of the review on appeal, the CA may avail itself of such remedies as are available under the law, including, but not limited to, the filing of a "Statement of Violation and Request for Hearing" before the Orange County Code Enforcement Special Magistrate, established under Chapter

162, Florida Statutes, which authority is set forth in Chapter 11, Orange County Code.

4.30 Administrative fine limitations don't apply if Director is compelled to enforce in Court or before some other tribunal. The limitations on the administrative fine levels shown above shall not apply and be considered waived in any case if the respondent does not comply as exemplified above (i.e., the above limits shall be considered to apply to the Director/CA or hearing examiner only and shall not be considered a defense to a fine exceeding the dollar limitations on a fine assessed by the CA or, if appealed, affirmed by the hearing examiner, if such later fine should be set by a code enforcement board, code enforcement special magistrate, court of law, or other legal authority).

SECTION 5 - ENFORCEMENT RESPONSE GUIDE

5.1 Instructions for Using the Enforcement Response Guide

- a. Locate the type of noncompliance in the NONCOMPLIANCE column.
- b. In the NATURE OF VIOLATION column, identify the most accurate description of the severity of the violation.
- c. Assess the appropriateness of the recommended response(s) in the ENFORCEMENT ACTION column. Document the rationale for selecting the enforcement response if the minimum enforcement action is not used initially. Repeat violations for the same violation will subject the user to the following penalties, at minimum:
 - Second offense = two times the defined enforcement action penalty amount
 - Third offense = three times the defined enforcement action penalty amount
 - Fourth or more offense = four times the defined enforcement action penalty amount
- d. For those violations that are identified in the field by County staff, an FNOV may be issued by the County prior to and/or in addition to the initiation of the enforcement action items identified in the ENFORCEMENT ACTION column.
- e. The County personnel identified in the PERSONNEL column will then apply the enforcement response(s) identified in the ENFORCEMENT ACTION column to the users. Specify corrective action and the response required from the users.

f. County personnel identified in the PERSONNEL column will then follow up with escalating response(s) identified in the ENFORCEMENT ACTION column if the users' response is not received or is received late or if the violation continues.

ENFORCEMENT RESPONSE GUIDE

Orange County Personnel Codes:

I = Field Personnel (Environmental Technician or Environmental Specialist)
EC = Environmental Coordinator M = Section Manager or Division Manager
D = Director A = Orange County Attorney

5.2 PERMIT ADMINISTRATION VIOLATIONS

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.2.A. Discharge to the County without an industrial wastewater discharge permit	1. Unaware of permit requirements. Failure to apply. [37-745(a)], [37-745(b)], [37-745(e)]	<u>For Nature of Violations 1-3:</u> a) Compliance Request ¹ b) Warning Letter ² c) NOV w/\$250 Penalty ³ d) Compliance Meeting ⁴	<u>For EA:</u> a-b) I, EC c-d) EC
5.2.B. Discharge of hauled industrial wastewater to the County without an industrial wastewater discharge permit	2. Failure to submit wastewater survey. [37-746(h)(8)]	<u>For Nature of Violation 4:</u> a) Compliance Request ¹ b) Warning Letter ² c) NOV w/\$500 Penalty ³ d) Compliance Meeting ⁴	<u>For EA:</u> a) I, EC b-d) EC
5.2.C. Servicing a grease trap, grease interceptor, oil and water separator, sand trap, or lift station that discharges to the County without a Waste Hauler Operating Permit	3. Failure to submit Baseline Monitoring Report. [37-747(a)], [37-745(e)], [37-753(a)(6)]	<u>For Nature of Violation 5</u> ⁽²⁶⁾ : a) NOSNC w/\$1,000 Penalty ³ b) Compliance Meeting ⁴ c-1) Show Cause Order ⁷ c-2) Show Cause Meeting ⁶ d) Consent Order ⁸ e) Compliance Order ⁹ f) Cease and Desist Order ¹⁰ g) Emergency Suspension ¹¹ h) Termination of Discharge ¹² i) Civil Penalties ¹³ j) Criminal Prosecution ¹⁴ k) Performance Bond ¹⁵ l) Letter of Credit ¹⁶ m) Liability Insurance ¹⁷ n) Water Severance ¹⁸	<u>For EA:</u> a-b) EC c-d) M e-h) D i-k) A l-n) D
5.2.D. Discharge to the County septage receiving station or other Director-approved areas without a Waste Hauler Operating Permit	4. Failure to submit permit application. [37-745(b)], [37-745(c)], [37-745(e)], [Manual, Chapter 6]		
	5. Failure to respond or provide an adequate response within 30 days of CA issuance of NOV or NOSNC. [37-749(b)]		
	6. Harm to the CA, wastewater facility (WWF), and/or the environment. [37-735(a)], [37-745(i)]	<u>For Nature of Violation 6</u> ^(26, 27) : a) NOSNC w/\$5,000 Penalty ³ b) Compliance Meeting ⁴ c-1) Show Cause Order ⁷ c-2) Show Cause Meeting ⁶ d) Consent Order ⁸ e) Compliance Order ⁹ f) Cease and Desist Order ¹⁰ g) Emergency Suspension ¹¹ h) Termination of Discharge ¹² i) Civil Penalties ¹³ j) Criminal Prosecution ¹⁴ k) Performance Bond ¹⁵ l) Letter of Credit ¹⁶ m) Liability Insurance ¹⁷ n) Water Severance ¹⁸	<u>For EA:</u> a-b) EC c-d) M e-h) D i-k) A l-n) D

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.2.E. Discharging or operating without renewing permit	1. Permit application not received 120 days before the permit expiration date. [37-746(i)]	<u>For Nature of Violations 1-4:</u> a) Compliance Request ¹ b) Warning Letter ² c) NOV w/\$500 Penalty ³ d) Compliance Meeting ⁴	<u>For EA:</u> a) I, EC b-d) EC
5.2.F. Discharging or operating without modifying permit	2. Waste hauler operating permit application not received 60 days before the permit expiration date. [37-746 (i)] 3. Permit application not received before the effective date of change. [37-745(d)] 4. Failure to respond or provide an adequate response within the time frame specified in the enforcement correspondence after CA issuance of NOV or NOSNC. [37-749(b)]	<u>For Nature of Violation 5⁽²⁶⁾:</u> a) NOSNC w/\$1,000 Penalty ³ b) Compliance Meeting ⁴ c-1) Show Cause Order ⁷ c-2) Show Cause Meeting ⁶ d) Consent Order ⁸ e) Compliance Order ⁹ f) Cease and Desist Order ¹⁰ g) Emergency Suspension ¹¹ i) Termination of Discharge ¹² j) Performance Bond ¹⁵ k) Letter of Credit ¹⁶ l) Liability Insurance ¹⁷ m) Water Severance ¹⁸ n) Civil Penalties ¹³ o) Criminal Prosecution ¹⁴	<u>For EA:</u> a) EC b-d) M e-m) D n-o) A

