

**CITY COMMISSION AGENDA  
CITY OF WINTER GARDEN  
TANNER HALL  
29 W. Garden Avenue**

**REGULAR MEETING**

**May 10, 2007**

**5:30 P.M.**

---

**CALL TO ORDER**

Roll Call and Determination of a Quorum  
Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Regular Meeting of April 26, 2007

2. **CHARTER AMENDMENTS**

Discussion and possible action regarding a Charter referendum

3. **PRESENTATIONS**

- A. Comprehensive Annual Financial Report by Sines, Girvin, Blakeslee and Campbell for Fiscal Year ending September 2006 – Finance Director Strobeck
- B. Potential impact on budget from proposed changes in property taxes – City Manager Bollhoefer
- C. **Proclamation 07-06:** Declaring May 20 through May 26, 2007 as National Public Works Week – Mayor Quesinberry

4. **FIRST READING OF PROPOSED ORDINANCE**

- A. **Ordinance 07-19:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 78 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO UTILITIES BY AMENDING THE FOLLOWING SECTIONS THEREOF: ARTICLE IV INDUSTRIAL WASTE; SECTION 78-1 STANDARDS AND SPECIFICATIONS FOR WASTEWATER AND WATER MAIN CONSTRUCTION; SECTION 78-35 TEMPORARY WATER SERVICE; SECTION 78-126 PURPOSE AND POLICY; SECTION 78-127 DEFINITIONS; SECTION 78-128 ABBREVIATIONS; SECTION 78-129 USE OF PUBLIC SEWERS REQUIRED; SECTION 78-130 PRIVATE SEWAGE COLLECTION SYSTEM CONNECTED TO POTW; SECTION 78-131 BUILDING SEWERS AND CONNECTIONS; SECTION 78-132 PROHIBITIONS AND LIMITATIONS ON DISCHARGE INTO THE POTW; SECTION 78-133 ADMINISTRATION; SECTION 78-134 INDUSTRIAL WASTEWATER DISCHARGE PERMITS; SECTION 78-135 PROCESSING AND ISSUANCE IWDPS; SECTION 78-136 PERMIT REQUIREMENTS AND RESTRICTIONS; SECTION 78-137 REPORTING REQUIREMENTS AND RETENTION OF RECORDS FOR IWDP HOLDERS AND OTHER INDUSTRIAL USER; SECTION 78-138 ENFORCEMENT PROCEDURES; SECTION 78-139 APPEAL OF ENFORCEMENT ACTION; SECTION 78-140 AFFIRMATIVE DEFENSES OF DISCHARGE VIOLATIONS; SECTION 78-141 PROVIDING FOR CODIFICATION, SEVERABILITY AND EFFECTIVE DATE **with the second reading and public hearing being scheduled for May 24, 2007** – Public Services Director Cochran

5. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

*Note: These ordinances must be heard after 6:30 p.m. to comply with the advertised hearings*

- A. **Ordinance 05-56:** AN ORDINANCE AMENDING THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN TO COMPLY WITH THE WEKIVA PARKWAY AND PROTECTION ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (postponed from April 26, 2007) – Planning Director Williams
- B. **Ordinance 07-20:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REMOVING SECTION 118-1387 (f) RELATED TO PARKING EXEMPTIONS FOR THE C-1 ZONING DISTRICT; CREATING SECTION 118-1390 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR THE OPTION TO PAY PARKING USER FEES FOR NON-RESIDENTIAL PROPERTIES IN THE DOWNTOWN CORE IN LIEU OF PROVIDING ON-SITE PARKING; PROVIDING FOR THE ESTABLISHMENT OF A DOWNTOWN PARKING DISTRICT FUND FOR PARKING IMPROVEMENTS IN THE DOWNTOWN CORE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Planning Director Williams

6. **REGULAR BUSINESS**

- A. Request for donation by the Autism and Related Disabilities Gym Program, Inc. – Joanne Houwers
- B. Request for sponsorship by placing an advertisement in the West Orange High School Football Program – Mandy Boyd
- C. Proposal presentation by the West Orange Airport Authority and request for funding – Guy Haggard

*Dispense as the City Commission and convene as the Community Redevelopment Agency*

- D. Appointment to fill seated vacated by incoming Commissioner Boulter on the Community Redevelopment Advisory Board (*Postponed from April 12 and April 26, 2007*)

*Adjourn as the Community Redevelopment Agency and reconvene as the City Commission*

- E. Request and recommendation for a reduction of Code Enforcement Board fines imposed against Al Rodgers for cases #06-117 and #06-262 - City Manager Bollhoefer

F. **PUBLIC HEARING ITEM:**

*This item must be heard after 6:30 p.m. to comply with the legal advertisement*

**Resolution 07-04:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING THE CITY OF WINTER GARDEN STORMWATER FACILITIES PLAN FOR DR. BRADFORD MEMORIAL PARK DATED APRIL 2007; AUTHORIZING THE PLAN TO BE SUBMITTED TOT HE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP); AND DEISGNATING THE AUTHORIZED REPRESENTATIVE AND PROVIDNG AN EFFECTIVE DATE – Public Services Director Cochran

- G. Recommendation to approve a final plat for Stoneybrook West Parcel 19 on the corner of Stoneybrook West Parkway and Avalon Road – City Planner Williams
- H. Recommendation to approve a site plan for Star Child Academy located off CR 535 – City Planner Williams
- I. Request to authorize the City Manager to execute a Letter of Intent to sell 1472 and 1500 Daniels Road to Birket Properties, LLC and to prepare and execute a Sales Agreement in accordance with the Letter of Intent – City Manager Bollhoefer
- J. Recommendation to approve an Interlocal Agreement with Orange County for 800 MHz Rebanding Reimbursement Process – Finance Director Strobeck

**7. MATTERS FROM CITIZENS**

**8. MATTERS FROM CITY ATTORNEY – Kurt Ardaman**

- A. Report on the April 12, 2007 Commission directive regarding a private party mobile home sale in Trailer City by a former City Commissioner

**9. MATTERS FROM CITY MANAGER – Mike Bollhoefer**

**10. MATTERS FROM MAYOR AND COMMISSIONERS**

**11. ADJOURN** to a regular City Commission meeting on Thursday, May 24, 2007 at 6:30 p.m.

Please Note: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based, which such written record is not provided by the City of Winter Garden.

Also, in accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 251 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

**ORDINANCE NO. 07-19**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 78 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO UTILITIES BY AMENDING THE FOLLOWING SECTIONS THEREOF: ARTICLE IV INDUSTRIAL WASTE; SECTION 78-1 STANDARDS AND SPECIFICATIONS FOR WASTEWATER AND WATER MAIN CONSTRUCTION; SECTION 78-35 TEMPORARY WATER SERVICE; SECTION 78-126 PURPOSE AND POLICY; SECTION 78-127 DEFINITIONS; SECTION 78-128 ABBREVIATIONS; SECTION 78-129 USE OF PUBLIC SEWERS REQUIRED; SECTION 78-130 PRIVATE SEWAGE COLLECTION SYSTEM CONNECTED TO POTW; SECTION 78-131 BUILDING SEWERS AND CONNECTIONS; SECTION 78-132 PROHIBITIONS AND LIMITATIONS ON DISCHARGE INTO THE POTW; SECTION 78-133 ADMINISTRATION; SECTION 78-134 INDUSTRIAL WASTEWATER DISCHARGE PERMITS; SECTION 78-135 PROCESSING AND ISSUANCE IWDPS; SECTION 78-136 PERMIT REQUIREMENTS AND RESTRICTIONS; SECTION 78-137 REPORTING REQUIREMENTS AND RETENTION OF RECORDS FOR IWDP HOLDERS AND OTHER INDUSTRIAL USER; SECTION 78-138 ENFORCEMENT PROCEDURES; SECTION 78-139 APPEAL OF ENFORCEMENT ACTION; SECTION 78-140 AFFIRMATIVE DEFENSES OF DISCHARGE VIOLATIONS; SECTION 78-141 PROVIDING FOR CODIFICATION, SEVERABILITY AND EFFECTIVE DATE**

**WHEREAS**, the City of Winter Garden, Florida (the “City”) desires to keep current its Ordinances for consistency with budget practices and manning requirements driven by operational needs of the Department; and

**WHEREAS**, Regulatory and Environmental considerations result in the need for periodic changes in the rules governing the manner in which business is conducted ; and

**WHEREAS**, the delivery of high quality and efficient services to the Utilities customers of the City are integral to the mission of the Utilities Department, the City Manager and the City Commission; and

**WHEREAS**, references to other public agencies and documents require periodic revisions to keep our ordinances consistent; and

**WHEREAS**, subsequent revisions are also deemed warranted my staff and shall be offered as supplemental to this Ordinance to complete the Utilities Ordinance Update process and deal specifically with policy matters concerning Revisions to Utilities Standards and Simplification of Fee Schedules, while the intent of this Ordinance is regarded as a matter of “housekeeping”; and

**WHEREAS**, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance is necessary and appropriate to advance and serve the health, safety and general welfare of the citizens of Winter Garden, Florida; now, therefore,

**BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:**

**SECTION 1. Authority.** The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Chapter 166, Florida Statutes.

~~**Sec. 78-1. Standards and specifications for wastewater and water main construction.**~~

~~There is adopted by the city for the purpose of establishing minimum acceptable standards for the design and construction of water distribution and transmission facilities and wastewater collection and transmission facilities in the city that certain Orange County, Florida, Manual of Standards and Specifications for Wastewater and Water Main Construction, most recent edition, and Appendix E to the Orange County Manual of Regulations, Specifications and Standards for Wastewater and Water Main Construction, save and except such portions as are deleted, modified or amended from time to time. Such manual and appendix shall apply to all proposed water and wastewater mains to be owned, operated or maintained by the city. One copy of each is filed in the office of the City Clerk. It is adopted and incorporated as fully as if set out in length in this section. If the Orange County, Florida, Manual of Regulations, Specifications and Standards for Wastewater and Water Main Construction or appendix of that manual conflict with any section of this Code, the Code section shall take precedence.~~

~~(Code 1988, § 22-1)~~

~~Secs. 78-2-78-25. Reserved.~~

#### **Sec. 78-35. Temporary water service.**

~~(a) Temporary service, such as service for circuses, fairs, carnivals, construction work and the like, shall be rendered upon written application accompanied by a nonrefundable fee of \$15.00 for a five eighths inch by three-fourths inch to one inch meter or \$25.00 for a larger meter, plus a deposit sufficient to cover the city's estimate of the water to be consumed, materials, labor and any other expense incurred by the city in rendering such service, plus a replacement cost deposit equal to the cost of replacing the meter and appurtenances. Upon termination of the service, any balance of the deposit shall be refunded to the consumer.~~

~~(b) Bulk sales of water can be arranged with the Utilities Department. The rate for such sales will be \$3.00 per thousand gallons with a minimum charge of \$25.00 per month.~~

~~(c) When water utilized cannot be metered, the Utilities Director will estimate the volume, which will be sold at the rates established in this section.~~

~~(Code 1988, § 22-25)~~

### **ARTICLE IV. INDUSTRIAL WASTE**

#### **Sec. 78-126. Purpose and policy.**

(a) *Purpose.* The purpose of this article is to set forth uniform requirements for users of the city's wastewater collection system and city's publicly owned treatment works (POTW) to enable the city to comply with the provisions of the Clean Water Act and Chapter 62-625, F.A.C. and other applicable federal and state law and regulations, as they may be from time to time promulgated or amended, and to provide for the public health and welfare by regulating the quality and quantity of wastewater discharged into the city's wastewater collection system and treatment works. POTW.

(b) *Objectives.* The objectives of this article include but are not limited to:

- (1) Prevent introduction of pollutants into the municipal wastewater system POTW which will interfere with the operation of the system POTW or contaminate the resulting sludge;
- (2) Prevent the introduction of pollutants into the municipal wastewater system POTW which will pass through the system, inadequately treated, into receiving surface waters or groundwaters or the atmosphere or otherwise be incompatible with the system POTW;
- (3) Provide for the general health, safety and welfare of both POTW employees and the general public.
- (4) Ensure that the opportunity for recycling and reclaiming of wastewaters and sludges from the system POTW will be ever present;
- (5) Provide uniform requirements for building sewers and connections to the city's ~~wastewater system.~~

- (5) Provide for equitable distribution of the cost of the municipal wastewater system operation, maintenance and improvement of the POTW;
  
- (6) Provide uniform requirements for industrial wastewater discharge; and
  
- (6) Enable the City's POTW to comply with NPDES permit conditions, effluent and sludge use and disposal requirements and any other federal or state permits or laws to which it is subject;
  
- (7) Provide uniform requirements for building sewers and connections to the City's wastewater system;
  
- (8) Provide uniform requirements for industrial wastewater discharge; and
  
- (9) Regulate private wastewater disposal systems.

(c) *Application.* This article shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the city POTW. The article authorizes the issuance of industrial wastewater system discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. Except as otherwise provided in this article, the utilities director Assistant to the City Manager for Public Services shall administer, implement, and enforce this article. Any powers granted to or duties imposed upon the Assistant to the City Manager for Public Services may be delegated by the Assistant to the City Manager for Public Services to a duly authorized city employee.  
(Code 1988, § 22-76)

#### **Sec. 78-127. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Act or the act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

*Approval authority* means the director in a NPDES state with an approved state pretreatment program or the administrator of the EPA in a NPDES state without an approved state pretreatment program.

*Approval authority* means the State of Florida Department of Environmental Protection or its successor agencies.

*Assistant to the City Manager for Public Services* means the city administrative official who has overall responsibility for overseeing the administration of the City of Winter Garden's Industrial Pretreatment Program, or his designee, authorized deputy, agent, or representative.

*Authorized representatives of industrial user.* An authorized representative of an industrial user may be:

- (1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation.
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.
- (3) A duly authorized representative of the individual designated in this definition if such representative is responsible for the overall operation of the facility from which the indirect discharge originates.

(a) If the User is a corporation:

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

**(2) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Industrial Waste Discharge Permit (IWDP) requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.**

(b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

*BOD (biochemical oxygen demand)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter. The BOD shall be determined in accordance with procedures set forth in Standard Methods, as defined in this section.

*Building drain* means that part of the lowest horizontal piping of the internal plumbing system which receives the wastewater discharge from other plumbing inside the walls of the building and conveys it to a point five feet outside the outer face of the building wall to the building sewer.

*Building sewer* means the service line from the public sewer or other place of disposal to a point five feet outside the building wall.

*Categorical standards* means national categorical pretreatment standards ~~or pretreatment standards.~~

*Bypass* means the intentional diversion of wastestreams from any portion of a User's treatment facility.