5.3 MONITORING VIOLATIONS

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.3.A. Failure to provide pretreatment	<p>1. Pretreatment equipment not working properly. [37-741(h)], [37-747(d)(2)]</p> <p>2. Failure to install monitoring equipment. [37-741], [37-748(a)(4)(b)], [37-748(b)]</p> <p>3. Pretreatment equipment not installed. [37-741], [37-742]</p> <p>4. Failure to respond or provide an adequate response within 30 days of CA issuance of NOV or NOSNC. [37-749(b)].</p> <p>5. Causing harm to the WWF, the environment, and/or WWF personnel. [37-735(a)], [37-735(b)], [37-745(i)]</p>	<p><u>For Nature of Violation 1:</u></p> <p>a) NOV w/\$1,500 Penalty ³</p> <p>b) Compliance Meeting ⁴</p> <p>c) Compliance Schedule ⁵</p> <p><u>For Nature of Violations 2-4</u> ^(26, 27).</p> <p>a) NOSNC w/\$2,000 Penalty ³</p> <p>b) Compliance Meeting ⁴</p> <p>c) Compliance Schedule ⁵</p> <p>d-1) Show Cause Order ⁷</p> <p>d-2) Show Cause Meeting ⁶</p> <p>e) Consent Order ⁸</p> <p>f) Compliance Order ⁹</p> <p>g) Cease and Desist Order ¹⁰</p> <p>h) Emergency Suspension ¹¹</p> <p>i) Termination of Discharge ¹²</p> <p>j) Civil Penalties ¹³</p> <p>k) Criminal Prosecution ¹⁴</p> <p>l) Performance Bond ¹⁵</p> <p>m) Letter of Credit ¹⁶</p> <p>n) Liability Insurance ¹⁷</p> <p>o) Water Severance ¹⁸</p> <p><u>For Nature of Violation 5</u> ^(26, 27).</p> <p>a) NOSNC w/\$5,000 Penalty ³</p> <p>b) Compliance Meeting ⁴</p> <p>c) Compliance Schedule ⁵</p> <p>d-1) Show Cause Order ⁷</p> <p>d-2) Show Cause Meeting ⁶</p> <p>e) Consent Order ⁸</p> <p>f) Compliance Order ⁹</p> <p>g) Cease and Desist Order ¹⁰</p> <p>h) Emergency Suspension ¹¹</p> <p>i) Termination of Discharge ¹²</p> <p>j) Civil Penalties ¹³</p> <p>k) Criminal Prosecution ¹⁴</p> <p>l) Performance Bond ¹⁵</p> <p>m) Letter of Credit ¹⁶</p> <p>n) Liability Insurance ¹⁷</p> <p>o) Water Severance ¹⁸</p>	<p><u>For EA:</u></p> <p>a-b) EC</p> <p>c) M</p> <p><u>For EA:</u></p> <p>a-b) EC</p> <p>c-e) M</p> <p>f-i) D</p> <p>j-k) A</p> <p>l-o) D</p> <p><u>For EA:</u></p> <p>a-b) EC</p> <p>c-e) M</p> <p>f-i) D</p> <p>j-k) A</p> <p>l-o) D</p>
5.3.B. Sample collection violation	<p>1. Failure to collect sample as required by permit. [37-746(b)(4)], [37-747(h)]</p>	<p><u>For Nature of Violation 1:</u></p> <p>a) Compliance Request ¹</p> <p>b) Warning Letter ²</p> <p>c) NOV w/\$250 Penalty plus cost of analysis for ea. parameter ³</p> <p>d) Compliance Meeting ⁴</p>	<p><u>For EA:</u></p> <p>a) I, EC</p> <p>b-d) EC</p>

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.3.B. Sample collection violation, Continued...	<p>2. Failure to collect sample at permitted sample point. [37-746(b)]</p> <p>3. Failure to provide representative sample or monitoring results. [37-747(d)(2)], [37-747(e)(2)], [37-747(j)]</p> <p>4. Failure to respond or provide an adequate response within 30 days of CA issuance of NOV or NOSNC. [37-749(b)]</p>	<p><u>For Nature of Violations 2-3:</u></p> <p>a) Warning Letter ²</p> <p>b) NOV w/\$1,000 Penalty ³</p> <p>c) Compliance Meeting ⁴</p> <p><u>For Nature of Violation 4 ^(26, 27):</u></p> <p>a) NOSNC w/ \$2,000 Penalty ³</p> <p>b-1) Show Cause Order ⁷</p> <p>b-2) Show Cause Meeting ⁶</p> <p>c) Cease and Desist Order ¹⁰</p> <p>d) Termination of Discharge ¹²</p>	<p><u>For EA:</u></p> <p>a-c) EC</p> <p><u>For EA:</u></p> <p>a-b) EC, M</p> <p>c-d) D</p>
<p>5.3.C. Permit limit violation, County local limits violation, or Categorical limits violation</p> <p>5.3.D. Groundwater or applicable discharge does not meet County local limit, FDEP minimum cleanup level, or Florida water quality standards</p>	<p>1. A parameter violation (excluding pH), with no harm to the CA, the WWF, and/or the environment, and does not meet the definition as a SNC, having discharge that is:</p> <p>1a) > The Limit but less than 2 Times the Limit</p> <p>1b) ≥ 2 Times the Limit but less than 3 Times the Limit</p> <p>1c) ≥ 3 Times the Limit but less than 4 Times the Limit</p> <p>1d) ≥ 4 Times the Limit but less than 6 Times the Limit.</p> <p>Where the Limit may be a federal pretreatment standard or limit, County local limit or specified industrial wastewater discharge permit limit, or pretreatment standard. [37-736], [37-737], [37-756(b)], [Manual, Chapter 7]</p>	<p><u>For Nature of Violation 1a:</u></p> <p>a) Warning Letter ²</p> <p>b) NOV w/\$250 Penalty for each parameter in violation ³</p> <p>c) Compliance Meeting ⁴</p> <p><u>For Nature of Violation 1b:</u></p> <p>a) Warning Letter ²</p> <p>b) NOV w/\$325 Penalty for each parameter in violation ³</p> <p>c) Compliance Meeting ⁴</p> <p><u>For Nature of Violation 1c:</u></p> <p>a) Warning Letter ²</p> <p>b) NOV w/\$400 Penalty for each parameter in violation ³</p> <p>c) Compliance Meeting ⁴</p> <p><u>For Nature of Violation 1d:</u></p> <p>a) Warning Letter ²</p> <p>b) NOV w/\$500 Penalty for each parameter in violation ³</p> <p>c) Compliance Meeting ⁴</p>	<p><u>For EA:</u></p> <p>a-c) EC</p> <p><u>For EA:</u></p> <p>a-c) EC</p> <p><u>For EA:</u></p> <p>a-c) EC</p> <p><u>For EA:</u></p> <p>a-c) EC</p>

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
Items 5.3.C.-5.3.D. Continued...	<p>Violation 1. Continued... 1e) > 6 Times the Limit</p> <p>Where the Limit may be a federal pretreatment standard or limit, County local limit or specified industrial wastewater discharge permit limit, or pretreatment standard. [37-736], [37-737], [37-756(b)], [Manual, Chapter 7]</p> <p>2. Failure to respond or provide an adequate response within 30 days of CA issuance of NOV or NOSNC. [37-749(b)], [Manual, Chapter 7]</p> <p>3. A parameter violation meeting the definition of SNC, resulting in no harm to the WWF and/or the environment, interference, and/or pass through. [37-736], [37-737], [37-756(b)], [Manual, Chapter 7]</p> <p>4. A parameter violation resulting in harm to the WWF and/or the environment, interference, and/or pass through. [37-736], [37-737], [37-756(b)], [Manual, Chapter 7]</p>	<p><u>For Nature of Violation 1e:</u></p> <p>a) Warning Letter ²</p> <p>b) NOV w/amount per Figure 1 calculation ³</p> <p>c) Compliance Meeting ⁴</p> <p><u>For Nature of Violations 2-3</u> ^(26, 27).</p> <p>a) NOSNC w/\$2,000 Penalty for each parameter in violation ³</p> <p>b) Compliance Meeting ⁴</p> <p>c) Compliance Schedule ⁵</p> <p>d) Consent Order ⁸</p> <p>e-1) Show Cause Order ⁷</p> <p>e-2) Show Cause Meeting ⁶</p> <p>f) Compliance Order ⁹</p> <p>g) Cease and Desist Order ¹⁰</p> <p>h) Emergency Suspension ¹¹</p> <p>i) Termination of Discharge ¹²</p> <p>j) Civil Penalties ¹³</p> <p>k) Criminal Prosecution ¹⁴</p> <p>l) Performance Bond ¹⁵</p> <p>m) Letter of Credit ¹⁶</p> <p>n) Liability Insurance ¹⁷</p> <p>o) Water Severance ¹⁸</p> <p><u>For Nature of Violation 4</u> ^(26, 27).</p> <p>a) NOSNC w/\$5,000 Penalty for each parameter in violation ³</p> <p>b) Compliance Meeting ⁴</p> <p>c) Compliance Schedule ⁵</p> <p>d) Consent Order ⁸</p> <p>e-1) Show Cause Order ⁷</p> <p>e-2) Show Cause Meeting ⁶</p> <p>f) Compliance Order ⁹</p> <p>g) Cease and Desist Order ¹⁰</p> <p>h) Emergency Suspension ¹¹</p> <p>i) Termination of Discharge ¹²</p> <p>j) Civil Penalties ¹³</p> <p>k) Criminal Prosecution ¹⁴</p> <p>l) Performance Bond ¹⁵</p> <p>m) Letter of Credit ¹⁶</p> <p>n) Liability Insurance ¹⁷</p> <p>o) Water Severance ¹⁸</p>	<p><u>For EA:</u></p> <p>a-c) EC</p> <p><u>For EA:</u></p> <p>a-b) EC</p> <p>c-e) M</p> <p>f-i) D</p> <p>j-k) A</p> <p>l-o) D</p> <p><u>For EA:</u></p> <p>a-b) EC</p> <p>c-e) M</p> <p>f-i) D</p> <p>j-k) A</p> <p>l-o) D</p>