*Categorical Pretreatment Standard or Categorical standard* means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

*Categorical Industrial User* means an Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

*City* means the City of Winter Garden, Florida, a municipal corporation, or where appropriate the term may also be used as a designation for any duly authorized official or employee of the city.

*COD (chemical oxygen demand)* means the laboratory determination of the oxygen equivalent expressed in milligrams per liter of that portion of the organic matter sample that is susceptible to oxidation by the standard dichromate reflux method. The COD shall be determined in accordance with procedures set forth in Standard Methods.

*Combined wastestream formula (CWF)* means a procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream from a categorical industrial user is combined with other wastestreams prior to treatment or discharge as provided for in 40 CFR 403.6(e) and Rule 62-625.410(6), F.A.C.

*Compatible pollutant* means biochemical oxygen demand, chemical oxygen demand, fats, oils or grease, suspended solids, pH, ammonia, nitrogen, total Kjeldahl nitrogen and fecal coliform bacteria, plus any additional pollutants identified in the city's POTW NPDES permit, where the POTW is capable of treating such pollutants, does treat such pollutants and, in fact, does treat such pollutants to the degree required by the POTW's NPDES permits.

*Control authority* refers to the approval authority, defined in this section, or the utilities director, if the city has an approved pretreatment program under the provisions of 40 CFR 403.11.

*Control Authority* means the public utility (City of Winter Garden) that administers a pretreatment program that has been approved by the approval authority in accordance with the requirements of 62-625.510, F.A.C.

*Cooling water* means the water discharged from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is ~~heat~~.

(a) *Uncontaminated.* Water used for cooling purposes only which has no direct contact with any raw material, intermediate, or final product and which does not contain a level of contaminants detectably higher than that of the city's potable water except for heat.

(b) *Contaminated.* Water used for cooling purposes which may become contaminated either through the use of water treatment chemicals used as corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.

*Customer* means the actual user of the sewer.

*Department of public works* means the department of public works of the city, including all of its bureaus.

*Dilute wastestream*, for purposes of the combined wastestream formula, means the average daily flow (at least 30-day average) from;

(a) Boiler blowdown streams, noncontact cooling streams, and demineralized backwash streams (provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with the industrial users regulated process wastestream(s) will result in a substantial reduction of that pollutant, the Assistant to the City Manager for Public Services, upon application of the industrial user may exercise discretion to determine whether such stream(s) should be classified as diluted or unregulated. In its application to the Assistant to the City Manager for Public Services, the industrial user must provide engineering, production, sampling and analysis, and such other information so that the Assistant to the City Manager for Public Services can make a determination);

(b) Sanitary wastestreams where such streams are not regulated by a categorical pretreatment standard; or

(c) From any wastestreams in which:

- (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 reduced by current technologies.
- (4) The wastestream contains only pollutants which are compatible with the POTW.

*Direct discharge* means the discharge of treated or untreated wastewater directly to any surface or underground waters.

*Domestic wastewater* means the wastes produced from noncommercial or nonindustrial activities and which result from normal human living processes, which are of substantially similar origin and strength to those typically produced in households.

*Environmental Protection Agency or EPA* means the U.S. 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.

*Existing Source* means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

*Garbage* means animal and vegetable wastes resulting from the domestic and commercial preparation, cooking, dispensing, and consumption of food and from the handling, storage and sale of produce.

*Grab sample* means a sample which is taken from a waste stream on a one time basis with no regard to the flow in the waste stream and without consideration over a period of time not to exceed fifteen (15) minutes.

*Gray water* means all residential waste other than that carried off by toilet and kitchen drains and sewers, including bath, lavatory, sink (other than a kitchen sink) and laundry wastes.

*Holding tank waste* means any waste from holding tanks such as but not limited to vessels, aircraft, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

*Incompatible pollutant* means all pollutants other than compatible pollutants, as defined in this section. More specifically, it shall mean any pollutant other than BOD, suspended solids, pH, and fecal coliform bacteria or additional pollutants identified in the publicly owned treatment facilities which the facilities were not designed to treat or do not remove to an acceptable degree.

*Indirect discharge or discharge* means the discharge or the introduction of pollutants from any nondomestic pollutants from any source regulated under section 307(b) or (c) of the act (33 USC 1317) into the publicly owned treatment works POTW, including holding tank waste discharged into the system.

*Industrial user* means any user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- (1) (a) Division A, Agriculture, Forestry and Fishing;
- (2) (b) Division B, Mining;
- (3) (c) Division D, Manufacturing;
- (4) (d) Division E, Transportation, Communication, Electric, Gas and Sanitary Services;
- (5) (f) Division G, Retail Trade; and
- (6) (g) Division I, Services.

A user in the divisions listed in this definition may be excluded if it is determined by the utilities director Assistant to the City Manager for Public Services that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences and is not a significant industrial user as defined in this section.

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

*Industrial wastewater discharge permit or IWDP* means a permit issued to an industrial user by the city which authorizes the discharge of industrial wastewater to the ~~public sewer system~~ POTW. This permit may set certain conditions and restrictions to this discharge.

*Infiltration* means the water unintentionally entering the public sewer system, including water from sanitary building drains and sewers, from the ground through such means as but not limited to defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include and is distinguished from inflow.

*Infiltration/inflow* means the total quantity of water from both infiltration and inflow, without distinguishing the source.

*Inflow* means the water discharge into a sanitary sewer system, including building drains and sewers, from such sources as but not limited to roof gutters; cellar, yard, and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm sewers or combined sewers; catch basins; stormwaters; surface runoff; street washwaters; or drainage. Inflow does not include, and is distinguished from, infiltration.

*Interference* means the inhibition or disruption of the POTW treatment processes or operations or which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the act (33 USC 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

*Local pollutant*

*Instantaneous maximum allowable discharge limit or Instantaneous Limit* means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

*Interference* means a pollutant ~~that: as identified in this section, which may be subject to regulation and restrictions for discharge to the public sewer system.~~

*Lower explosive limit (LEL)* ~~means the minimum concentration of combustible gas or vapor in air that will ignite.~~

*Maximum allowable concentration* means the maximum permitted amount of a specified pollutant in a volume of water ~~or wastewater.~~

*National categorical pretreatment standard or pretreatment standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the act (33 USC 1317) which applies to a specific category of industrial users, or promulgated under 40 CFR 401--471, chapter I, subchapter N.  
*National Pollution Discharge Elimination System permit or NPDES permit* means a permit issued to a publicly owned treatment works pursuant to section 402 of the act (33 USC 1342).

*National prohibitive discharge standard or prohibitive discharge standard* means any regulation developed under the authority of section 307(b) of the act and 40 CFR 403.5.

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake or other body of ~~surface water or groundwater.~~

*New source* means 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 (33 USC 1317) which will be applicable to such source if such standards are thereafter promulgated ~~in accordance with that section.~~

*Pass through* means the discharge of pollutants through the POTW and into navigable waters, in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirements of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation. An industrial user significantly contributes to ~~such permit violation where it:~~

- (1) Discharges a daily pollutant loading in excess of that allowed by permit with the POTW, or by federal, state or local law;
- (2) Discharges wastewater which substantially differs in nature and constituents from the user's average discharge;

- (3) Knows or has reason to know that its discharge which, alone or in conjunction with a discharge or discharges from other sources, would result in a permit violation; or:
- (4) Knows or has reason to know that the POTW is, for any reason, violating its final effluent limitations in its permit, and that such industrial user's discharge, either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the POTW's violations.

*Person* means any individual partnership, copartnership, firm, company, corporation, association, society, joint stock company, trust, estate, governmental entity or any other legal entity or combination thereof, or their legal representatives, agents or assigns.

*pH* means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed ~~in grams per liter of solution.~~

*Pollutant* means any dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; munitions; chemical wastes; biological materials; radioactive materials; heat; wrecked or discharged equipment; rock; sand; cellar dirt; and industrial, municipal, and agricultural ~~waste discharge into the water.~~

*Polluted water* means water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to any person having jurisdiction thereof for disposal to storm or natural drains ~~or directly to surface waters.~~

*Pollution* means the manmade or man-induced alteration of the chemical, physical, biological, and ~~radiological integrity of water.~~

*Pollution control facility.* See *Wastewater treatment plant.*

***Pretreatment***

(a) Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; or

(b) Causes a violation of any requirement of any permit held by the POTW (including an increase in the magnitude or duration of a violation) or prevents sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Act, (33 USC 1345), the Solid Waste Disposal Act (SWDA), RCRA, and State regulations contained in any State sludge management plan prepared pursuant to title D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act or any other applicable federal or State legislation or regulation.

*Local pollutant* means a pollutant, as identified in this section, which may be subject to regulation and restrictions for discharge to the public sewer system.

*Lower explosive limit (LEL)* means the minimum concentration of combustible gas or vapor in air that will ignite.

*Maximum allowable concentration* means the maximum permitted amount of a specified pollutant in a volume of water or wastewater.

*Medical Waste* means 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 or pretreatment standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the act (33 USC 1317) which applies to a specific category of industrial users, or promulgated under 40 CFR 401--471, chapter I, subchapter N and adopted by reference in Chapter 62-660.400(1)(e), F.A.C.

*National Pollution Discharge Elimination System permit or NPDES permit* means a permit issued to a publicly owned treatment works pursuant to section 402 of the act (33 USC 1342).

*National prohibitive discharge standard or prohibitive discharge standard* means any regulation developed under the authority of section 307(b) of the act and 40 CFR 403.5.

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

*New source* means;

(a) 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 that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
- (3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

(b) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

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

*Noncontact cooling water* means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

*Pass through* means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of [the city's] NPDES permit, including an increase in the magnitude or duration of a violation.

*Person* means any individual partnership, co-partnership, firm, company, corporation, association, society, joint stock company, trust, estate, governmental entity or any other legal entity or combination thereof, or their legal representatives, agents or assigns. This definition includes all Federal, State, and local governmental entities.

*pH* means a quantitative expression for acidity or alkalinity of an aqueous solution. Theoretically  $pH = -\log(\text{base } 10) \text{ cH}$ , where cH is the concentration of hydrogen ions in grams per liter. Scale ranges from 0 to 14, pH 7 being neutral, less than 7 acid, more than 7 alkaline.

*Pollutant* means any dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; munitions; medical wastes: chemical wastes; biological materials; radioactive materials; heat; wrecked or discharged equipment; rock; sand; cellar dirt; and industrial, municipal, and agricultural waste, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

*Polluted water* means water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to any person having jurisdiction thereof for disposal to storm or natural drains or directly to surface waters.

*Pollution* means the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

*Pollution control facility.* See *Wastewater Treatment Plant*.

*Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned treatment works. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d). Chapter 62-625.410(5), F.A.C.

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

*Pretreatment standards* means, for any specified pollutant, the city's prohibitive discharge standards as set forth in this article, the state's pretreatment standards, or the national categorical pretreatment standards, or the city's local limits, whichever standard is the most stringent.

*Private sewage collection system* means a sewer system installed, maintained, operated, and owned by persons other than the city and connected to the public sewer.

*Private sewage disposal system* means a sewage collecting, treating and disposal facility installed, maintained and owned by persons other than the city and not connected to the public sewer.

*Prohibited discharge standards or prohibited discharges* means absolute prohibitions against the discharge of certain substances. These prohibitions appear in section 78-132 of this article.

*Properly shredded garbage* means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.25 centimeters) in any dimension.

*Public Services Department* means the Public Services Department of the city including all of its bureaus.

*Public sewer* means a sanitary sewer, other than a building sewer, that is owned or controlled by the city.

*Publicly owned treatment works (POTW)* means the same as the definition of sewer system and is a treatment works as defined by section 212 of the act (33 USC 1292) which is owned or operated in this instance by the city. This definition includes any public sewers that convey wastewater to the POTW treatment plant. For the purposes of this article, POTW also includes any sewers that convey wastewater to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

*Reclaimed water* means water which, as a result of treatment of waste, is suitable for direct beneficial uses or a controlled use that would not occur otherwise.

*Sanitary sewer* means a pipe which carries wastewater and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

*Significant violation* means a violation of this article which remains uncorrected 30 days after notification of noncompliance; or which is part of a pattern of noncompliance; or which involves failure to accurately report noncompliance; or which resulted or results in the city exercising its emergency authority under this article or any related ~~chapter of this Code.~~

*Septic tank waste* means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

*Sewage.* See Wastewater.

*Sewer* means a pipe or conduit for carrying wastewater.

*Sewer system* means any devices and systems used in the storage, treatment, recycling and reclamation of domestic sewage or industrial wastes of a liquid nature including interceptor sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and appurtenances; extensions, improvements, remodeling, additions and alteration thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; and including combined stormwater and sanitary sewer systems.

*Shall* is mandatory; *may* is permissive.

*Significant industrial user* means any *industrial user* of the city's sewer system who (i) discharges one or more of the federally defined priority pollutants; (ii) discharges one or more of the local pollutants; (iii) has an SIC code for which the federal categorical standards apply; (iv) has a discharge which, in the judgment of the utilities director, may have a deleterious effect on the sewer system or receiving waters or may endanger public health or may create a public nuisance. A significant industrial discharger also includes all noncategorical dischargers who contribute five percent or more of the average dry weather capacity of the POTW, and all dischargers who constitute an average of 25,000 gallons per day (gpd) to the POTW. *or SIU* means;

*Slug* means any discharge of water, sewage or industrial waste which in concentration of any given constituent exceeds for any period of duration longer than 15 minutes ~~more than five times the limit.~~

*Spill containment plan (SCP)* means detailed plans, on file at the department of environmental services Except as provided in paragraph (c) of this Section, a Significant Industrial User is:

- (a) An Industrial User subject to categorical Pretreatment Standards; or
- (b) An Industrial User that:
  - (1) Discharges an average of twenty-five thousand (25,000) GPD or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
  - (2) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

- (3) Is designated as such by the control authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with Rule 62-625.500(2)(e), F.A.C.

(c) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with Rule 62-625.500(2)(e), determine that such industrial user should not be considered a Significant Industrial User.

*Significant non-compliance or SNC* means an SIU shall be in significant noncompliance when any one or more of the following criteria are satisfied:

(a) Chronic violations of wastewater discharge limits when 66 percent or more of the measurements taken during a six-month period exceed (by any magnitude) the maximum limit or average limit (if applicable) for the same pollutant parameter;

(b) Technical review criteria (TRC) violations when 33 percent or more of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the maximum limit or average limit (if applicable) multiplied by the applicable TRC:

- (1) For conventional pollutants, TRC = 1.4 or 40 percent over the limit;
- (2) For all other pollutants, TRC = 1.2 or 20 percent over the limit;

(c) When the SIU fails to respond within ten days of receipt of a notice of violation (NOV) issued by the Assistant to the City Manager for Public Services;

(d) When the SIU fails to accurately report noncompliance;

(e) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(f) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Rule 62-625.500(2)(a)(5)(b) of this section to halt or prevent such a discharge;

(g) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(h) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(i) Any other violation or group of violations that the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

*Significant violation* means a violation of this article which remains uncorrected 30 days after notification of noncompliance; or which is part of a pattern of noncompliance; or which involves failure to accurately report noncompliance; or which resulted or results in the city exercising its emergency authority under this article or any related chapter of this Code.