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.3.E. Compliance schedule violation	<p>1. Failure to meet a compliance schedule milestone date that is less than 30 days late from the due date, without affecting the final compliance milestone date. [37-736(c)], [37-747(b)]</p> <p>2. Failure to meet a compliance schedule milestone date that is 30 days or more late from the due date or affecting the final compliance milestone date. [37-736(c)], [37-747(b)]</p>	<p><u>For Nature of Violation 1:</u></p> <p>a) Warning Letter ²</p> <p>b) NOV w/\$250 Penalty ³</p> <p>c) Compliance Meeting ⁴</p> <p><u>For Nature of Violation 2 ^(26, 27):</u></p> <p>a) NOSNC w/\$1,000 Penalty ³</p> <p>b) Compliance Meeting ⁴</p> <p>c) Consent Order ⁸</p> <p>d-1) Show Cause Order ⁷</p> <p>d-2) Show Cause Meeting ⁶</p> <p>e) Compliance Order ⁹</p> <p>f) Cease and Desist Order ¹⁰</p> <p>g) Emergency Suspension ¹¹</p> <p>h) Termination of Discharge ¹²</p> <p>i) Civil Penalties ¹³</p> <p>j) Criminal Prosecution ¹⁴</p> <p>k) Performance Bond ¹⁵</p> <p>l) Letter of Credit ¹⁶</p> <p>m) Liability Insurance ¹⁷</p> <p>n) Water Severance ¹⁸</p>	<p><u>For EA:</u></p> <p>a-c: EC</p> <p><u>For EA:</u></p> <p>a-b: EC</p> <p>c-d: M</p> <p>e-h: D</p> <p>i-j: A</p> <p>k-n: D</p>
5.3.F. pH violation	<p>1. pH violations: <u>Low pH Violation High pH Violation</u></p> <p>1a) 5.1–5.9 9.6–10.0</p> <p>1b) 3.1–5.0 10.1–12.0</p> <p>1c) 2.1–3.0 12.1–13.0</p> <p>1d) < 2.0 > 13.1 [37-737(k)], [37-749(g)(7)]</p> <p>2. Any violation causing corrosive damage, hazard, or harm to the WWF and/or to the environment or endangering WWF personnel.</p>	<p><u>For Nature of Violation 1a:</u></p> <p>a) Warning Letter ²</p> <p>b) NOV w/\$150 Penalty ³</p> <p>c) Compliance Meeting ⁴</p> <p><u>For Nature of Violation 1b:</u></p> <p>a) Warning Letter ²</p> <p>b) NOV w/\$300 Penalty ³</p> <p>b) Compliance Meeting ⁴</p> <p><u>For Nature of Violation 1c:</u></p> <p>a) Warning Letter ²</p> <p>b) NOV w/\$500 Penalty ³</p> <p>c) Compliance Meeting ⁴</p> <p><u>For Nature of Violation 1d-2 ^(26, 27):</u></p> <p>a) NOSNC w/\$2,000 Penalty ³</p> <p>b) Compliance Meeting ⁴</p>	<p><u>For EA:</u></p> <p>a-c) EC</p> <p><u>For EA:</u></p> <p>a-c) EC</p> <p><u>For EA:</u></p> <p>a-c) EC</p> <p><u>For EA:</u></p> <p>a-b) EC</p> <p>c) M</p>

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.3.F. pH violation, Continued...	[37-749(g)(7)], [Manual, Chapter 7] 3. Any pH resulting in harm to WWF personnel. [37-749(g)(7)], [Manual, Chapter 7]	<p><u>For Nature of Violation 1d- 2^(26, 27), continued:</u></p> <p>c) Compliance Schedule ⁵ d) Consent Order ⁸ e-1) Show Cause Order ⁷ e-2: Show Cause Meeting ⁶ f) Compliance Order ⁹ g) Cease and Desist Order ¹⁰ h) Emergency Suspension ¹¹ i) Termination of Discharge ¹² j) Civil Penalties ¹³ k) Criminal Prosecution ¹⁴ l) Performance Bond ¹⁵ m) Letter of Credit ¹⁶ n) Liability Insurance ¹⁷ o) Water Severance ¹⁸</p> <p><u>For Nature of Violation 3^(26, 27):</u></p> <p>a) NOSNC w/\$5,000 Penalty ³ b) Compliance Meeting ⁴ c) Compliance Schedule ⁵ d) Consent Order ⁸ e-1) Show Cause Order ⁷ e-2) Show Cause Meeting ⁶ f) Compliance Order ⁹ g) Cease and Desist Order ¹⁰ h) Emergency Suspension ¹¹ i) Termination of Discharge ¹² j) Civil Penalties ¹³ k) Criminal Prosecution ¹⁴ l) Performance Bond ¹⁵ m) Letter of Credit ¹⁶ n) Liability Insurance ¹⁷ o) Water Severance ¹⁸</p>	<p><u>For EA:</u></p> <p>d-e) M f-i) D j-l) A m-o) D</p> <p><u>For EA:</u></p> <p>a-b) EC c-e) M f-i) D j-l) A m-o) D</p>
5.3.G. Hauled wastewater	1. Failure to comply with waste hauler operating permit requirements. [37-739], [Manual, Chapter 6]	<p><u>For Nature of Violations 1-2⁽²⁷⁾:</u></p> <p>a) Compliance Request ¹ b) FNOV c) Warning Letter ² d) NOV w/\$500 Penalty ³ e) Compliance Meeting ⁴ f) Consent Order ⁸</p>	<p><u>For EA:</u></p> <p>a-b) I, EC c-e) EC f) M</p>

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.3.G. Hauled wastewater, Continued...	<p>2. Failure to supply analytical results for hauled industrial waste. [Manual, Chapter 6]</p> <p>3. Failure to request County approval of hauled industrial wastewater prior to disposal or attempt to dispose waste. [Manual, Chapter 6]</p> <p>4. Discharge, trucking, hauling, or transportation of hazardous wastes (as defined in 40 CFR 261 or 10 CSR 25-4.261, or as amended) or prohibited waste (as defined by Chapter 37 Article XX) to the County WWF for treatment or disposal. [Manual, Chapter 6]</p> <p>5. Disposing hauled waste at a location not designated or approved by the CA. [Manual, Chapter 6]</p> <p>6. Failure to respond or provide an adequate response within 30 days of CA issuance of NOV or NOSNC. [37-749(b)].</p>	<p><u>Nature of Violations 1-2⁽²⁷⁾</u>, <u>Continued...</u> g) Show Cause Order ⁷ h) Show Cause Meeting ⁶ i) Compliance Order ⁹ j) Cease and Desist Order ¹⁰ k) Emergency Suspension ¹¹ l) Termination of Discharge ¹² m) Civil Penalties ¹³ n) Criminal Prosecution ¹⁴ o) Performance Bond ¹⁵ p) Letter of Credit ¹⁶ q) Liability Insurance ¹⁷ r) Rescind authority to discharge to County wastewater system²⁰ s) Revocation of waste hauler operating permit ²¹ t) Rescind authority for waste transporter/hauler to service, etc., grease traps, grease interceptors, oil and water separators, sand traps or pump stations in Orange County ²² u) Revocation of industrial wastewater discharge permit²³</p> <p><u>For Nature of Violations 3-6^(26, 27)</u>: a) NOSNC w/\$1,000 Penalty ³ b) Compliance Meeting ⁴ c) Consent Order ⁸ d-1) Show Cause Order ⁷ d-2) Show Cause Meeting ⁶ e) Compliance Order ⁹ f) Cease and Desist Order ¹⁰ g) Emergency Suspension ¹¹ h) Termination of Discharge ¹² i) Civil Penalties ¹³ j) Criminal Prosecution ¹⁴ k) Liability Insurance ¹⁷ l) Rescind authority to discharge to County wastewater system²⁰ m) Revocation of waste hauler operating permit ²¹ n) Rescind authority for waste transporter/hauler to service, etc., grease traps, grease interceptors, oil and water separators, sand traps or pump stations in Orange County ²² o) Revocation of industrial wastewater discharge permit²³</p>	<p><u>For EA:</u> g) M h-l) D m-n) A o-u) D</p> <p><u>For EA:</u> a) EC b-d) M e-h) D i-j) A k-o) D</p>

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.3.H. Dilution of industrial wastewater discharge	1. Industrial wastewater discharge is diluted in lieu of providing adequate pretreatment. [37-738]	<u>For Nature of Violation 1^(26, 27):</u> a) NOSNC w/ \$2,000 Penalty ³ b) Compliance Meeting ⁴ c) Consent Order ⁸ d-1) Show Cause Order ⁷ d-2) Show Cause Meeting ⁶ e) Compliance Order ⁹ f) Cease and Desist Order ¹⁰ g) Emergency Suspension ¹¹ h) Termination of Discharge ¹² i) Civil Penalties ¹³ j) Criminal Prosecution ¹⁴ k) Performance Bond ¹⁵ l) Letter of Credit ¹⁶ m) Liability Insurance ¹⁷ n) Water Severance ¹⁸ o) Imposition of mass-based limitations ²⁵	<u>For EA:</u> a-b) EC c-e) M f-i) D j-k) A l-o) D
5.3.I. Slug load/spill occurrence, prohibited discharge, or other discharge not otherwise specified	1. Causing no harm to the WWF and/or the environment and/or causing interference and/or pass through. [37-735(a)], [37-735] 2. Failure to notify CA of slug load/spill or discharge. [37-743(c)], [37-747(f)], [37-747(i)]	<u>For Nature of Violation 1:</u> a) Compliance Request ¹ b) Warning Letter ² c) NOV w/\$500 Penalty ³ d) Compliance Meeting ⁴ <u>For Nature of Violation 2^(26, 27):</u> a) NOSNC w/ \$2,000 Penalty ³ b) Compliance Meeting ⁴ c) Consent Order ⁸ d-1) Show Cause Order ⁷ d-2) Show Cause Meeting ⁶ e) Compliance Order ⁹ f) Cease and Desist Order ¹⁰ g) Emergency Suspension ¹¹ h) Termination of Discharge ¹² i) Civil Penalties ¹³ j) Criminal Prosecution ¹⁴ k) Performance Bond ¹⁵ l) Letter of Credit ¹⁶ m) Liability Insurance ¹⁷ n) Water Severance ¹⁸	<u>For EA:</u> a) I, EC b-d) EC <u>For EA:</u> a-b) EC c-e) M f-i) D j-k) A l-n) D

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.3.I. Slug load/spill occurrence, prohibited discharge, or other discharge not otherwise specified, Continued...	3. Causing harm to the WWF and/or the environment and/or causing interference and/or pass through. [37-735(a)], [37-743(c)], [37-747(f)], [37-747(i)]	<u>For Nature of Violation 3^(26, 27):</u> a) NOSNC w/ \$5,000 Penalty ³ b) Compliance Meeting ⁴ c) Consent Order ⁸ d-1) Show Cause Order ⁷ d-2) Show Cause Meeting ⁶ e) Compliance Order ⁹ f) Cease and Desist Order ¹⁰ g) Emergency Suspension ¹¹ h) Termination of Discharge ¹² i) Civil Penalties ¹³ j) Criminal Prosecution ¹⁴ k) Performance Bond ¹⁵ l) Letter of Credit ¹⁶ m) Liability Insurance ¹⁷ n) Water Severance ¹⁸	<u>For EA:</u> a-b) EC c-e) M f-i) D j-k) A l-n) D
5.3.J. Failure to mitigate noncompliance or halt production or discharge	1. No harm to the WWF and/or the environment and/or causing interference and/or pass through. [37-749(a)] 2. Failure to respond or provide an adequate response within 30 days of CA issuance of NOV or NOSNC. [37-749(b)].	<u>For Nature of Violation 1:</u> a) NOV w/ \$1,000 Penalty ³ b) Compliance Meeting ⁴ <u>For Nature of Violation 2^(26, 27):</u> a) NOSNC w/ \$2,000 Penalty ³ b) Compliance Meeting ⁴ c) Compliance Schedule ⁵ d) Consent Order ⁸ e-1) Show Cause Order ⁷ e-2) Show Cause Meeting ⁶ f) Compliance Order ⁹ g) Cease and Desist Order ¹⁰ h) Emergency Suspension ¹¹ i) Termination of Discharge ¹² j) Civil Penalties ¹³ k) Criminal Prosecution ¹⁴ l) Performance Bond ¹⁵ m) Letter of Credit ¹⁶ n) Liability Insurance ¹⁷ o) Water Severance ¹⁵	<u>For EA:</u> a-b) EC <u>For EA:</u> a-b) EC c-f) M g-j) D k-l) A m-o) D

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.3J. Failure to mitigate noncompliance or halt production or discharge, Continued...	3. Harm to the WWF and/or the environment and/or causing interference and/or pass through. [37-749(a)], [37-750(a)], [37-751]	<u>For Nature of Violation 3^(26, 27):</u> a) NOSNC w/ \$5,000 Penalty ³ b) Compliance Meeting ⁴ c) Compliance Schedule ⁵ d) Consent Order ⁸ e-1) Show Cause Order ⁷ e-2) Show Cause Meeting ⁶ f) Compliance Order ⁹ g) Cease and Desist Order ¹⁰ h) Emergency Suspension ¹¹ i) Termination of Discharge ¹² j) Civil Penalties ¹³ k) Criminal Prosecution ¹⁴ l) Performance Bond ¹⁵ m) Letter of Credit ¹⁶ n) Liability Insurance ¹⁷ o) Water Severance ¹⁸	<u>For EA:</u> a-b) EC c-f) M g-j) D k-l) A m-o) D