*Slug or slug load or slug discharge* means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in this ordinance. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a

reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

*Spill containment plan (SCP)* means detailed plans, on file at the Public Services Department, showing facilities and operating procedures to provide protection from accidental discharge. All industrial users whose wastewater includes or could include compatible or incompatible pollutants in amounts great enough to cause interference with the POTW shall be required to have such plans. Industrial users shall complete construction of such facilities and provide such operating procedures to the city within one year of notification. No user who begins contributing to or could contribute such pollutants to the POTW after the effective date of the ordinance from which this article derives and who has been so notified shall be permitted to introduce such pollutants into the POTW until accidental discharge facilities and procedures, as appropriate, have been approved by the city and installed by the industrial user. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify its facility, as necessary, to meet each and every requirement of this article.

*Standard Industrial Classification (SIC)* means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972 1987, as it may be amended or supplemented.

*Standard Methods* means the current edition of Standard Methods for the Examination of Water and Wastewater, as published jointly by the American Public Health Association, Water Environment Federation, and American Water Works Association.

*Storm drain or storm sewer* means a sewer which carries stormwaters and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

*Stormwater* means any flow occurring during or following any form of natural precipitation and resulting therefrom.

*Suspended solids* means solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

*Total metals* means the sum of metals (in mg/l) listed under subsection 78-132(d) or any metal considered a pollutant by the department of environmental services. ~~Public Services Department.~~

*Total toxic organics (TTO)* means total toxic organics, which is the summation of all quantifiable values greater than 0.01 milligrams per liter for the toxic organics listed in 40 CFR 413.02(i).

*Toxic pollutant* means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of section 307(s) of the act or other laws.

*Treatment works* See *Sewer system*.

*Twenty-four hour, flow proportional composite sample* means a sample consisting of several effluent portions collected during a 24-hour period in which the portions of the sample are proportionate to the flow and combined to form a representative sample.

*Upset* means any an exceptional incident in which there is unintentional and temporary noncompliance with applicable pretreatment standards categorical Pretreatment Standards because of any factor that may be attributed to factors beyond the operations reasonable control of the industrial user. An upset may does not include but is not limited to force majeure, noncompliance noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation or facility malfunction.

*User* means any person who discharges, causes or allows the discharge of wastewater which makes its way to a public sewer.

*Utilities director*

*Wastewater* means the city administrative official in charge of the utilities department, including all of its bureaus, or his designee, authorized deputy, agent, or representative.

*Wastewater* means the liquid liquids or water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater ~~that may be present~~, whether treated or untreated, which are contributed to the POTW.

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

*Wastewater division Division* means the wastewater division of the city, including all of its bureaus.

*Wastewater treatment plant* means an arrangement of devices and structures ~~used for treating wastewater.~~

*Wastewater treatment plant* means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

(Code 1988, § 22-77)

**Cross references:** Definitions generally, § 1-2.

**Sec. 78-128. Abbreviations.**

The abbreviations used in this article shall have the designated meaning as follows:  
 TABLE INSET:

|       |   |
|-------|---|
| BOD   | Biochemical oxygen demand                       |
| CFR   | Code of Federal Regulations                     |
| COD   | Chemical oxygen demand                          |
| EPA   | U.S. Environmental Protection Agency            |
| FDEP  | Florida Department of Environmental Protection  |
| l     | Liter   |
| mg    | Milligrams                                      |
| mg/l  | Milligrams per liter                            |
| NPDES | National Pollutant Discharge Elimination System |
| POTW  | Publicly owned treatment works                  |
| SIC   | Standard Industrial Classification              |
| TSS   | Total suspended solids                          |
| USC   | United States Code                              |

- BMR Baseline Monitoring Report
- BOD Biochemical Oxygen Demand
- CBOD Carbonaceous Biochemical Oxygen Demand
- CFR Code of Federal Regulations
- COD Chemical Oxygen Demand
- EPA U.S. Environmental Protection Agency
- FAC Florida Administrative Code
- FDEP Florida Department of Environmental Protection

|       |   |
|-------|---|
| IU    | Industrial User                                 |
| IWDP  | Industrial Wastewater Discharge Permit          |
| l     | Liter   |
| mg    | Milligrams                                      |
| mg/l  | Milligrams per liter                            |
| NOV   | Notice of Violation                             |
| NOSNC | Notice of Significant Non-Compliance            |
| NPDES | National Pollutant Discharge Elimination System |
| POTW  | Publicly Owned Treatment Works                  |
| SIC   | Standard Industrial Classification              |
| SIU   | Significant Industrial User                     |
| SNC   | Significant Non-Compliance                      |
| TSS   | Total Suspended Solids                          |
| USC   | United States Code                              |

~~(Code 1988, § 22-78)~~

**Sec. 78-129. Use of public sewers required.**

(a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with this article.

(c) Except as provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the treatment or disposal of wastewater.

(d) The owner of every house, building or property used for human occupancy, employment, recreation or other purposes situated within the city and abutting on any street, alley or right-of-way in which there is located or may be located a public sanitary sewer is required at his expense to install suitable toilet facilities therein and to connect such facilities with the proper public sewer in accordance with this article within 90 days after date of official notice to do so.

(e) In isolated hardship instances, the utilities director Assistant to the City Manager for Public Services, with the concurrence of the city commission City Commission, may exempt owners of property from the mandatory sewer connection requirements of this section upon a finding that the connection to the public sewer is not feasible. The determination of non-feasibility may be based upon financial considerations or physical obstructions which restrict connection to the sewer system. Every request from an owner of property for an exemption from the mandatory sewer connection shall be submitted in writing to the utilities director Assistant to the City Manager for Public Services and shall contain the name of the owner, the address and legal description of the property, the present use of the property and the justification for the requested exemption. The utilities director Assistant to the City Manager for Public Services shall review the request and shall grant or deny the request in writing, citing the specific reasons for the denial thereof, within 30 days following receipt of the completed application for any exemption. Failure of the utilities director Assistant to the City Manager for Public Services to make a determination within the 30-day period shall be deemed to constitute a denial of the request for an exemption. All denials of request for an exemption are subject to an administrative review by the city commission City Commission.

(f) No person shall discharge any substance directly into a manhole or other opening in a public sewer other than through an approved building sewer or other approved connection, unless he shall have been issued a temporary permit by the utilities director Assistant to the City Manager for Public Services. The utilities director Assistant to the City Manager for Public Services shall incorporate in such temporary permit such conditions as he deems reasonably necessary to ensure compliance with this article, and the user shall be required to pay applicable charges and fees therefore.

(Code 1988, § 22-79)

**Sec. 78-130. Private sewage collection system connected Private Sewage Collection System Connected to POTW.**

(a) Before commencement of construction, reconstruction, enlargement, modification or improvement of a private sewage collection system connected to a POTW, the owner shall first obtain a written permit signed by the city manager. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the city manager. A permit and inspection fee shall be paid to the city at the time the application is filed.

(b) The type, capacities, location and layout of a private sewage collection system connected to a POTW shall comply with all requirements of the city utilities ~~department~~ Public Services Department and the ~~department of engineering~~ Engineering Department.

(c) A permit for a private sewage collection system connected to a POTW system shall not become effective until the private sewage collection system is completed and has been inspected and approved by the utilities director Assistant to the City Manager for Public Services, or designee. The utilities director Assistant to the City Manager for Public Services shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the utilities director Assistant to the City Manager for Public Services when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within two days, excluding Saturday, Sunday and holidays, of the receipt of notice by the utilities director Assistant to the City Manager for Public Services.

(d) All costs and expenses incident to the installation and connection of the private sewage collection system shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation or connection of the private sewage collection system.

(e) The owner shall operate and maintain the private sewage collection system in a sanitary and effective manner at all times, at no expense to the city. Private sewers shall be maintained so as to preclude the entrance of excessive amounts of infiltration and inflow. If it is determined by the utilities director Assistant to the City Manager for Public Services that excessive amounts of infiltration/inflow are entering the public sewer from a private sewage collection system, the owner shall be responsible for determining the cause and for making all necessary repairs to the system, to the utilities director's Assistant to the City Manager for Public Services' satisfaction. All work shall be done by a contractor experienced in sewer rehabilitation work and acceptable to the utilities director Assistant to the City Manager for Public Services. Televising of the private sewer lines and submission of TV logs shall be required if determined necessary by the utilities director Assistant to the City Manager for Public Services. All operation, maintenance, and repair of private lift stations and pumping facilities shall be done by a reputable person experienced in the operation, maintenance and repair of such facilities, and upon demand the owner shall furnish such proof as the utilities director Assistant to the City Manager for Public Services deems necessary. The city shall have the right to inspect all private sewage collection systems and appurtenances and to cause discontinuance of sewer service if the private sewage collection is not maintained in a sanitary and effective operating condition or if the public sewer facilities may be harmed thereby.

(f) The city shall be responsible for the maintenance of the public sewer and for providing service to receive the approved sewer discharge from the private sewage collection system.

(Code 1988, § 22-80; Ord. No. 06-12, § 4, 3-9-06)

**Sec. 78-131. Building sewers Sewers and connections Connections.**

(a) No authorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the utilities director Assistant to the City Manager for Public Services or code enforcement official.

(b) There shall be two classes of building sewer permits as follows:

- (1) Residential service; and
- (2) Nonresidential service.

(c) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the utilities director Assistant to the City Manager for Public Services, to meet all requirements of this article.

(e) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials and in the Manual of Practice No. 9 published by the Water Environment Federation shall apply.

(f) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface water runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(h) The connection of the building sewer into the public sewer or private sewage collection system shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city or the procedures set forth in appropriate specifications of the American Society for Testing Materials and in the Water Environment Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the utilities director Assistant to the City Manager for Public Services or the building inspector before installation.

(i) The applicant for the building sewer permit shall notify the utilities director Assistant to the City Manager for Public Services or building inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the building inspector.

(j) All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(k) The customer shall be responsible for the maintenance of the building sewer: specifically all plumbing from the public sewer into and including the house plumbing. The city shall have the right to inspect the building sewer and to cause discontinuance of sewer service to any property where the plumbing is not maintained in a sanitary and effective operating condition or if the public sewer facilities may be harmed thereby.

(l) Garages and other establishments where gasoline is used or where wastes containing grease in excessive amounts or where any flammable wastes, sand, or other harmful ingredients can be discharged and which are connected with municipal sewers shall be provided with a suitable trap or separator. All traps or separators shall be of a type and capacity approved by the utilities director Assistant to the City Manager for Public Services and shall be located so as to be readily and easily accessible for cleaning and inspection.

(m) Where pretreatment or flow-equalizing facilities or traps or separators are provided for any waters or wastes, they shall be maintained continuously and in satisfactory and effective operation by the owner or the user, and at his sole expense.

(n) The city shall be responsible for the maintenance of the public sewer and for providing service to receive the approved sewage discharge from the building sewers.

(o) No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the public sewer system.

(Code 1988, § 22-81; Ord. No. 06-12, § 5, 3-9-06)

**Sec. 78-132. Prohibitions and limitations Limitations on dischargeDischarge into the publicly owned treatment works POTW.**

(a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, swimming pool backwash or unpolluted industrial process waters to any public sewer.

(b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the director of public works. Industrial cooling water or unpolluted process waters may be discharged, on approval of the utilities director, to a storm sewer or natural outlet.

(c) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user shall not contribute the following substances to any public sewer:

(a) *General Prohibitions.* No User shall introduce, or cause to be introduced, into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

(b) *Specific Prohibitions.* No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Any liquids, solids or gases which because of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F. (60 degrees C.) using the test methods specified in 40 CFR 261.21. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than five percent or any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include but are not limited to gasoline, kerosene, fuel oil, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides or any other substances which the city, the state or any federal agency has determined or may determine to be a fire hazard or a hazard to the systems.

(2) Any wastewaters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, create any hazard in the receiving waters of the wastewater treatment plant, or exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the act.

- (3) Any waters or wastes having a pH lower less than 5.0 (or more than 9.5), or any liquids, solids, or gases having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewer works POTW.
- (4) Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the treatment works such as but not limited to grease, ashes, cinders, grass clippings, sand, mud, straw, shavings, metal, glass, rags, wastepaper, feathers, tar, asphalt residues, gas, fuel or lubricating oil, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, bones, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (5) Any noxious or malodorous liquids, gases, or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (6) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or state criteria applicable to the sludge management method being used.
- (7) Any substance which will cause the POTW to violate its NPDES or FDER waste discharge permit or the receiving water quality standards.
- (5) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW; or any materials that may exert or cause:
  - a. Inert suspended solids, such as but not limited to Fuller's earth, lime slurries and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate.
  - b. BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
  - c. Volumes of flow or concentration of wastes constituting slug discharges, as defined in this article.
- (5) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, as defined in this article, but in no case may heated wastewater be discharged in such quantities that the temperature at the treatment works influent exceeds 40 degrees Celsius (104 degrees Fahrenheit). Unless a higher temperature is allowed in the user's wastewater discharge permit, no user shall discharge into any sewer line or other appurtenance of the POTW wastewater with a temperature exceeding 65.5 degrees Celsius (150 degrees Fahrenheit).
  - (d) No person shall discharge or cause to be discharged the following described substances, materials, water or wastes if it appears likely that such wastes can harm either the sewers, wastewater treatment process or equipment; can have an adverse effect on the receiving waters; or can endanger life, limb, public property or constitute a nuisance:
- (6) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in excess of 100 mg/l or parts per million.
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

- (8) Any trucked or hauled pollutants except those lawfully discharged at specific points designated by the Assistant to the City Manager for Public Services.
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit.
- (11) Wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Assistant to the City Manager for Public Services in compliance with applicable State or Federal regulations.
- (12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, uncontaminated cooling water, swimming pool backwash or drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial process wastewater, unless specifically authorized by the Assistant to the City Manager for Public Services.
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (14) Medical Wastes, except as specifically authorized by the Assistant to the City Manager for Public Services in an Industrial wastewater discharge permit.
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail any toxicity test or to violate its NPDES or FDEP waste discharge permit or the receiving water quality standards.
- (16) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW.
- (17) Any water or waste containing fats, wax, grease or oils of animal or vegetable origin, whether emulsified or not, in excess of 50 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (zero and 65 degrees Celsius).
- (18) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or state criteria applicable to the sludge management method being used.
- (19) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the utilities director Assistant to the City Manager for Public Services or building inspector.
- (20) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the utilities director Assistant to the City Manager for Public Services, as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

- (4) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the utilities director in compliance with applicable state or federal regulations.
- (5) Any waters or wastes having a pH in excess of 9.5.
- (6) Any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate or pollutant concentration or both of these things that may cause interference with the POTW; or any materials that may exert or cause:
  - a. Inert suspended solids, such as but not limited to Fuller's earth, lime slurries and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate.
  - b. Excessive discoloration, such as but not limited to dye wastes and vegetable tanning solutions.
  - c. BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
  - d. Volumes of flow or concentration of wastes constituting slug discharges, as defined in this article.

(21) Any discharges containing compounds that are labeled for the control of pest species of any type, such as, but not limited to, acaricides, bactericides, fungicides, herbicides, insecticides, molluscicides, nematocides and rodenticides.

(c) *Processing and storage of prohibited pollutants.* Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(d) *Stormwater.* Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Assistant to the City Manager for Public Services of public works. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Assistant to the City Manager for Public Services, to a storm sewer or natural outlet.

(e) *Local Limits.* No person shall discharge wastewater in excess of the concentration set forth in the following table unless:

(1) An exception has containing pollutants in excess of the local limits for those pollutants which have been granted the user under section 78-133; or

(2) The industrial wastewater discharge permit of the user provides as a special permit condition a higher interim concentration level in conjunction with a requirement that established for the user construct a pretreatment facility or institute changes in operation and maintenance City of Winter Garden's POTW using standard procedures, to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table within a fixed period of time: calculations and methods acceptable to FDEP to protect against pass through, interference, protection of POTW employees, and adverse affects on wastewater residuals disposal. No industrial user shall discharge process waste streams, unregulated waste streams, or dilute waste streams in excess of the concentrations set forth by the Assistant to the City Manager for Public Services. Local limits shall be included as permit conditions and attached to each SIU wastewater permit issued.

TABLE INSET:

| Parameter                 | Maximum Concentration in milligrams/liter |
|---------------------------|---|
| Antimony                  | 1.00                                      |
| Arsenic                   | 0.25                                      |
| Barium                    | 10.00                                     |
| Beryllium                 | 0.25                                      |
| Biochemical oxygen demand | 204                                       |
| Boron                     | 1.00                                      |

|                        |  |
|------------------------|--|
| Cadmium                | 0.26                                     |
| Total chromium         | 1.00                                     |
| Cobalt                 | 0.30                                     |
| Copper                 | 1.00                                     |
| Cyanide                | 0.50                                     |
| Iron                   | 35                                       |
| Lead                   | 0.40                                     |
| Lithium                | 0.03                                     |
| Manganese              | 1.00                                     |
| Mercury                | 0.002                                    |
| Nickel                 | 0.07                                     |
| pH                     | Not less than 5.5<br>or greater than 9.5 |
| Selenium               | 0.05                                     |
| Silver                 | 0.24                                     |
| Sodium                 | 300.00                                   |
| Tin                    | 5.00                                     |
| Zinc                   | 1.00                                     |
| Total metals           | 10.00                                    |
| Total phenol           | 0.50                                     |
| Total phosphorus       | 10                                       |
| Total nitrogen         | 30                                       |
| Total suspended solids | 200                                      |
| TTOs                   | 2.13                                     |

The constituent limits in the table may be adjusted and additional constituent limits added from time to time based on treatment plant monitoring, water quality requirements, field investigation of industrial users, and any other factors which the utilities director deems of significance with respect to the property and safe operation of the city's POTW. These limits can represent an average of four composite samples if it is specified in the permit for the industrial user.

(e) Industrial users shall observe and comply with any and all federal, regional, state and local laws, rules, regulations, requirements, ordinances, orders, mandatory guidelines and procedures which apply or pertain to the collection, treatment and disposal of wastewater.

(f) Certain industrial users are or shall become subject to national categorical standards promulgated by the Environmental Protection Agency in effect or any other federally approved limits which may come into effect.

The established local limits are subject to change and shall be modified as needed based on regulatory requirements and standards, POTW operation, performance and processes, the industrial user base, potable water quality and domestic wastewater characteristics. Modifications to the established local limits must be reviewed and approved by FDEP prior to implementation. Implementation shall be effective 30 days from notice of acceptance of the

modified limits by FDEP. Permitted SIUs shall also be issued an addendum to their wastewater discharge permit containing the new local limits.

The established local limits apply at the point where the wastewater is discharged from the SIU's lateral sewer into the city's sewer (End of Pipe). All concentrations for metallic substances are for total metal unless indicated otherwise. At his or her discretion, the Assistant to the City Manager for Public Services may impose mass limitations in addition to or in place of the concentration-based limitations.

**A copy of the approved local limits is adopted by reference in this ordinance and is available upon request at the following location.**

City of Winter Garden  
Assistant to the City Manager for Public Services  
8 N. Highland Avenue  
Winter Garden, FL 34787.

(f) *Dilution.* Unless expressly authorized by an applicable pretreatment standard or requirement, no user shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The Assistant to the City Manager for Public Services may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations is appropriate pursuant to 40 CFR 403.6(c) or Rule 62-625.410(4), F.A.C.

(g) *Duty to comply.* Industrial users shall observe and comply with any and all federal, regional, state and local laws, rules, regulations, requirements, ordinances, orders, mandatory guidelines and procedures which apply or pertain to the collection, treatment and disposal of wastewater.

(h) *National categorical pretreatment standards.* The national categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405-471 and Chapter 62-660, F.A.C., are incorporated by reference herein. Certain industrial users are or shall become (as determined by the State pursuant to Rule 62-625.410(2)(d), F.A.C.) subject to national categorical standards promulgated by the Environmental Protection Agency. The national categorical standards specify quantities or concentrations of pollutants or pollutant properties which may be discharged into the POTW. All industrial users subject to a national pretreatment standard shall comply with all requirements of such standard, which includes any monitoring or reporting requirements, and shall also comply with any additional or more stringent limitations contained in this article. Compliance with national pretreatment standards for existing sources subject to such standards or for existing sources which become subject to such standards shall be within three years following promulgation of the standards unless a shorter compliance time is specified in the standard or required by the city. Compliance with national pretreatment standards for new sources shall be required upon promulgation of the standard. Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard and other pretreatment standards and requirements, including but not limited to more stringent local limits developed under 40 CFR 403.5(c), as it may be amended.

(i) *State Pretreatment Standards.* State requirements and limitations on discharges shall apply when they are more stringent than federal requirements and limitations or those in this article.

(j) *City's Right of Revisions.* The city reserves the right to establish by ordinance, ordinance revision, or through permit conditions more stringent local limitations, requirements, or time periods on discharges to the wastewater disposal system if deemed necessary to comply with the objectives stated for this article. The revision to discharge limitations in this article or in individual permits will be initiated by the utilities director Assistant to the City Manager for Public Services when necessary. Affected parties will be duly notified and

will have the opportunity to comment on the revisions prior to their adoption or incorporation. However, all affected parties are assumed to know and to comply with all state and federal rules, requirements, and guidelines including but not limited to the development, promulgation, and application of local limits; the appropriate use or inapplicability of combined waste stream formulas; and all industrial user and POTW monitoring and reporting requirements.

(Code 1988, § 22-82)

**Sec. 78-133. Administration, permits and monitoring.**

(a) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 78-132 and which may have a deleterious effect on the public sewer system, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the city, via the utilities director Assistant to the City Manager for Public Services, may:

- (1) Reject the wastes.
- (2) Require pretreatment to an acceptable condition prior to discharge to the public sewers.
- (3) Require control over the quantities and rates of discharges.
- (4) Require payment pursuant to this section and subsection, to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.  
The class descriptions and permitting fee shall be as follows:

TABLE INSET:

| Class | Description  |
|-------|--|
| 1     | EPA categorical industries local pollutant dischargers |
| 2     | Grease dischargers                                     |
| 3     | Dischargers requiring a spill containment plan         |
| 4     | Nonindustrial dischargers                              |

a. Class 1 users shall

a. Class 1 - Significant Industrial Users - shall apply for and obtain a permit an IWDP prior to discharge, and periodic site visits will be made by the city prior to any permit IWDP renewal. Class 1 users shall also submit a spill containment plan to the city.

b. Class 2 users shall have an annual inspection by the city, and a permit may be required for these users.

c. Class 3 and 4 dischargers are not required to have a permit, although their permit applications shall be kept on file pending a status change or reclassification.

d. Any user or industry storing hazardous or toxic chemicals on site shall submit a spill containment plan to the city.

All class 1 users shall be assessed a permit fee of \$250.00 and a renewal fee of \$250.00. There shall be no permit application fee and no The permit fee shall be submitted together with the completed permit application. There shall be no fee assessed for the random sampling and compliance monitoring expenses incurred by the city; provided, however, that the sampling fees assessment as outlined in subsection (e Section 78-136(m) of this section article shall be in full force and effect at all times.

f. If the utilities director permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the utilities director, and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the permit holder at his expense as required by this section.

b) Grease, oil and sand interceptors shall be provided when, in the opinion of the utilities director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients. All interceptors shall be of a type and capacity approved by the utilities director and shall be located as to be readily and easily accessible for cleaning and inspection. Class 2 grease dischargers may have inspections by the city, and a permit may be required for these users.

c) Requirements for industrial wastewater discharge permits shall be as follows: Class 3 dischargers requiring a spill containment plan are not required to have a permit, although their permit applications shall be kept on file pending a status change or reclassification.

(1) *Permit required.* An industrial wastewater discharge permit shall be required of every industry whose discharge might contain the substances or possess the characteristics enumerated in section 78-132 or whose discharge might have an adverse impact or deleterious effect on any portion of the public sewer system.

(2) *Existing industrial wastewater dischargers.* Dischargers of industrial wastewater into the city's sewer system prior to the effective date of the ordinance from which this article derives are granted temporary authority to continue to discharge industrial wastewaters in compliance with the city's codes, regulations, and policies. This temporary authority shall expire 90 days after the date of notification by the utilities director of the requirement for a discharger to make application for an industrial wastewater discharge permit. In no case shall this temporary authority extend beyond 90 days after the effective date of the ordinance from which this article derives. If, prior to the expiration date, the discharger has filed for an industrial wastewater discharge permit pursuant to subsections (c)(1) and (c)(4) of this section, its temporary authority to discharge will continue. In such case, this temporary authority shall expire on the date the industrial wastewater discharge permit is issued or denied. Any person discharging pursuant to the temporary authority provided in this subsection is subject to all sections of this article, and such authority may be suspended or revoked in accordance with the terms and procedures set forth in section

d. Class 4 - Non-Industrial dischargers - are not required to have a permit, although their permit applications shall be kept on file pending a status change or reclassification.

e. Class 5 waste haulers are regulated according to the following provisions:

1. Septic tank waste may be introduced into the POTW only at locations designated by the Assistant to the City Manager for Public Services, and at such times as are established by the Assistant to the City Manager for Public Services. Such waste shall not violate Section 78-132 of this ordinance or any other requirements established by the City. The Assistant to the City Manager for Public Services may require septic tank waste haulers to obtain industrial wastewater discharge permits.
2. The Assistant to the City Manager for Public Services may require haulers of industrial waste to obtain industrial wastewater discharge permits. The Assistant to the City Manager for Public Services may require generators of hauled industrial waste to obtain industrial wastewater discharge permits. The Assistant to the City Manager for Public Services also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

3. Industrial waste haulers may discharge loads only at locations designated by the Assistant to the City Manager for Public Services. No load may be discharged without prior consent of the Assistant to the City Manager for Public Services. The Assistant to the City Manager for Public Services may collect samples of each hauled load to ensure compliance with applicable Standards. The Assistant to the City Manager for Public Services may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
  4. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
- f. Any user or industry storing hazardous or toxic chemicals on site shall submit a spill containment plan to the city.
- g. If the Assistant to the City Manager for Public Services permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Assistant to the City Manager for Public Services, and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the permit holder at his expense as required by this section.

(b) *Interceptors.* Grease, oil and sand interceptors shall be provided when, in the opinion of the Assistant to the City Manager for Public Services, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Assistant to the City Manager for Public Services and shall be located as to be readily and easily accessible for cleaning and inspection.

(c) *Wastewater survey.* When requested by the Control Authority, any new or existing industrial user and any zero process discharge industrial facility must submit information on the nature and characteristics of its wastewater, including production and disposal procedures, by completing a wastewater survey questionnaire. The Control Authority may prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be a violation of this division.

(Code 1988, § 22-82)

#### **Sec. 78-134. Industrial Wastewater Discharge Permits**

- (a) Requirements for industrial wastewater discharge permits (IWDPs) shall be as follows:
- (1) *Permit required.* An IWDP shall be required of every industry who is designated as a significant industrial user (SIU) as defined by this division or whose discharge might contain the substances or possess the characteristics enumerated in section 78-132 or whose discharge might have an adverse impact or deleterious effect on any portion of the POTW.
  - (2) *Existing industrial wastewater dischargers.* Dischargers of industrial wastewater into the city's sewer system prior to the effective date of the ordinance from which this article derives are granted temporary authority to continue to discharge industrial wastewaters in compliance with the city's codes, regulations, and policies. This temporary authority shall expire 90 days after the date of notification by the Assistant to the City Manager for Public Services of the requirement for a discharger to make application for an IWDP. In no case shall this temporary authority extend beyond 90 days after the effective date of the ordinance from which this article derives. If, prior to the expiration date, the discharger has filed for an IWDP pursuant to subsections (a)(1) and (a)(5) of this section, its temporary authority to discharge will continue. In such case, this temporary authority shall expire on the date the IWDP is issued or denied. Any person discharging pursuant to the temporary authority provided in this subsection is subject to all

sections of this article, and such authority may be suspended or revoked in accordance with the terms and procedures set forth in section 78-136(j).