5.4 REPORTING VIOLATIONS

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.4.A. SMRs or other enforcement document response received late or not received	<ol style="list-style-type: none"> Documents are received late. [37-753], [37-747(m)] Documents are received later than specified by permit or not received. [37-753],[37-747(m)] Non-response to enforcement action (i.e., NOV, NOSNC, Compliance Order, Consent Order, Cease and Desist Order). [37-753], [37-747(m)] Enforcement action response documents, corrective action documents, or all other compliance-related documents not received on the agreed upon due date. [37-753], [37-747 (m)] 	<p><u>For Nature of Violation 1:</u></p> <ol style="list-style-type: none"> Compliance Request ¹ Warning Letter ² Compliance Meeting ⁴ <p><u>For Nature of Violations 2-4</u> ^{(26, 27).}</p> <ol style="list-style-type: none"> NOSNC w/ \$500 Penalty ³ Compliance Meeting ⁴ Consent Order ⁸ 1) Show Cause Order ⁷ 2) Show Cause Meeting ⁶ Compliance Order ⁹ Cease and Desist Order ¹⁰ Emergency Suspension ¹¹ Termination of Discharge ¹² Civil Penalties ¹³ Criminal Prosecution ¹⁴ Performance Bond ¹⁵ Letter of Credit ¹⁶ Liability Insurance ¹⁷ Water Severance ¹⁸ 	<p><u>For EA:</u></p> <ol style="list-style-type: none"> I, EC c) EC <p><u>For EA:</u></p> <ol style="list-style-type: none"> b) EC c-e) M f-i) D j-k) A l-n) D
NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.4.B. SMRs are not properly documented	<ol style="list-style-type: none"> Failure to submit all the required documents with SMR, sample chain of custody, report of laboratory analyses, etc. [37-747(d)] 	<p><u>For Nature of Violation 1:</u></p> <ol style="list-style-type: none"> Compliance Request ¹ Warning Letter ² NOV w/ \$250 Penalty ³ Compliance Meeting ⁴ 	<p><u>For EA:</u></p> <ol style="list-style-type: none"> I, EC b-d) EC

5.4.C. Failure to report correctly	<ol style="list-style-type: none"> 1. SMR not signed or certified as required by permit. [37-747(d)] 2. Data improperly reported or not reported. [37-747(d)] 3. Incorrect method of analysis used. [37-747(k)] 4. Failure to report samples collected. [37-747(a)], [37-747(d)], [37-747(f)], [37-747(g)], [37-747(h)] 5. The submittal of inadequate reports or failure to submit required Toxic Organics Management Plan, Total Toxic Organics Non-Discharge Certification Statement, Accidental Discharge Slug Control Plan, BMPP, or other reports requested by the CA. [37-743], [37-744], [37-746], [37-747] 	<p><u>For Nature of Violations 1-4:</u></p> <ol style="list-style-type: none"> a) Compliance Request ¹ b) Warning Letter ² c) NOV w/ \$250 Penalty ³ d) Compliance Meeting ⁴ <p><u>For Nature of Violation 5:</u></p> <ol style="list-style-type: none"> a) Compliance Request ¹ b) Warning Letter ² c) NOV w/ \$250 Penalty ³ d) Compliance Meeting ⁴ e) Compliance Schedule ⁵ 	<p><u>For EA:</u></p> <ol style="list-style-type: none"> a) I, EC b-d) EC <p><u>For EA:</u></p> <ol style="list-style-type: none"> a) I, EC b-d) EC e) M
5.4.D. Notification of parameter violation	<ol style="list-style-type: none"> 1. Failure to notify CA of parameter violation within 24 hours. [37-753], [37-747(h)] 2. Failure to resample permitted discharge point/outfall for violation parameter(s) and report result to CA. [37-747(h)] 	<p><u>For Nature of Violations 1-2:</u></p> <ol style="list-style-type: none"> a) Compliance Request ¹ b) Warning Letter ² c) NOV w/\$250 Penalty ³ d) Compliance Meeting ⁴ 	<p><u>For EA:</u></p> <ol style="list-style-type: none"> a) I, EC b-d) EC
5.4.E. Reporting false information	<ol style="list-style-type: none"> 1. Reports were falsified in lieu of compliance. [37-736(h)], [37-753(h)] 	<p><u>For Nature of Violation 1 ^(26, 27):</u></p> <ol style="list-style-type: none"> a) NOSNC w/\$2,000 Penalty ³ b) Compliance Meeting ⁴ c) Consent Order ⁸ d-1) Show Cause Order ⁷ d-2) Show Cause Meeting ⁶ e) Compliance Order ⁹ 	<p><u>For EA:</u></p> <ol style="list-style-type: none"> a-b) EC c-e) M
NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL

5.4.E. Reporting false information, continued	1. Reports were falsified in lieu of compliance, continued [37-736(h)], [37-753]	<u>Nature of Violation 1</u> ^(26, 27) <u>Cont.:</u> f) Cease and Desist Order ¹⁰ g) Emergency Suspension ¹¹ h) Termination of Discharge ¹² i) Civil Penalties ¹³ j) Criminal Prosecution ¹⁴ k) Performance Bond ¹⁵ l) Letter of Credit ¹⁶ m) Liability Insurance ¹⁷ n) Water Severance ¹⁸	<u>For EA:</u> f-i) D j-k) A l-n) D
5.4.F. Hauled wastewater Reporting violation	1. Improper identification of waste on waste manifest form. [37-739], [Manual, Chapter 6] 2. Falsifying/omitting information on waste manifest form. [37-739], [Manual, Chapter 6] 3. Failure to provide documentation of ultimate disposal location of waste rejected by CA. [37-739], [Manual, Chapter 6]	<u>For Nature of Violation 1:</u> a) Compliance Request ¹ b) Warning letter ² c) NOV w/\$1,000 Penalty ³ <u>For Nature of Violations 2-3</u> ^{(26, 27):} a) NOSNC w/\$2,000 Penalty ³ b) Compliance Meeting ⁴ c) Consent Order ⁸ d-1) Show Cause Order ⁷ d-2) Show Cause Meeting ⁶ e) Compliance Order ⁹ f) Cease and Desist Order ¹⁰ g) Emergency Suspension ¹¹ h) Termination of Discharge ¹² i) Civil Penalties ¹³ j) Criminal Prosecution ¹⁴ k) Performance Bond ¹⁵ l) Letter of Credit ¹⁶ m) Liability Insurance ¹⁷ n) Water Severance ¹⁸ o) Rescind Authority to Discharge to the Orange County wastewater ²⁰ p) Revocation of waste hauler operating permit ²¹ q) Rescind authority for waste transporter/hauler to service, etc., grease traps, grease interceptors, oil and water separators, sand traps or pump stations in Orange County ²² r) Revocation of industrial wastewater discharge permit ²³	<u>For EA:</u> a) I, EC b-c) EC <u>For EA:</u> a) EC b-d) M e-h) D i-j) A k-r) D

5.5 MISCELLANEOUS VIOLATIONS

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.5.A. Miscellaneous violations, including: <ul style="list-style-type: none"> • Facility inspection • Vandalism • Denied access • Bypass 	1. Inadequate record keeping or copies of records are denied. [37-743], [37-744], [37-746], [37-747], [37-747(n)] 2. Failure to report changes in discharge. [37-747(e)] 3. Facility Access is denied. [37-747(n)], [37-748(a)] 4. Access to facility records is denied. [37-747(n)], [37-748(a)] 5. Sample Collection is denied. [37-748(a)] 6. CA sampling equipment found tampered or damaged, while monitoring the user. [37-748(a)] 7. Detection of unauthorized bypass.	<u>For Nature of Violations 1-2:</u> a) Compliance Request ¹ b) FNOV c) NOV w/\$500 Penalty ³ d) Compliance Meeting ⁴ <u>For Nature of Violations 3-7</u> ^{*, (26, 27, 28)} a) NOSNC w/\$1,000 Penalty ³ b) Compliance Meeting ⁴ c) Compliance Schedule ⁵ d) Consent Order ⁸ e-1) Show Cause Order ⁷ e-2) Show Cause Meeting ⁶ f) Compliance Order ⁹ g) Cease and Desist Order ¹⁰ h) Emergency Suspension ¹¹ i) Termination of Discharge ¹² j) Civil Penalties ¹³ k) Criminal Prosecution ¹⁴ l) Performance Bond ¹⁵ m) Letter of Credit ¹⁶ n) Liability Insurance ¹⁷ o) Water Severance ¹⁸ p) Rescind Authority to Discharge to the County wastewater system ²⁰ q) Revocation of waste hauler operating permit ²¹ r) Revocation of Industrial Wastewater Discharge ²³	<u>For EA:</u> a-b) I, EC c-d) EC <u>For EA:</u> a-b) EC c-e) M f-i) D j-k) A l-r) D

5.6 OIL AND GREASE MANAGEMENT PROGRAM VIOLATIONS

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.6.A. Maintenance logs, records, or waste manifests are not current or available	1. Inadequate record keeping or copies of records are denied. [37-754], [Manual, Chapter 3, Part 10]	<u>For Nature of Violations 1:</u> a) Compliance Request ¹ b) FNOV ¹⁹ c) NOV w/ \$125 Penalty ³	<u>For EA:</u> a-b) I, EC c) EC

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.6.A. Maintenance logs, records, or waste manifests are not current or available, Continued...	2. Failure to submit required waste manifest to the CA within 30 days of the pump out event. [37-754(i)], [Manual, Chapter 3, Part 10]	<u>For Nature of Violations 2-3:</u> a) Compliance Request ¹ b) FNOV ¹⁹ c) NOV w/ \$125 Penalty ³	<u>For EA:</u> a-b) I, EC c) EC
5.6.B. Waste manifest reporting	3. Failure to provide safe or easy access to inspection devices or sample points. [37-754(c)], [Manual, Chapter 3, Part 10]	<u>For Nature of Violations 4-6:</u> a) Compliance Request ¹ b) FNOV ¹⁹ c) NOV w/ \$250 Penalty ³	<u>For EA:</u> a) I, EC b-c) EC
5.6.C. Program survey submittal	4. Failure to complete program survey. [37-754(i)], [Manual, Chapter 3, Part 10]	<u>For Nature of Violations 7-8⁽²⁷⁾</u> a) Compliance Request ¹ b) FNOV ¹⁹ c) NOV w/ \$500 Penalty ³ d) Compliance Meeting ⁴ e) Consent Order ⁸ f-1) Show Cause Order ⁷ f-2) Show Cause Meeting ⁶ g) Compliance Order ⁹ h) Cease and Desist Order ¹⁰ i) Emergency Suspension ¹¹ j) Termination of Discharge ¹² k) Civil Penalties ¹³ l) Criminal Prosecution ¹⁴ m) Performance Bond ¹⁵ n) Letter of Credit ¹⁶ o) Liability Insurance ¹⁷ p) Water Severance ¹⁸ q) Rescind Authority to Discharge to the Orange County wastewater system ²⁰ r) Revocation of waste hauler operating permit ²¹	<u>For EA:</u> a-b) I, EC c) EC d-f) M g-k) D l-m) A n-r) D
5.6.D. Discharge without prior authorization	5. Discharge fats, oils, or grease to the County without prior approval or program registration. [37-754(h)], [Manual, Chapter 3, Part 10]		
5.6.E. Inadequate access	6. Failure to provide emergency notification signage on private lift station facilities. [37-754(c)]		
5.6.F. Inadequate emergency contact signage	7. Failure to properly maintain and/or remove wastes from private wastewater collection systems, required traps, interceptors, or separators; perform repairs; or maintain device integrity to design specifications. [37-754(c)], [Manual, Chapter 3, Part 10]		
5.6.G. Trap/interceptor not cleaned or maintained	8. Failure to provide for all required collection system equipment, trap, interceptor or separator facilities, equipment and/or inspection/ sampling access points. [37-754(d)], [Manual, Chapter 3, Part 10]		
5.6.H. Inadequate private collection system, trap, interceptor, or separator equipment or design			
5.6.I. Private lift station operation and maintenance deficiency			
5.6.J. No grease trap, grease interceptor, or oil separator			
5.6.K. Bypass treatment or discharge of wastes without sufficient treatment			
5.6.L. Pass through of grease or oils			

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<p><i>Items 5.6.A-5.6.L. continued</i></p> <p><i>5.6.M. Discharge of unauthorized additives</i></p> <p><i>5.6.N. Program noncompliance not otherwise specified</i></p> <p><i>5.6.O. Continued noncompliance</i></p>	<p>9. <i>Failure to maintain a contract for the operation, maintenance, and repair of private lift stations, or providing a contractor with insufficient experience or emergency response coverage, or failure to provide County prior notice of changes to contractor status. [37-754(c)]</i></p> <p>10. <i>Failure to provide required grease trap, grease interceptor, or oil/water separator. [37-754(c)]</i></p> <p>11. <i>Bypassing treatment devices; failure to discharge greasy or oily wastewater and/or solids to required grease trap, grease interceptor, or oil/water separator devices; flushing traps, interceptors, or separators, or decanting/returning grease, oils, wastewater, or solids back to the trap, interceptor, or oil/water separator or to the wastewater system without treatment from a County-approved treatment device. [37-754(c)]</i></p> <p>12. <i>Causing the pass through of fats, oil, or grease to the County. [37-754(c)]</i></p> <p>13. <i>Use of or discharge of unauthorized or prohibited additives such as commercial bacteria, emulsifiers, enzymes. [Manual, Chapter 3, Part 7]</i></p> <p>14. <i>Failure to respond or provide an adequate response within 30 days of CA issuance of NOV or NOSNC or required compliance due date. [37-749(b)]</i></p>	<p><u>For Nature of Violations 9-14</u> ⁽²⁷⁾</p> <p>a) <i>Compliance Request</i>¹</p> <p>b) <i>FNOV</i>¹⁹</p> <p>c) <i>NOV w/\$1,000 Penalty</i>³</p> <p>d) <i>Rescind product approval</i>²⁴</p> <p>e) <i>Compliance Meeting</i> ⁴</p> <p>f) <i>Consent Order</i> ⁸</p> <p>g-1) <i>Show Cause Order</i> ⁷</p> <p>g-2) <i>Show Cause Meeting</i> ⁶</p> <p>h) <i>Compliance Order</i>⁹</p> <p>i) <i>Cease and Desist Order</i> ¹⁰</p> <p>j) <i>Emergency Suspension</i>¹¹</p> <p>k) <i>Termination of Discharge</i>¹²</p> <p>l) <i>Civil Penalties</i> ¹³</p> <p>m) <i>Criminal Prosecution</i>¹⁴</p> <p>n) <i>Performance Bond</i> ¹⁵</p> <p>o) <i>Letter of Credit</i> ¹⁶</p> <p>p) <i>Liability Insurance</i>¹⁷</p> <p>q) <i>Water Severance</i>¹⁸</p> <p>r) <i>Rescind Authority to Discharge to the Orange County wastewater system</i>²⁰</p> <p>s) <i>Rescind authority for waste transporter/hauler to service, etc., grease traps, grease interceptors, oil and water separators, sand traps or pump stations in Orange County</i>²¹</p> <p>t) <i>Revocation of waste hauler operating permit</i> ²¹</p>	<p><u>For EA:</u></p> <p>a-c) <i>EC</i></p> <p>d-g) <i>M</i></p> <p>h-l) <i>D</i></p> <p>m-n) <i>A</i></p> <p>o-t) <i>D</i></p>