- (3) *New industrial wastewater dischargers.* Any User required to obtain an industrial wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this industrial wastewater discharge permit in accordance with section 78-134(a)(5) of this ordinance must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.
- (4) *Compliance required.* No permit IWDP holder shall discharge industrial wastewater in excess of the quantity, rate of discharge, or quality conditions specified in the permit. IWDP. Any person desiring to modify his discharge which would violate conditions of his permit IWDP shall apply for an amended permit.
- (5) *IWDP applications.* Existing and proposed new industrial users seeking required under the terms of this division to obtain a permit shall complete and file with the city an application in the form prescribed by the city. Proposed new industrial users shall file their applications at least 90 days prior to their discharging to the POTW. The applicant shall submit, where appropriate, the following:
- a. The name, address, telephone number, and location if different from the address of the applicant, the owner of the premises from which industrial wastes are intended to be discharged, and the name of a local representative duly authorized to act on behalf of the company.
  - b. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972 1987, as may be amended.
  - c. Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any.
  - d. Schedule A brief description of all industrial process waste flows produced before and after pretreatment, if any, at the premises, including the daily volume and wastewater constituents and characteristics as determined by representative samples and analyses done. All analyses shall be performed by a qualified laboratory acceptable to the city certified by Florida Department of Health for environmental analysis for all pollutants concerned and in accordance with Standard Methods 40 CFR Part 136. The description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
  - e. Estimated time and duration of discharge within a 20 percent tolerance.
  - f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.
  - g. Each product produced by type, amount, process or processes and rate of production.
  - h. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW. Type and amount of raw materials processed (average and maximum per day).
  - i. Number and type of employees, and hours of operation of the plant and proposed or actual hours of operation of the pretreatment system.
  - j. Any other information as may be deemed by the city to be necessary to evaluate the permit application. The location for monitoring all wastes covered by the IWDP.
  - k. A list of any environmental control permits held by or for the facility.

- l. Permit fees as determined by the utilities director Assistant to the City Manager for Public Services, and pursuant to this section.
- m. A compliance schedule for meeting categorical pretreatment standards, the following conditions of which shall apply:
  1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
  2. No increment referred to in this section shall exceed nine months.
  3. Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the city.
- n. A statement signed by an authorized representative of the industrial user as follows:

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

**Sec. 78-135. Processing and *issuance of permits* Issuance of IWDPs.**

(a.) The utilities director Assistant to the City Manager for Public Services will act only on applications that are accompanied by a report an application which contains all of the information required in ~~subsection (e)(4) of this section~~ Section 78-134 (a)(5). A person who has filed an incomplete or inaccurate application will be notified by the utilities director Assistant to the City Manager for Public Services that the application is deficient and the nature of such deficiency and will be given 30 days to correct the deficiency. Upon receipt of a complete applications, the utilities ~~director~~ Assistant to the applications City Manager for Public Services shall review and evaluate all data furnished by the SIU and may require additional data. The Assistant to the City Manager for Public Services shall review and evaluate the application and shall propose such special permit conditions as he deems advisable. All industrial wastewater discharge permits IWDPs shall be expressly subject to all sections of this article and all other applicable ordinances, laws, and regulations.

(b.) Upon completion of his evaluation, the utilities director Assistant to the City Manager for Public Services shall notify the applicant of any special conditions which he proposes be included in the permit. IWDP. The applicant shall have 30 days from and after the date of the utilities director's Assistant to the City Manager for Public Services' recommendations for special permit conditions to review such and file written objections with the utilities director Assistant to the City Manager for Public Services regarding any such special permit conditions. The utilities director The Assistant to the City Manager for Public Services may, but shall not be required to, schedule a meeting with applicant's authorized representative within 15 days following receipt of the applicant's objections, and attempt to resolve disputed issues concerning special permit conditions. If the applicant files no objections to special permit conditions proposed by the utilities director Assistant to the City Manager for Public Services or if a subsequent

agreement is reached concerning such, the utilities director Assistant to the City Manager for Public Services shall issue an industrial wastewater discharge permit IWDP to the applicant with such special conditions incorporated therein.

(c.) Issuance of a permit an IWDP shall not relieve the discharger from complying with all applicable laws, regulations, and ordinances promulgated by other government authority, nor shall the issuance of a permit an IWDP be construed as a representation by the city that the discharge permitted therein complies with all of such laws, regulations and ordinances. Permits IWDPs are issued solely to govern the discharge of wastewater into the public sewer system and the applicable receiving waters, as between the discharger and the city, and shall not be construed to benefit any third party.

(6) *Permit requirements and restrictions.*

**Sec. 78-136. Permit Requirements and Restrictions.**

(a) *Requirements.* The requirements and restrictions in permits shall be uniformly enforced by the city and may include, but shall not be limited to, the following:

(1) Industrial wastewater discharge permits must contain:

- a. The maximum permissible concentration of wastewater constituents. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date.
- b. Limits on rate and time of discharge, or requirements for flow regulation and equalization A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
- c. Requirements for inspection, flow metering and sampling facilities, and alternative sampling methods. Effluent limits, based on applicable pretreatment standards and local limits.
- d. Pretreatment of industrial wastewater before discharge. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- e. Compliance schedules A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- f. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, flow metering, number, types and standards of tests and reporting schedule Requirements to control slug or accidental discharge, if determined by the control authority to be necessary.
- g. Prohibition of discharge of certain wastewater constituents.
- h. Requirements for submission of periodic discharge reports to include information concerning volume, rate of flow, constituent concentration, peak flow rates, hours of operation, number of employees, or other information.
- i. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto; any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:
  1. The date, exact place, method, and time of sampling and the names of the person taking the samples;

- 2— The dates analyses were performed;) Industrial wastewater discharge permits may contain, but need not be limited to, the following conditions:
3. Who performed the analyses;
  4. The analytical techniques/methods used; and
  5. The results of such analyses.

Any industrial user subject to the reporting requirements established in this section shall be required to retain for a minimum of three years any records of monitoring activities and results, whether or not such monitoring activities are required by this section, and shall make such records available for inspection and copying by the utilities department. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW, or when requested by any state or federal agency.

- j. Requirements for notification of the city for any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- k. Requirements for notification of slug discharge or accidental discharges.
- l. Other conditions as deemed appropriate by the city to ensure compliance with this article. The city may require that any or all of the pretreatment requirements or restrictions be provided by the user at his expense.
  - a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
  - b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
  - c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.
  - d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
  - e. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW.
  - f. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices.
  - g. A statement that compliance with the industrial wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the industrial wastewater discharge permit; and
  - h. Compliance schedules.
  - i. Prohibition of discharge of certain wastewater constituents.
  - j. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto; any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples.
    1. The date, exact place, method, and time of sampling and the names of the person taking the samples.
    2. The dates analyses were performed.

3. The person that performed the analyses.
  4. The analytical techniques/methods used; and
  5. The results of such analyses.
- k. Requirements for notification of the city for any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
- l. Other conditions as deemed appropriate by the city to ensure compliance with this article. The city shall require that any or all of the pretreatment requirements or restrictions be provided by the user at his expense.
- (b) *Costs of compliance.* The permittee shall be responsible for all costs associated with satisfying IWDP conditions, requirements and restrictions.
- (c) *Pretreatment requirements.* If pretreatment is required through the issuance of industrial wastewater discharge permit, users of the POTW shall an IWDP, the permittee shall, at its own expense, design, construct, operate, and maintain such wastewater pretreatment facilities whenever necessary to reduce, modify, or eliminate the user's wastewater discharge to achieve compliance with the limitations in wastewater strength set forth in section 78-132, to meet applicable national pretreatment standards or to meet any other wastewater condition or limitation contained in the user's permit. IWDP. If required by the city, plans, specifications, and operating procedures for such wastewater pretreatment facilities shall be prepared by a registered professional engineer and shall be submitted to the utilities director Assistant to the City Manager for Public Services for review. Prior to beginning construction of such pretreatment facilities, the user shall submit a set of final construction plans and specifications to the utilities director. Assistant to the City Manager for Public Services. Prior to beginning construction, the user shall also secure such building, plumbing, or other permits that may be required by the city. The user shall construct the pretreatment facility within the time provided in the user's wastewater discharge permit. IWDP. Following completion of construction, the user shall provide the utilities director Assistant to the City Manager for Public Services with as-built drawings. Neither filing of the plans nor the issuance of a permit shall be construed to indicate that the city in any way vouches for or warrants the performance capabilities of any facilities constructed pursuant to such plans, specifications, or data. Subsequent alterations or additions to such pretreatment of flow-control facilities shall not be made without prior notice to the city.
- (d) *Duration.* Permits IWDPs shall be issued for any specified period of time, not to exceed five years.
- (e) *Applicant's right to object.* Upon receipt of the IWDP, the applicant shall have 45 days to file in writing objections to any term or condition of the IWDP and:
- (1) If the applicant files no objections within this time, the IWDP is deemed to be accepted.
  - (2) If the applicant files a timely objection and agreement cannot be reached, the Assistant to the City Manager for Public Services may submit to the City Commission the proposed IWDP conditions and the applicant's written objections thereto at a meeting of the Commission.
  - (3) The City Commission shall schedule a public hearing within 90 days following the submission by the Assistant to the City Manager for Public Services of the proposed IWDP and written objections, unless such time be extended for just cause shown to resolve any disputed matters relevant to such IWDP. The Assistant to the City Manager for Public Services shall notify the applicant of the date, time, place and purpose of the hearing scheduled before the City Commission. The Commission shall establish such special permit conditions as it deems advisable to ensure the applicant's compliance with this division or applicable law or regulation and direct the Assistant to the City Manager for Public Services to issue an IWDP to the applicant accordingly.

(f) *Modification.* The terms and conditions of any permit IWDP may be subject to modification and change by the city during the life of the permit IWDP to accommodate changed conditions and as local, state, regional, and federal laws, rules and regulations and case decisions are modified or amended or for a variation in reported data as provided in subsection (j) of this section. Permit Section 78-137. Modifications may also be made to correct technical mistakes, erroneous interpretations of federal, State or local law, or typographical errors. IWDP holders shall be informed of any proposed changes in their respective permits at least 60 days prior to the effective date of change and shall be allowed to comment relating to any of the proposed changes in their permits within the first 30 days after issuance of such proposed change by the city. The city shall allow a discharger a reasonable period of time to comply with any changes in the permit required by the city, unless otherwise required by emergency or governmental regulations. The permit IWDP holder may petition the city for modification of the permit based on changed conditions. The utilities director The Assistant to the City Manager for Public Services shall review such petitions with such supporting data as he deems necessary and shall take appropriate action.

(g) *Transferability.* A separate permit shall be required for each wastewater connection discharging, directly or indirectly, into the sewer system. For each discharger having multiple connections at a single plan or facility, a single permit shall be required which may set forth specific effluent limitations and conditions for discharge from each separate connection. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be assigned or transferred or sold to a new owner, new user, or for different premises, unless approved by the utilities director Assistant to the City Manager for Public Services, and any such attempted assignment, transfer, or sale shall be void and of no effect.

(d) Each industrial user shall be required to establish a spill containment plan. The plan shall contain the following elements:

(1) *Accidental discharges.* Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review and shall be approved by the city before construction of the facility. All existing users shall complete such a plan by the date as specified by the industrial wastewater discharge permit. No new user who begins discharge to the POTW after the effective date of the ordinance from which this article derives shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved.

(2) *Telephone notification.* Any person causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to the health and welfare of persons, to the environment, or which is likely to cause interference with the POTW shall notify the utilities director immediately by telephone. In the absence or unavailability of the utilities director, notification shall be given to the city employee then in charge of the treatment works.

(3) *Written report.* Within five days following such occurrence, the user shall provide the utilities director with a detailed written report describing the cause of the dangerous discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law. Furthermore, the industrial user shall control its production or all its discharges to the extent necessary to maintain compliance with all applicable city, state and federal regulations upon reduction, loss, or failure of its treatment facility, and until the facility is completely restored or an alternative and equally effective method of pretreatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(4) *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call if a dangerous discharge occurs. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(e) Annual operation costs of the city's POTW for activities required under this section shall be recovered, at the city's option, through fees charged to the industries and users. Each user may be billed for each scheduled, unscheduled, or demand monitoring visit performed. The billing may include direct costs incurred by the city or its authorized agent in sampling, inspecting, and laboratory analyses, adjusted to reflect administrative, legal and other indirect costs incurred by activities that may be required under this section. All self-monitoring costs incurred by any user, these self-monitoring costs including but not limited to the cost of sampling, analysis, and reporting, shall be borne by the user.

(f) When required by the utilities director, the owner of any property serviced by a building sewer carrying industrial wastes shall install at his expense an industrial sampling station according to the design as approved by the utilities director together with such necessary approved meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such industrial sampling station, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the utilities director. The industrial sampling station shall be installed by the owner at his own expense, and shall be maintained by him so as to be safe and accessible at all times.

(g) Special requirements shall be as follows:

(1) The city reserves the right to require an industrial user to submit a monthly or quarterly certified statement to the city, on forms provided by the city, of the characteristics of its industrial wastes discharged in the sewer and sewage works of the city, or to any sewer connected therewith. Such documents shall be filed with the city not later than the tenth day of the month following the month or quarter for which the report is required, or any as may be specified in the user's permit, and shall contain the following certification:

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

(2) The city reserves the right to sample industrial wastewater or to use any and all available information to determine which industrial users shall be subject to the requirements of this section.

(3) Any industrial user may be required to provide wastewater monitoring facilities, at the user's sole cost, and as provided in this article. All monitoring reports shall be based on an appropriate amount of sampling and analysis performed during the period covered by the report. If sampling and analysis by the industrial user indicate a violation of a pretreatment or discharge standard, the industrial user shall repeat the sampling and analysis and submit the results of both analyses to the control authority within 30 days from the industrial user's receipt of the results of the original sampling. The industrial user shall notify the control authority within 24 hours of any violation of an applicable pretreatment or discharge standard.

(h) The utilities director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observations, measurement, sampling and testing in accordance with this article. The utilities director shall also be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept, to ensure compliance with pretreatment standards. Upon a showing satisfactory to the utilities director by a person furnishing a report, permit application, or questionnaire, those portions of any document which might disclose trade secrets or secret processes shall, to the extent allowable by law, be made available to the public pursuant to section 308(b) of the Act. This information shall be distributed according to the procedures set by the utilities director.

(i) While performing the necessary work on private properties referred to in this section or other sections of this article, the utilities director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company. The company, to the extent allowed by law, shall be held harmless from injury or death to the city employees for intentional or negligent acts solely caused by the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, for intentional or negligent acts solely caused by the city employees.

(j) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with 40 CFR 136 and shall be determined at the

control industrial sampling station provided or upon suitable samples taken at the control sampling station. If no special sampling station has been required, the control sampling station shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewer system and to determine the existence of hazards to health, safety and welfare. Within 90 days following the date for final compliance with applicable categorical pretreatment standards or for a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the city a report containing the information described in this section and section 78-84. For industrial users subject to equivalent mass or concentration limits established by the city, this report shall contain a reasonable measure of the user's longterm production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production or other measure of operation, this report shall include the user's actual production during the appropriate sampling period.

(1) Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, for a new source, after commencement of the discharge into the POTW, shall submit to the city during the months of June and December, unless required more frequently in the pretreatment standard or by the city, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge, except that the city may require more detailed report of flows. At the discretion of the city and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the city may agree to alter the months during which such reports are to be submitted.

(2) Where the city has imposed mass limitations on industrial users, the report required by subsection (j)(1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

(3) For industrial users subject to equivalent mass or concentration limits established by the city, the report required by subsection (j)(1) of this section shall contain a reasonable measure of the user's longterm production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production or other measure of operation, the report required by subsection (j)(1) of this section shall include the user's actual average production rate for the reporting period.

(4) All such reports and any and all baseline monitoring reports, final compliance reports, and periodic reports on continued compliance must be signed and certified by a duly authorized representative of the industrial user.

(k) The permit holder shall make measurements, including but not limited to flow rates, flow volumes, BOD and suspended solids concentrations as well as concentrations of other particular constituents of the industrial wastewater discharges, at his own expense, as frequently as necessary to comply with the terms and conditions of each permit. If measurements or other investigations indicate that the industrial user has discharged wastewater which has constituents significantly different in quantity or quality from those stated by the discharger, the discharger shall furnish all information in his possession relevant to the apparent variance.

(h) *IWDP re-issuance.* The SIU shall submit a completed reissuance application form as prescribed by the city together with a reissuance fee to the Assistant to the City Manager for Public Services at least 90 days prior to the expiration of the current IWDP. Conditions governing the re-issuance of an IWDP shall be the same as those governing the issuance of a new IWDP.

(i) *Continuation of expired IWDPs.* An expired IWDP will continue to be effective and enforceable until the IWDP is reissued provided:

- (1) The SIU has submitted a completed IWDP application at least 90 days but not more than 120 days prior to the expiration date of the user's existing IWDP; and
- (2) The failure to reissue the IWDP, prior to expiration of the previous IWDP, is not due to any act or omission on the part of the SIU.

(j) *Revocation of IWDP.* Any IWDP issued under the provisions of this division is subject to be modified, suspended or revoked in whole or in part during its term for cause shown including, but not limited to any one of the following:

- (1) Violation of any terms or conditions of the IWDP or other applicable law or regulation.
- (2) Obtaining an IWDP by misrepresentation or failure to disclose fully all relevant facts.
- (3) Falsifying periodic compliance reports and certification statements.
- (4) Tampering with monitoring equipment.
- (5) Failure to pay any required charges.
- (6) Failure or refusal to accept notices of violation or compliance schedules or other enforcement procedures.
- (7) Failure to provide notification to the city of any change in any permitted user's operating condition that either alters the nature, quality or volume of its wastewater discharge or requires either a temporary or permanent reduction or elimination of the permitted discharge.
- (8) When necessary to protect the public health, safety and welfare.

(k) *Regulation of waste received from other jurisdictions.* If another municipality, or user located within another municipality, contributes wastewater to the City of Winter Garden's POTW, the Control Authority shall enter into an inter-jurisdictional agreement with the contributing entity concerning the delegation of responsibility for the administration of the industrial pretreatment program in the specified area or user. An inter-jurisdictional agreement shall contain the following conditions:

- (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or Local Limits.
- (2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis.
- (3) A provision specifying which pretreatment implementation activities, including industrial wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the control authority; and which of these activities will be conducted jointly by the contributing municipality and the control authority.
- (4) A requirement for the contributing municipality to provide the control authority with access to all information that the contributing municipality obtains as part of its pretreatment activities.
- (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW.
- (6) Requirements for monitoring the contributing municipality's discharge.
- (7) A provision ensuring the control authority access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the control authority; and
- (8) A provision specifying remedies available for breach of the terms of the inter-jurisdictional agreement.

(l) *Accidental Discharge*. Each industrial user shall be required to establish an accidental discharge / slug control plan. The plan shall contain the following elements:

- (1) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. The Assistant to the City Manager for Public Services may require any industrial user to develop and implement an accidental discharge/slug control plan at its own expense. All industrial users shall provide facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this section from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this division. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review and shall be approved by the city before construction of the facility. All existing users shall complete such a plan by the date as specified by the IWDP. No new user who begins discharge to the POTW after the effective date of the ordinance from which this article derives shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved. All SIUs who store chemicals, or whose wastewater includes or could include pollutants in amounts sufficient to cause interference at a POTW treatment plant shall be required to develop an accidental discharge/slug control plan which shall be approved by the Assistant to the City Manager for Public Services and reevaluated at least once every two years. A copy of this plan shall be submitted to the Assistant to the City Manager for Public Services as part of the IWDP requirements. Accidental discharge/slug control plans should address, at a minimum, the following:
  - a. Description of discharge practices, including non-routine batch discharges.
  - b. Description of stored chemicals.
  - c. Procedures for immediately notifying the POTW of any accidental or slug discharge.
  - d. Procedures to prevent adverse impact from any accidental or slug discharges. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
- (2) SIUs who have a history of serious leaks, spills or other accidental slug discharges of waste regulated by this division shall be subject on a case-by-case basis to a special IWDP condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge.
- (3) Any person causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to the health and welfare of persons, to the environment, or which is likely to cause interference with the POTW shall notify the Assistant to the City Manager for Public Services immediately by telephone. In the absence or unavailability of the Assistant to the City Manager for Public Services, notification shall be given to the city employee then in charge of the treatment works.
- (4) Within five days following such occurrence, the user shall provide the Assistant to the City Manager for Public Services with a detailed written report describing the cause of the dangerous discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law. Furthermore, the industrial user shall control its production or all its discharges to the extent necessary to maintain compliance with all applicable city, state and federal regulations upon

reduction, loss, or failure of its treatment facility, and until the facility is completely restored or an alternative and equally effective method of pretreatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(5) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call if a dangerous discharge occurs. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(m) *City Costs.* Annual operation costs of the city's POTW for activities required under this section shall be recovered, at the city's option, through fees charged to the industries and users. Each user may be individually billed for the costs of any scheduled or unscheduled wastewater sampling, analysis and monitoring performed by the city. Each user shall be individually billed for the total costs of wastewater sampling and analysis for all demand monitoring and any other enforcement activities performed by the city. The billing may include direct costs incurred by the city or its authorized agent in sampling, inspecting, and laboratory analyses, adjusted to reflect administrative, legal and other indirect costs incurred by activities that may be required under this section. All self-monitoring costs incurred by any user, these self-monitoring costs including but not limited to the cost of sampling, analysis, and reporting, shall be borne by the user.

(n) *Sampling Station.* When required by the Assistant to the City Manager for Public Services, the IWDP owner of any property serviced by a building sewer carrying industrial wastes shall install at his expense an industrial sampling station according to the design as approved by the Assistant to the City Manager for Public Services together with such necessary approved meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such industrial sampling station, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Assistant to the City Manager for Public Services.

(o) *Entry.* The Assistant to the City Manager for Public Services and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties at reasonable times for the purposes of inspection to determine compliance, observations, measurement, installation of monitoring equipment, independent sampling and testing in accordance with this article. The Assistant to the City Manager for Public Services shall also be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept, to ensure compliance with pretreatment standards. The Assistant to the City Manager for Public Services or duly authorized employees shall also have the right to inspect and copy records pursuant to the IWDP.

(p) *Search Warrants* - If control authority personnel have been refused access to a building, structure or property or any part thereof, and if the control authority personnel have demonstrated probable cause to believe that there maybe a violation of pretreatment regulations and requirements or that there is a need to inspect as part of a routine inspection program of the control authority designed to verify compliance with the SUO or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City 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.

(q) *Safety.* While performing the necessary work on private properties referred to in this section or other sections of this article, the Assistant to the City Manager for Public Services or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company. The company, to the extent allowed by law, shall be held harmless from injury or death to the city employees for intentional or negligent acts solely caused by the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, for intentional or negligent acts solely caused by the city employees.

(r) *Special Agreements.* No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual

strength or character may be accepted by the city for treatment, subject to special payment therefore, by the industrial concern; provided, however, that at no time will the city be asked to accept such discharges that, in the city's sole judgment, would violate any local, state, or federal pretreatment standard.

(m) Any provision or section of this article to the contrary notwithstanding, the city reserves the absolute right to deny or condition new or increased contributions of pollutants or changes in the nature of pollutants to the POTW by industrial users when such contributions do not meet applicable pretreatment standards and requirements or when such contributions would cause the POTW to violate its NPDES permit.

~~(Code 1988, § 22-83; Ord. No. 06-12, § 6, 3-9-06)~~

**Sec. 78- 134. Reports 137. Reporting requirements and retention of records for IWDP holders and other industrial users.**

Industrial users subject to categorical pretreatment standards (categorical industrial users) and industrial users not covered by categorical pretreatment standards (noncategorical industrial users) shall submit to the control authority such reports as are necessary to assess and ensure compliance with applicable pretreatment standards and requirements, including but not limited to baseline monitoring reports (BMRs), 90-day compliance reports, and periodic compliance reports required under 40 CFR 403.12, as may be amended.

(Code 1988, § 22-84)

**Sec. 78-135. Enforcement.**

(a) Any person found to be violating this article and the orders, rules, regulations, and permits issued under this article shall be served by the city with written notice by personal delivery by an authorized city employee or by registered or certified mail stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) If, in the utilities director's sole discretion, a user is determined to be in continuous violation of this article, the city shall notify the offending user in writing via a notice of noncompliance as to the particulars of the violation and shall set a time and place for a compliance meeting to be attended by representatives of the city and the user. The purpose of the compliance meeting shall be for the industrial user to present and establish such procedures, investigations, studies, and compliance measures as are necessary to control and prevent future violations of this article. The user shall be bound by such procedures, etc., and during the compliance meeting the industrial user shall agree to a date certain beyond which no further violations shall occur.

(c) Failure to comply with the compliance meeting procedures, etc., or the date certain shall be deemed a violation of this article and may be grounds for revocation of the user's wastewater discharge permit and grounds for such other actions, penalties or enforcement or all or any combination of these things as may be authorized for violation of this article.

(d) The city may suspend the wastewater treatment service and an industrial wastewater discharge permit when such suspension is necessary, in the opinion of the utilities director, in order to stop an actual or threatened discharge which represents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, which causes interference to the POTW or which causes or may cause the city to violate any conditions of its NPDES permit.

(e) Any person notified of a suspension of the wastewater treatment service or the industrial wastewater discharge permit or either of these things shall immediately stop or eliminate the discharge. Methods of notice shall include but shall not be limited to personal conversation between the user or his representative and the utilities director; telephone calls of this same nature; letters, either mailed or hand-delivered; hand-delivered messages; or notices posted at the user's premises or the point of discharge into the city's wastewater system. If the person fails to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including but not limited to immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city may reinstate the industrial wastewater discharge permit and the wastewater treatment service upon proof of the elimination of the noncomplying discharge and demonstration of measures to prevent future occurrences. A detailed written statement submitted by the user describing the cause of the discharge and the measures taken to prevent any future occurrence shall be submitted to the city within 15 days of the date of the occurrence.

(f) Any industrial user who violates the following conditions or other applicable local, regional, state, or federal laws, regulations and case decisions is subject to having his permit revoked by the utilities director:

- (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;

- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
- (4) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts;
- (5) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; or
- (6) Violation of conditions of the permit.
- (g) The city may order any user who causes or allows an unauthorized discharge or who otherwise violates this article in any way to show cause before the code enforcement board why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least ten days before the hearing. Service may be made on any agent or officer of a corporation or on the local representative as identified in the permit application. The code enforcement board may itself conduct the hearing and take evidence or may designate any of its members or any officer or employee of the city to:
  - (1) Issue notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing.
  - (2) Take evidence.
  - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the code enforcement board for action thereon.After the code enforcement board has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or unless existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. The industrial users shall have the opportunity to appear before the code enforcement board prior to its final decision and present oral and written arguments. Nothing in this subsection may prevent the city from taking immediate, appropriate, or emergency actions or all of these things to prevent a violation or a further violation of this article when, in the city's sole discretion, circumstances warrant an immediate response to any such violation.
- (h) The city may, immediately upon discovering an ongoing or potential discharge of pollutants into the city's POTW which reasonably appears to exceed the requirements or conditions described in this article, petition the circuit court of the county or the federal district court for a temporary restraining order or preliminary injunction to halt or prohibit such discharge. Prior to the filing of such a petition, the utilities director shall attempt to notify the user of the city's intention to file such action. Notice may be of the type outlined in this section, but shall not be a condition precedent to the city's petitioning for and obtaining such an order or injunction.
- (i) In addition to remedies available to the city as set forth elsewhere in this article, if the city is fined by the state or the EPA or any other governmental agency for a violation of water quality standards as the result of a discharge of pollutants, the fine and all city legal, sampling, analytical testing and any other related costs shall be charged to the responsible user. Such charges shall be in addition to and not in lieu of any other remedies the city may have under this article or under any statutes or regulations, at law or in equity.
- (j) If the discharge from any user causes a deposit, obstruction, or damage to any of the city's wastewater facilities, the utilities director shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired, at the sole cost of the person or user causing such deposit, obstruction, or damages.
- (k) The remedies provided in this article shall not be exclusive, and the city may seek whatever other remedies are authorized by statute, at law or in equity, against any person or user violating this article.
- (l) In addition to any fine levied under this article, the city may, where the circumstances of the particular case so dictate, but in the sole discretion of the utilities director, seek injunctive relief to prohibit the user from discharging any wastewater into the city's sanitary sewer system or to provide such other affirmative relief as may be appropriate.
- (m) Notwithstanding any other penalty as detailed or summarized in this article, any person or user who violates any section of this article is also subject to the penalties of section 1-15.
- (n) A person or user whose discharge flow exceeds 50,000 gallons per day on the day of the violation or 50,000 gallons as an average during the month that the violation occurs may be assessed up to and including twice the amounts described in this section.
- (o) Any industrial user who violates any section of this article shall be subject to a penalty of at least \$1,000.00 per day for each day that the user is in violation of this article. The city may provide for larger penalties where appropriate (e.g., where the industrial user has a history of violations, etc.). This minimum penalty shall in no way

limit the city's ability to seek larger penalties in appropriate cases or to allow the city to mitigate the penalty depending upon the circumstances of each case or violation. Penalties for violations other than pH may be mitigated by the use of a linear equation in the following form:

$$Y = MX + B$$

Where:

TABLE INSET:

|   |   |   |
|---|---|---|
| Y | = | The resulting penalty amount  |
| M | = | The slope of the line representing penalty amount versus concentration level for a particular constituent by dividing 250 by the maximum concentration limit for that constituent as listed in section 78-132 |
| X | = | The violation concentration level   |
| B | = | Minus 250   |

The following table lists penalty amount ranges which would result from application of the linear equation described in this subsection. In addition, the pH limits and the penalty amounts follow this table:

**INDUSTRIAL PRETREATMENT PENALTY TABLE  
 FOR MAXIMUM CONCENTRATION LIMITS OTHER THAN pH**

TABLE INSET:

| Penalty Level | Violation Level  | Penalty Amount                 |
|---------------|--|--------------------------------|
| <del>1</del>  | Violations less than or equal to the limit                                   | <del>None</del>                |
| <del>2</del>  | Violations greater than the limit but less than two times the limit          | <del>\$ 0.00 - 250.00</del>    |
| <del>3</del>  | Violations equal to two times the limit but less than three times the limit  | <del>250.00 - 500.00</del>     |
| <del>4</del>  | Violations equal to three times the limit but less than four times the limit | 500.00--750.00                 |
| <del>5</del>  | Violations equal to four times the limit but less than five times the limit  | <del>750.00 - 1,000.00</del>   |
| <del>6</del>  | Violations equal to or greater than a slug discharge (five times the limit)* | <del>1,000.00 - 1,250.00</del> |

\* A slug discharge may also be subject to further penalties and enforcement actions as provided in this Code and as determined by the director.