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5.7 BEST MANAGEMENT PROGRAM

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT ACTION	PERSONNEL
5.5.A. Failure to submit paperwork in a timely manner	1. Failure to comply with BMPP requirements and causing no harm to the WWF and/or the environment and/or causing interference and/or pass through. [37-746], [37-747], [37-749], [37-750], [37-751], [Manual, Chapter 2]	<u>For Nature of Violation 1:</u> a) Compliance Request ¹ b) FNOV ¹⁹ c) NOV w/\$500 Penalty ³ d) Compliance Meeting ⁴	<u>For EA:</u> a-b) I, EC c-d) EC d) M
5.7.B. Develop/implement BMPP		<u>For Nature of Violation 2:</u> a) Compliance Request ¹ b) FNOV c) NOV w/ \$1,000 Penalty ³ d) Compliance Meeting ⁴	<u>For EA:</u> a-b) I, EC c) EC d) M
5.7.C. Install BMPP pretreatment facilities or equipment	2. Failure to comply with permit-required BMPP requirements or implement or change the BMPP as needed to comply with a pretreatment standard, local limits, or pretreatment requirement and causing no harm to the WWF and/or the environment and/or causing interference and/or pass through. [37-746], [37-747], [37-749], [37-750], [37-751], [Manual, Chapter 2]	<u>For Nature of Violations 3-4</u> ^(26, 27) . a) NOSNC w/\$2,000 Penalty ³ b) Compliance Meeting ⁴ c) Consent Schedule ⁵ d-1) Show Cause Order ⁷ d-2) Show Cause Meeting ⁶ e) Consent Order ⁸ f) Compliance Order ⁹ g) Cease and Desist Order ¹⁰ h) Emergency Suspension ¹¹ i) Termination of Discharge ¹² j) Civil Penalties ¹³ k) Criminal Prosecution ¹⁴ l) Performance Bond ¹⁵ m) Letter of Credit ¹⁶ n) Liability Insurance ¹⁷ o) Water Severance ¹⁸ p) Rescind Authority to Discharge to the Orange County wastewater system ²⁰ q) Revocation of industrial wastewater discharge permit ²³	<u>For EA:</u> a-b) EC c-d) M e-i) D j-k) A l-q) D
5.7.D. Maintain pretreatment			
5.7.E. Failure to perform required monitoring	3. Failure to comply with BMPP requirements, causing harm to the WWF and/or the environment and/or causing interference and/or pass through. [37-746], [37-747], [37-749], [37-750], [37-751], [Manual, Chapter 2]		
5.7.F. Failure to properly maintain facility records			
5.7.G. Failure to provide required information or submit required reports	4. Refusal to comply with BMPP requirements or permit-required BMPP requirements or implement or change the BMPP as needed to comply with a pretreatment standard, local limits or pretreatment requirement. [37-746], [37-747], [37-749], [37-750], [37-751]		

Enforcement Action Key:

¹ **Compliance Request:** Internal policy, not shown in Orange County Code. Courtesy for customer. Not final, and not appealable.

² **Warning Letter:** See generally 37-749(a)(1). May be final determination, where notice thereon so indicates. If final, then appealable to hearing examiner.

³ **NOV/NOSNC:** See 37-703(definitions) w/ or w/o Penalty §§37-749(a)(1), with penalty: 37-749(b) (\$1000; 37-749(g)(1) and (6). Final determination for appeal, in all cases.

⁴ **Compliance Meeting:** Not defined in §749: Courtesy for customer; utilities requests it. Not final. Purpose is for development of Consent Agreement.

⁵ **Compliance Schedule:** See 37-703 (definitions); 37-753(a)(5) and (6); 37-746(b)(5); 37-746(h)(15); 37-747(a)(2)(h); 37-747(b); Manual, Chapter 3, Part 10; Manual, Chapter 6; and Manual, Chapter 7. Final, enforceable, and appealable, unless agreed to in writing and signed by the user/respondent. May be used for the development of Consent Agreement.

⁶ **Show Cause Meeting:** Provided for in 37-703 (under “administrative order”). See also 37-749(d).

⁷ **Show Cause Order:** Defined in 37-703 (under “administrative order”). See also 37-749(d)(1): “The director may order a user who has violated ... , to appear before the director and show cause why the proposed enforcement action should not be taken. This order is a final determination.”

⁸ **Consent Order:** Defined in 37-703, and see 37-749(c). Final resolution, and enforceable, not appealable if signed by respondent. If refused by respondent, must be appealed within specific time.

⁹ **Compliance Order:** Defined in 37-703, and see 37-749(e). Final determination for appeal in all cases, unless otherwise specified.

¹⁰ **Cease and Desist Order:** Defined in 37-703 (definitions), 37-749(f). Final determination for appeal in all cases, unless otherwise specified.

¹¹ **Emergency Suspension:** See 37-749(h). Final determination for appeal in all cases, unless otherwise specified.

¹² **Termination of Discharge:** See 37-749(i). Final determination for appeal in all cases, unless otherwise specified.

¹³ **Civil Penalties:** See 37-749(g) or 37-750(b). Final determination for appeal in all cases, unless otherwise specified.

¹⁴ **Criminal Prosecution:** See 37-750(c).

¹⁵ **Performance Bond:** See 37-751(a). Final determination for appeal in all cases, unless otherwise specified or agreed to in writing by respondent.

¹⁶ **Letter of Credit:** Final determination for appeal where not agreed to in writing by respondent. Not in Orange County Code. However, LOC may be required where special circumstances exist requiring an immediate source of revenue for cleanup, repair, or collection of a fine suspended so long as respondent continues to correct violation, or suspended so long as respondent stays in compliance.

¹⁷ **Liability Insurance:** See 37-751(b). Final determination for appeal in all cases, unless otherwise specified.

¹⁸ **Water Severance:** See 37-749(j). Final determination for appeal in all cases, unless otherwise specified.

¹⁹ **Field Notice of Violation:** An FNOV is an NOV issued by the field staff for a user’s noncompliance with the provisions of the Oil and Grease Management Program, Hauled

Wastewater Program, and non-permitted users not operating under a BMP, as defined by Orange County Code Chapter 37 Article XX, Sections 37-754 and 37-744. If compliance has not been achieved, escalating enforcement will be taken. See 37-703 (definitions). See §§37-749(a)(1): With penalty. See also 37-749(b) (\$1000;) and 37-749(g)(1) and (6). Unless special language is placed in the notices indicating otherwise, FNOVs are considered a final determination for appeal, in all cases.

²⁰ **Rescind Authority to Discharge to the Orange County Wastewater System:** See 37-746(h), 37-749(h), 37-749(i), and Manual Chapters 3 and 6. Final determination for appeal in all cases, unless otherwise specified.

²¹ **Revocation of Waste Hauler Operating Permit:** See Manual, Chapter 6. Final determination for appeal in all cases, unless otherwise specified.

²² **Rescind Authority for Waste Transporter/Hauler to Service, Etc., Grease Traps, Grease Interceptors, Oil and Water Separators, Sand Traps, or Pump Stations in Orange County:** See Manual, Chapter 6. Final determination for appeal in all cases, unless otherwise specified.

²³ **Revocation of Industrial Wastewater Discharge Permit:** See 37-745(a) and 37-746(h). Final determination for appeal in all cases, unless otherwise specified.

²⁴ **Rescind Product Approval:** See Manual, Chapter 3. Final determination for appeal in all cases, unless otherwise specified.

²⁵ **The Imposition of Mass-Based Limits:** See Manual, Chapter 7. Final determination for appeal in all cases, unless otherwise specified.

²⁶ Violation will place the user in SNC; in addition to the penalty imposed (per violation per day) and the publication of the user violation in a local newspaper, the user will be subject to any of the enforcement action identified above, as deemed appropriate by the CA, with escalating enforcement action to follow for continued noncompliance.

²⁷ Violation will also subject the user to additional penalties as compensation for all penalties assessed to the County by the FDEP or EPA resulting from the users discharge, and/or fees related to cost recovery for damage to County property or equipment, or additional maintenance required by the County to remove wastes, or harm to County personnel caused by the user's discharge to the WWF.

²⁸ Violation will also subject the user to additional penalties as compensation for damage to County property resulting from tampering or harming County equipment.