**INDUSTRIAL PRETREATMENT PENALTY TABLE FOR pH  
 (ALLOWABLE pH LIMITS 5.50 TO 9.50)**

TABLE INSET:

| Low pH Violation | High pH Violation | Penalty Amount |
|------------------|-------------------|----------------|
| 5.00 to 5.49     | 9.50 to 9.99      | \$ 125.00      |
| 4.50 to 4.99     | 10.00 to 10.49    | 250.00         |

|                |                 |          |
|----------------|-----------------|----------|
| 4.00 to 4.49   | 10.50 to 10.99  | 375.00   |
| 3.50 to 3.99   | 11.00 to 11.49  | 500.00   |
| 3.00 to 3.49   | 11.50 to 11.99  | 625.00   |
| 2.50 to 2.99   | 12.00 to 12.49  | 750.00   |
| 2.00 to 2.49   | 12.50 to 12.99  | 875.00   |
| Less than 2.00 | 13.00 and above | 1,000.00 |

(p) If there is a difference in understanding between the city and the user as to the characteristics in the wastewater, the city reserves the right to use the city analyses and results to thereafter compute any fees that may be assessed. The penalties provided in subsection (o) of this section may be in addition to any other penalties as provided in this Code.

(q) The city also reserves the right to revoke a discharge permit of or disconnect wastewater service to, or both of these things, any user whenever penalties or fees are due and owing for a period of more than 14 days following the date of notification to the user that a chargeable violation has occurred.

(r) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this article or pursuant to any wastewater discharge permit or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sampling or analysis or information-gathering method required under this article shall be subject to the penalties and costs provided in this section and any other penalty that may be provided under this Code or any other applicable local, state, or federal law or regulation.

(s) The following appeal procedure is designed to allow any person or user the right to appeal the requirements of this article if he thinks they are incorrect and to have the right to a hearing regarding his appeal before the city council:

(1) Complaints requiring inspection or personnel approval shall be dealt with on a case-by-case basis. If necessary, documentation required to substantiate the user's complaint shall be filed with the city. After review of the information presented, a determination by the utilities director will be made known to the complainant. All documentation, review notes, and written resolution of the complaint shall be filed and retained by the city clerk for a period of not less than three years.

(2) The user shall also have the right to an administrative review of the utilities director's determination by the city commission. In order to exercise this right, the user shall comply with all applicable requirements of chapter 2, as it may be from time to time amended.

(3) The city commission shall schedule a hearing thereon at its next regularly scheduled meeting at which this matter can reasonably become part of the agenda, but no later than 30 days following receipt of such notice. The user shall be notified of the date and time of the hearing, and shall be permitted to present evidence and argument at the hearing. The city commission shall make a determination on the matter at that time, and this determination shall be binding upon the user and the city and shall constitute the official position of the city with respect to the matter.

(4) If the city commission upholds the utilities director's decision, all penalties previously assessed against the user shall be paid immediately, but no later than five days following the city commission's determination. If the city commission overrules the utilities director's decision in part or in full, the city commission may, at its discretion, waive part or all of the penalties charged to the complainant.

(5) All decisions rendered by the city commission shall be considered final and binding on all parties involved.

(t) Nothing in this section or in this article as a whole is intended to preclude the city from taking immediate action to temporarily modify a permit or to sever service of an industry completely when there is imminent risk of injury to the public sewer system or to the health and welfare of the public or to the environment.

(u) As required by EPA pretreatment regulations, the city shall provide public notification of industrial waste dischargers who, during the previous 12 months, were significantly violating this Code or their industrial wastewater discharge permit conditions. Notification will be made by publishing the names of the industrial users and facilities responsible for the violations in the local newspaper of largest circulation.

(a) *Baseline Monitoring Report (BMR)*. A completed application for an IWDP shall contain more information than is required from an SIU for a BMR as defined in 40 CFR 403.12(b)(1) through (7) and Rule 62-

625.600(1)(a) through (g), F.A.C. The completed application shall be used by the city as the equivalent of a BMR.

(b) *Compliance schedule progress report.* If the application for an IWDP (or BMR) contains a compliance schedule as provided for in section 78-133(d)(4)m, within 90 days following the date for final compliance with applicable pretreatment standards, or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any SIU subject to pretreatment standards and requirements shall submit to the Assistant to the City Manager for Public Services a compliance schedule progress report.

(c) *Report on compliance with categorical pretreatment standards.* Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the control authority a report containing the information described in section 78-133(a)(5)d of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 62-625.410(4), F.A.C., this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate period.

(d) *Periodic compliance reports.* All permitted SIUs shall submit periodic compliance reports to the Assistant to the City Manager for Public Services in accordance with the terms of their IWDP. All compliance reports shall be in accordance with the following:

- (1) Copies of all approved periodic compliance forms attached to the IWDP (or alternative forms approved by the Assistant to the City Manager for Public Services) shall be completed and submitted to the Assistant to the City Manager for Public Services. In addition, a copy of the analytical results and chain of custody forms received from the contracting laboratory shall be attached to the report.
- (2) The specific months in which periodic compliance reporting is required shall be included in the IWDP of each SIU. This frequency shall equal or exceed the twice per year State requirements of Rule 62-625.600(4)(a) & (7)(a), F.A.C. At the discretion of the Assistant to the City Manager for Public Services, as applicable, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Assistant to the City Manager for Public Services may agree in writing to alter the months during which the above reports are to be submitted.
- (3) The due date for submission of periodic compliance reports to the Assistant to the City Manager for Public Services shall be the thirtieth day following the end of the month in which they are required by the significant industrial user's IWDP. Reports submitted after the due date may result in initiation of demand monitoring or other enforcement action by the city at the IWDP holder's expense. Reports submitted 30 days or more after the due date shall result in the SIU being declared to be in significant noncompliance with reporting requirements as required by part 8 of the definition of SNC contained herein.
- (4) Industrial users shall complete each periodic compliance report utilizing data obtained through appropriate sampling and analysis performed during the period covered by the report, which is representative of conditions occurring during the reporting period. The results of all discharge monitoring, whether or not required by the IWDP, shall be included in the report provided that test procedures approved by the Approval Authority are used.
- (5) The Assistant to the City Manager for Public Services shall approve and include in the IWDP the locations at which the industrial user shall collect samples required for periodic compliance reports. Monitoring locations may be changed only after prior written permission by the Assistant to the City Manager for Public Services.

(6) Sampling and analytical requirements for periodic compliance reports shall be performed in accordance with section (o) of this section. All analyses shall be performed by a laboratory certified by Florida Department of Health for environmental analysis.

(7) Together with every periodic compliance report, the permittee shall submit the following certification statement, signed by an authorized representative of the industrial user or designee. The exact wording of this statement shall be as follows:

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

(e) *Report of changed conditions.* All industrial users are required to notify the Assistant to the City Manager for Public Services of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least 30 days before the change.

(1) The Assistant to the City Manager for Public Services may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an IWDP application.

(2) The Assistant to the City Manager for Public Services may issue a new IWDP or modify an existing IWDP as required.

(3) No industrial user shall implement the planned changed condition until and unless the Assistant to the City Manager for Public Services has responded to the industrial user's report.

(4) For purposes of this requirement flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants shall be deemed significant.

(f) *Reports of potential problems.* All industrial users shall submit reports of potential problems and accidental spills/slug loads to the Assistant to the City Manager for Public Services as detailed in section 78-136(1) of this division. Failure to notify the city of potential problem discharges shall be deemed a separate violation of this division.

(g) *Reports from unpermitted users.* Any industrial user who is not required to obtain an IWDP, shall, if required, submit a report to the Assistant to the City Manager for Public Services containing specified analyses of its wastewater discharge.

(h) *Notice of violation/repeat sampling and reporting.* If sampling performed by an SIU for a periodic compliance report indicates any violation as defined herein, the SIU shall submit the report and shall notify the Assistant to the City Manager for Public Services within 24 hours after becoming aware of the violation. The permittee shall repeat the sampling and analysis and submit the results of the repeat analysis to the Assistant to the City Manager for Public Services within 30 days after becoming aware of the violation. Resampling by the SIU is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the SIU.

(i) *Notification of the discharge of hazardous waste.* This subsection refers to all industrial users:

(1) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any

discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous waste constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under subsection (e) above. The notification requirement in this section does not apply to pollutants already reported under the reporting requirements of subsections (a), (b) and (c) above.

- (2) Dischargers are exempt from the requirements of subsection (i)(1) of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR Part 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non acute hazardous waste in a calendar month, or of any quantity of acute hazardous waste as specified in 40 CFR Part 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.
- (3) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing and additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- (4) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(j) *Change of authorized representative of an industrial use.* Should the permittee's authorized representative change during the permit period because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the user, a completed copy of the approved authorization form (attached to the IWDP) for the new representative or position must be submitted to the Assistant to the City Manager for Public Services.

(k) *Maintenance of records.* Any SIUs subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (1) The date, exact location, method and time of sampling, the names of the persons taking the samples, and chain of custody of the samples.
- (2) The dates analyses were performed.
- (3) The person that performed the analyses.
- (4) The analytical techniques/methods used; and
- (5) The results of such analyses.

(l) *Retention of records.* Any SIU subject to the reporting requirements established in this section shall be required to retain for a minimum of three years records of all submitted periodic compliance reports and any other such monitoring activities and/or analytical data pertaining to these reports (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and

copying by the Assistant to the City Manager for Public Services, State or EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the Assistant to the City Manager for Public Services, the State or EPA upon reasonable notice to the permittee.

(m) *Confidentiality*. Information and data on a user obtained from reports, questionnaires, IWDP applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user stamps the words "confidential business information" on each page containing such information at the time of submission, and is able to demonstrate to the satisfaction of the Assistant to the City Manager for Public Services that the release of this specific material, would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. Those portions of any document identified in writing by the permittee as disclosing trade secrets or secret processes shall not be made available to the public pursuant to section 308(b) of the Act unless determined by a court of competent jurisdiction to be subject to disclosure. These documents shall, however, be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(n) *Timing*. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report shall govern. Faxed copies of the report will only be accepted if the complete original report is received by the city within five working days of the fax copy.

(o) *Sampling and analytical requirements*. The following regulations apply to all wastewater sampling and analytical methods and techniques required by this division:

- (1) Except as indicated in section (2) below, wherever wastewater sampling is required by the terms of this division or IWDP, such sampling shall be performed using flow proportional composite collection techniques in order to collect a representative wastewater sample throughout the total daily period of effluent discharge by the user. In the event flow proportional sampling is deemed to be technically infeasible by the control authority, it may authorize the use of time proportional sampling or a minimum of eight (8) grab aliquots composited into a single sample where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous maximum discharge limits.
- (2) Samples for oil and grease, temperature, specific conductance, pH, cyanide, phenols, sulfides and volatile organic compounds shall be obtained using grab collection techniques.
- (3) All sample preservation procedures, container materials, maximum allowable holding times and analytical techniques to be submitted as part of any application or report required by this division shall be performed in accordance with the procedures and techniques specified in "The Department of Environmental Protection Standard Operating Procedures for Field Activities"(DEP-SOP-001/01) February 2004 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If DEP-SOP-001/01 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with Rule 62-625.600(1)(e)6b & 6c or procedures approved by the EPA.
- (4) All pollutant analyses, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the control authority or other parties approved by EPA. All analyses shall be performed by a laboratory certified by Florida Department of Health for environmental analysis for all pollutants concerned.

- (5) An SIU may request the control authority to perform all sampling and analysis of its wastewater in lieu of self monitoring by the SIU. This sampling and analysis shall be performed by the control authority according to part (3) above following the control authority's FDEP approved written comprehensive quality assurance plan.
- (6) Where an SIU performs its own sampling, the SIU shall develop a written procedure for the sampling based on part (3) above and shall submit this to the control authority for approval. The SIU shall be required to demonstrate the complete field sampling procedure at its facility to the satisfaction of the control authority prior to the issuance of approval.
- (7) Where a private contractor is selected by a SIU to perform the necessary sampling and/or laboratory analysis, the SIU shall submit and maintain current copies of the following private contractor's documents to the control authority prior to any sampling or analysis data being accepted by the control authority.
  - a. FDOH Environmental Water Certification Analytes List.
  - b. Environmental Water Certificate as issued by the Office of Laboratory Services, Jacksonville, Florida.
  - c. The latest FDEP approval correspondence containing the FDEP assigned Comprehensive Quality Assurance Plan number.
  - d. The sampling protocols contained in the Comprehensive Quality Assurance Plan.

The contractor may be required, at the control authority's request, to demonstrate the complete field sampling procedure at the SIU's facility. Analytical results will not be accepted from the SIU or its selected private laboratory until the sampling procedure has been approved by the city.

~~(Code 1988, § 22-84)~~

#### **Sec. 78-138. Enforcement Procedures.**

(a) *Notice of Violation (NOV) and Compliance Meeting.* When the Assistant to the City Manager for Public Services finds that a User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Assistant to the City Manager for Public Services may serve upon that User a written Notice of Violation. Within ten (10) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Assistant to the City Manager for Public Services. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Assistant to the City Manager for Public Services to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation. The user may also be directed to attend a compliance meeting with representatives of the city. The purpose of the compliance meeting shall be for the industrial user to present and establish such procedures, investigations, studies, and compliance measures as are necessary to control and prevent future violations of this article. The user shall be bound by such procedures, etc., and during the compliance meeting the user shall agree to a date certain beyond which no further violations shall occur. Failure to comply with the compliance meeting procedures, etc., or the date shall be deemed a violation of this article and may be grounds for revocation of the user's wastewater discharge permit and grounds for such other actions, penalties or enforcement or all or any combination of these things as may be authorized for violation of this article.