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ENFORCEMENT RESPONSE GUIDE

FIGURE 1

***PENALTIES FOR WASTEWATER DISCHARGE VIOLATIONS IN EXCESS
OF SIX TIMES THE PRETREATMENT LIMIT (FEDERAL CATEGORICAL
STANDARD, LOCAL LIMIT, OR INDUSTRIAL WASTEWATER
DISCHARGE PERMIT LIMIT)***

Penalties for violations of pretreatment limits (i. e., federal categorical standards, local limits, or industrial wastewater discharge permit limits) in excess of six times the pretreatment limit shall be calculated using the following formula:

$$Y = \frac{[100 \times (X)] - (100)}{\text{Pretreatment Limit}}$$

Where:

Y = Penalty in dollars

X = Reported concentration level, expressed in same units as the pretreatment limit (federal categorical standard, local limit, or industrial wastewater discharge permit limit)

APPENDIX D

ORANGE COUNTY LOCAL LIMITS

Section D-1

RESOLUTION

RESOLUTION ADOPTING ORANGE COUNTY LOCAL LIMITS¹ FOR WASTEWATER DISCHARGED TO THE COUNTY WASTEWATER SYSTEM

Resolution No. 2018- M-13

WHEREAS, the Board of County Commissioners establishes the necessary regulations for the use of public and private sewers and drains discharging to the Orange County Wastewater System in the interest of public health, safety, and welfare of citizens and residents of the County pursuant to its home rule powers granted to Orange County by the Florida Constitution, Chapter 125 of the Florida Statutes, and the Orange County Charter.

WHEREAS, the term “*Local Limits*” is defined in Section 37-703, Orange County Code, to mean “a discharge standard for non-residential or industrial users of the [Publicly-Owned Treatment Works] or [Wastewater Facility] in order to achieve the purposes of this article and for the County to comply with the conditions set forth in their [National Pollutant Discharge Elimination System] or [Florida Department of Environmental Protection] permits for effluent disposal, reuse, recycling, and disposal or recycling of residuals.”

WHEREAS, Sections 37-737 and 37-755, Orange County Code, provide that the Local Limits for the direct and indirect contributors to the Orange County Wastewater System shall be established by resolution and likewise provided that they shall be amended by resolution.

WHEREAS, it is the intent of the Board of County Commissions that the adoption of Local Limits pursuant to this Resolution shall replace and supersede all other previously adopted Local Limits whether adopted by resolution or ordinance.

WHEREAS, the Board of County Commissioners hereby establishes new uniform requirements for the direct and indirect contributors to the Orange County Wastewater System to protect against Pass Through and Interference, as those terms are defined in Section 37-703, Orange County Code; and to comply with 1) the federal pretreatment regulations set forth by the United States Environmental Protection Agency general pretreatment regulations, Title 40, Code of Federal Regulations (CFR) Part 403, 2) the pretreatment regulations set forth by the Florida Department of Environmental Protection (FDEP), specifically Chapter 62-625, Florida Administrative Code (F.A.C.), 3) with the requirements in applicable National Pollutant Discharge Elimination System (NPDES) permits and FDEP-issued permits for Orange County Wastewater Facilities, and 4) the terms and conditions in agreements for the reuse of Orange County reclaimed water and residuals.

WHEREAS, the Board of County Commissioners now desires to establish and adopt the above-stated Local Limits, based on the results of treatment plant monitoring, water quality

¹ The terms “Local Limits” and “Orange County Local Limits” are interchangeable.

requirements, field investigation of industrial users, Orange County compliance with applicable Water Reclamation Facility permits and associated effluent disposal or reclaimed water standards or agreements, in accordance with FDEP pretreatment requirements set forth in Chapter 62-625, F.A.C., and as authorized by Section 37-737, Orange County Code.

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

Section 1. Adoption of Revised Orange County Local Limits for all Users that Directly or Indirectly Discharge Wastewater to the Orange County Wastewater System. The Board of County Commissioners hereby adopts revised Orange County Local Limits attached hereto and by this reference incorporated in this Resolution as **Exhibit "A."**

Section 2. Intent.

(a) As of the effective date of this Resolution as set forth in Section 5 below, subject to the final approval of FDEP, **no industrial user shall discharge process wastewater, unregulated wastestreams, or dilute wastestreams in excess of the concentration set forth by the revised Orange County Local Limits.** Orange County Local Limits shall be included as permit conditions and attached to each Industrial Wastewater Discharge Permit issued by Orange County.

Section 3. Implementation of Orange County Local Limits.

(a) Implementation of the revised Orange County Local Limits for users of County's Wastewater System will commence upon the effective date of this Resolution, subject to final approval of the FDEP.

(b) For those non-residential users with pollutant limits stated in active Industrial Wastewater Discharge Permits, the stated pollutant limits as established pursuant to federal categorical pretreatment regulations 40 CFR 403 shall prevail for those pollutants with federal limits that are more stringent than the Orange County Local Limits established by this Resolution.

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(c) The stated federal categorical pretreatment standards established for a specific industry category (pursuant to federal categorical pretreatment regulations 40 CFR 403) that are more stringent than the Orange County Local Limits shall supersede the Orange County Local Limits for that specific industry category.

(d) Upon the Effective Date, all prior adopted Orange County Local Limits shall be of no force and effect.

Section 4. Severability and Provisions. If any provisions of this Resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provisions or applications, and to this end the provisions of this Resolution are declared severable.

Section 5. Effective Date. This Resolution shall take effect _____, 2018, subject to final approval of the Florida Department of Environmental Protection.

ADOPTED THIS _____ DAY OF APR 24 2018, 2018.

ORANGE COUNTY, FLORIDA
By: The Board of County Commissioners

By: Teresa Jacobs
Teresa Jacobs, County Mayor

Attest: Phil Diamond, CPA, County Comptroller
as Clerk of the Board of County Commissioners

By: Phil Diamond
Deputy Clerk



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EXHIBIT "A"
ORANGE COUNTY LOCAL LIMITS ¹
FOR DIRECT AND/OR INDIRECT WASTEWATER DISCHARGES TO THE
ORANGE COUNTY WASTEWATER SYSTEM
Effective _____, 2018

Pollutant	Orange County Local Limit¹ (units in mg/L unless otherwise stated)
Antimony	0.90
Arsenic	0.90
Beryllium	0.25
Biochemical Oxygen Demand, 5-day ⁽²⁾	5,000 SWRF/15,000 County Wide
Boron	1.0 SWRF/BMP**County Wide
Cadmium	0.40
Chlorides ²	1,000 SWRF/BMP**County Wide
Chromium, Total	4.0 EWRF/0.20 County Wide
Cobalt	0.40
Copper	0.90
Cyanide	1.0
Lead	0.50
Lithium	0.50
Manganese	2.0
Mercury	0.005
Molybdenum	0.25
Nickel	1.75
Nitrogen, Total Kjeldahl ⁽²⁾	BMP**County Wide
Oil and Grease	100
pH (in S. U.'s)	5.5 – 10.5
Phenols, Total	4.0 SWRF/BMP**County Wide
Phosphorous, Total ⁽²⁾	BMP**County Wide
Selenium	0.45
Silver	0.125 EWRF/BMP** County Wide
Sodium	300 SWRF/BMP**County Wide
Thallium	0.50
Total Dissolved Solids	5,000 SWRF/BMP**County Wide
Total Suspended Solids ⁽²⁾	4,300 SWRF/15,000 County Wide
Zinc	1.75

Note - The above-stated limits apply Countywide, unless specified otherwise.

FOOTNOTES:

EWRF - Easterly Water Reclamation Facility Service Area only.

SWRF - South Water Reclamation Facility Service Area only.

¹ Local Limits as calculated and evaluated by Orange County and as approved by FDEP. Exceedence of the stated Local Limit will result in Enforcement Actions pursuant to the Orange County Enforcement Response Plan and chapter 37, Article XX of the County Code.

² Indicates the parameter has a Threshold Limit for assessing Environmental High Strength Surcharge fees, pursuant to Chapter 37, Article XX of the County Code and the County Rate Resolution. Specified pollutants detected above the stated Environmental Surcharge Limit will be assessed Environmental High Strength Surcharge Fees.

** Indicates User will minimize discharge of stated pollutant through the implementation of a site-specific Best Management Plan (BMP).