(b) *Notice of Significant Noncompliance (NOSNC).* Whenever an SIU has violated the IWDP or any provision of 40 CFR Part 403 or 62-625 F.A.C., a Notice of Significant Noncompliance shall be issued if the city determines the violation to constitute Significant Noncompliance as defined in Section 78-127. The NOSNC

shall clearly state the noncompliance and require the SIU, within ten (10) working days of the receipt date of this Notice, to respond in writing to the violation and submit a written plan outlining what steps will be taken to gain compliance and prevent reoccurrence of the violation. In addition to the NOSNC the city shall insert an annual public notification of all SIUs in SNC in the daily newspaper with the largest circulation in the immediate area.

(c) *Consent Orders.* The Assistant to the City Manager for Public Services may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the compliance or cease and desist orders issued pursuant to subsections (d) and (g) of this ordinance and shall be judicially enforceable.

(d) *Compliance Orders.* When the Assistant to the City Manager for Public Services finds that a User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Assistant to the City Manager for Public Services may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(e) *Emergency Suspensions and Termination of Service.* The city may suspend the wastewater treatment service and an industrial wastewater discharge permit when such suspension is necessary, in the opinion of the Assistant to the City Manager for Public Services, in order to stop an actual or threatened discharge which represents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, which causes interference to the POTW or which causes or may cause the city to violate any conditions of its NPDES permit.

- (1) Any person notified of a suspension of the wastewater treatment service or the IWDP or either of these things shall immediately stop or eliminate the discharge. Methods of notice shall include but shall not be limited to personal conversation between the user or his representative and the Assistant to the City Manager for Public Services; telephone calls of this same nature; letters, either mailed or hand-delivered; hand-delivered messages; or notices posted at the user's premises or the point of discharge into the city's wastewater system.
- (2) If the person fails to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including but not limited to immediate severance of the sewer connection or water connection, to prevent or minimize damage to the POTW system or endangerment to any individuals.
- (3) The city may reinstate the IWDP and the wastewater treatment service upon proof of the elimination of the non-complying discharge and demonstration of measures to prevent future occurrences.
- (4) A detailed written statement submitted by the user describing the cause of the discharge and the measures taken to prevent any future occurrence shall be submitted to the city within 15 days of the date of the occurrence.

(f) *IWDP Revocation.* Any industrial user who violates the conditions outlined in Section 78-136(j) of this ordinance or other applicable local, regional, state, or federal laws, regulations and case decisions is subject to having the IWDP revoked by the Assistant to the City Manager for Public Services:

(g) *Cease and Desist Order.* When the Assistant to the City Manager for Public Services finds that a User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Assistant to the City Manager for Public Services may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(h) *Show Cause Hearing.* The city may order any user who causes or allows an unauthorized discharge or who otherwise violates this article in any way to show cause before the code enforcement board why a proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least ten days before the hearing. Service may be made on any agent or officer of a corporation or on the local representative as identified in the permit application. The code enforcement board may itself conduct the hearing and take evidence or may designate any of its members or any officer or employee of the city to:

- (1) Issue notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing.
- (2) Take evidence.
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the code enforcement board for action thereon. After the code enforcement board has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or unless existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. The industrial user shall have the opportunity to appear before the code enforcement board prior to its final decision and present oral and written arguments. Nothing in this subsection may prevent the city from taking immediate, appropriate, or emergency actions or all of these things to prevent a violation or a further violation of this article when, in the city's sole discretion, circumstances warrant an immediate response to any such violation.

(i) *Injunctive Relief.* The city may, immediately upon discovering an ongoing or potential discharge of pollutants into the city's POTW which reasonably appears to exceed the requirements or conditions described in this article, petition the circuit court of the county or the federal district court for a temporary restraining order or preliminary injunction to halt or prohibit such discharge. Prior to the filing of such a petition, the Assistant to the City Manager for Public Services shall attempt to notify the user of the city's intention to file such action. Notice may be of the type outlined in this section, but shall not be a condition precedent to the city's petitioning for and obtaining such an order or injunction.

(j) *Recovery of Costs to City.* In addition to remedies available to the city as set forth elsewhere in this article, if the city is fined by the state or the EPA or any other governmental agency for a violation of water quality standards as the result of a discharge of pollutants, the fine and all city legal, sampling, analytical testing and any other related costs shall be charged to the responsible user. Such charges shall be in addition to and not in lieu of any other remedies the city may have under this article or under any statutes or regulations, at law or in equity.

(k) *Obstructions.* If the discharge from any user causes a deposit, obstruction, or damage to any of the city's wastewater facilities, the Assistant to the City Manager for Public Services shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired, at the sole cost of the person or user causing such deposit, obstruction, or damages.

(l) *Remedies Non-exclusive.* The remedies provided for in this ordinance are not exclusive. The Assistant to the City Manager for Public Services may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the Assistant to the City Manager for Public Services may take other action against any User when the circumstances warrant. Further, the Assistant to the City Manager for Public Services is empowered to take more than one enforcement action against any noncompliant User.

(m) *Affirmative Relief.* In addition to any fine levied under this article, the city may, where the circumstances of the particular case so dictate, but in the sole discretion of the Assistant to the City Manager for Public Services, seek injunctive relief to prohibit the user from discharging any wastewater into the city's sanitary sewer system or to provide such other affirmative relief as may be appropriate.

(n) *Excess Flow.* A person or user whose discharge flow exceeds 50,000 gallons per day on the day of the violation or 50,000 gallons as an average during the month that the violation occurs may be assessed up to and including twice the amounts described in this section.

(o) *Administrative fines.* Any industrial user who violates any section of this article shall be subject to a penalty not exceeding \$1,000.00 per day per violation for each day that the user is in violation of this article. Administrative fines shall be issued in accordance with the City of Winter Garden Enforcement Response Plan as approved by the Florida Department of Environmental Protection. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. The city may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User. The city may provide for larger penalties where appropriate (e.g., where the industrial user has a history of violations, etc.). This minimum penalty shall in no way limit the city's ability to seek larger penalties in appropriate cases or to allow the city to mitigate the penalty depending upon the circumstances of each case or violation.

(p) *City Analyses.* If there is a difference in understanding between the city and the user as to the characteristics in the wastewater, the city reserves the right to use the city analyses and results to thereafter compute any fees that may be assessed.

(q) *Penalties owing.* The city also reserves the right to revoke a discharge permit of or disconnect wastewater service to, or both of these things, any user whenever penalties or fees are due and owing for a period of more than 14 days following the date of notification to the user that a chargeable violation has occurred.

(r) *Falsification.* Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this article or pursuant to any wastewater discharge permit or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sampling or analysis or information-gathering method required under this article shall be subject to the penalties and costs provided in this section and any other penalty that may be provided under this Code or any other applicable local, state, or federal law or regulation.

(s) *Civil Penalties.* A User who has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the city for a maximum civil penalty of not less than \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

- (1) The Assistant to the City Manager for Public Services may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
  - (2) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
  - (3) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.
- (t) *Criminal Prosecution.* Any SIU who willfully or negligently violates any provision of the city's Sewer Use Ordinance (SUO), permit, or order issued hereunder, or any other pretreatment requirement shall, upon conviction, be punished by a fine of not more than \$1,000 per violation per day or the maximum civil penalty permitted under State law per violation per day or imprisonment or both. Any SIU who knowingly makes false statements, representations, or certifications in any application, inspection report, record report, plan or other documentation filed, or required to be maintained, pursuant to the SUO, Permit, or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under the SUO, shall, upon conviction, be punished by a fine of not more than \$1,000 per violation per day or the maximum civil penalty permitted under State law per violation per day or imprisonment or both.

**Sec. 78-139. Appeal of Enforcement Action.**

(a) *Appeal procedure.* The following appeal procedure is designed to allow any person or user the right to appeal the requirements of this article if he thinks they are incorrect and to have the right to a hearing regarding his appeal before the City Commission:

- (1) Complaints requiring inspection or personnel approval shall be dealt with on a case-by-case basis. If necessary, documentation required to substantiate the user's complaint shall be filed with the city. After review of the information presented, a determination by the Assistant to the City Manager for Public Services will be made known to the complainant. All documentation, review notes, and written resolution of the complaint shall be filed and retained by the City Clerk for a period of not less than three years.
- (2) The user shall also have the right to an administrative review of the Assistant to the City Manager for Public Services' determination by the City Commission. In order to exercise this right, the user shall comply with all applicable requirements of this ordinance, as it may be from time to time amended.
- (3) The City Commission shall schedule a hearing thereon at its next regularly scheduled meeting at which this matter can reasonably become part of the agenda, but no later than 30 days following receipt of such notice. The user shall be notified of the date and time of the hearing, and shall be permitted to present evidence and argument at the hearing. The City Commission shall make a determination on the matter at that time, and this determination shall be binding upon the user and the city and shall constitute the official position of the city with respect to the matter.
- (4) If the City Commission upholds the Assistant to the City Manager for Public Services' decision, all penalties previously assessed against the user shall be paid immediately, but no later than five days following the City Commission's determination. If the City Commission overrules the Assistant to the City Manager for Public Services' decision in part or in full, the City Commission may, at its discretion, waive part or all of the penalties charged to the complainant.
- (5) All decisions rendered by the City Commission shall be considered final and binding on all parties involved.

(b) *Immediate Action.* Nothing in this section or in this article as a whole is intended to preclude the city from taking immediate action to temporarily modify a permit or to sever service of an industry completely when there is imminent risk of injury to the public sewer system or to the health and welfare of the public or to the environment.

**Sec. 78-140. Affirmative Defenses to Discharge Violations.**

(a) *Upset.* An upset is defined in Section 78-127 above.

(1) An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical Pretreatment Standards if the requirements of paragraph (2), below, are met.

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

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

b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

c. The User has submitted the following information to the Assistant to the City Manager for Public Services within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:

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

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

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

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

(4) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

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

(b) *Prohibited Discharge Standards.* A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 78-132(a). of this ordinance or the specific prohibitions in Sections 78-132(b)(3) through (7) and (9) through (21) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

(1) Local limits exist for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

(2) No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

(c) *Bypass*. Bypass is defined in Section 78-127 above. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c)(1) and (c)(2) of this Section.

(1) Bypass notifications are required if;

- a. If a User knows in advance of the need for a bypass, it shall submit prior notice to the Assistant to the City Manager for Public Services, at least ten (10) days before the date of the bypass, if possible.
- b. A User shall submit oral notice to the Assistant to the City Manager for Public Services of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Assistant to the City Manager for Public Services may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(2) Bypass is prohibited, and the Assistant to the City Manager for Public Services may take an enforcement action against a User for a bypass, unless;

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c. The User submitted notices as required under paragraph (c)(1) of this section.

(3) The Assistant to the City Manager for Public Services may approve an anticipated bypass, after considering its adverse effects, if the Assistant to the City Manager for Public Services determines that it will meet the three conditions listed in paragraph (c)(2) of this Section.

**Section 78-141. Effective Date.**

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

~~(Code 1988, § 22-85)~~

**Secs. 78- 136 142 to 78-165. Reserved.**

**Ordinance 05-56**

See the City Clerk's office for additional information regarding this Ordinance.

**ORDINANCE 07-20**

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REMOVING SECTION 118-1387 (f) RELATED TO PARKING EXEMPTIONS FOR THE C-1 ZONING DISTRICT; CREATING SECTION 118-1390 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR THE OPTION TO PAY PARKING USER FEES FOR NON-RESIDENTIAL PROPERTIES IN THE DOWNTOWN CORE IN LIEU OF PROVIDING ON-SITE PARKING; PROVIDING FOR THE ESTABLISHMENT OF A DOWNTOWN PARKING DISTRICT FUND FOR PARKING IMPROVEMENTS IN THE DOWNTOWN CORE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Revitalization and Redevelopment of the Downtown Winter Garden Core Area described on the attached Exhibit "A" hereinafter referred to as the "Downtown Core" has been and continues to be successful, and

**WHEREAS**, the continued success of the Redevelopment of the Downtown Core depends on sufficient support infrastructure including adequate parking, and

**WHEREAS**, the City Planning Department has developed a report entitled "Downtown Winter Garden Parking Study 2005," which indicates that Downtown Core currently needs an additional 600 parking spaces to comply with the Code of Ordinances, and to support continued redevelopment of the Downtown Core, and

**WHEREAS**, forty percent of the parking used by businesses in the Downtown Core has been provided in the form of on-street parking or public parking which is maintained by the City of Winter Garden, and

**WHEREAS**, Section 118-1386 requires all new or expanding commercial development and all changes of use to provide adequate parking prior to receiving an Occupational License, and

**WHEREAS**, Section 118-1387 (f) allows the P&Z Board to grant relief from the parking requirements for some downtown developments, and

**WHEREAS**, many of the existing parcels of land in the Downtown Core are too small to provide adequate parking, or would not develop to their optimum potential if on-site parking is required, and

**WHEREAS**, the City desires to continue to provide a positive environment for existing and new businesses and commercial development, and

**WHEREAS**, the City desires to provide sufficient support infrastructure in the form of additional parking to accommodate the Downtown Core parking, and

**WHEREAS**, the City desires to provide all new and expanding development the option of paying a user fee in lieu of providing parking, or providing on-site required parking, and

**WHEREAS**, the per space cost has been estimated by the City Staff to be approximately \$21,000.00 (in 2007 dollars), and

**WHEREAS**, the per space shared cost has been estimated by the City Staff to be \$7,000.00 (in 2007 dollars)

**NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:**

**Section I** Section 118-1387 (f) of the City Code shall read as follows:

~~(f) — Exception for C-1 commercial district. The planning and zoning board may waive the requirement for automobile off-street parking space within the C-1 commercial district, provided the following determinations are made (the administrative official shall apply to the planning and zoning board for a decision when building permits are requested in such cases):~~

~~(1) — Construction of the required automobile off-street parking space on the premises would prevent the continuous development of a compact and coordinated row of commercial buildings fronting on an already established commercial block or shopping area.~~

~~(2) — The required automobile off-street parking space cannot be reasonably provided off the premises in accordance with section 118-1386.~~

~~(3) — The principal building and use proposed is not designed or oriented to providing sales or services to persons remaining in automobiles or similar vehicles~~

Reserved

**Section II** Section 118-1390 of the City Code shall read as follows:

**Section 118-1390      Parking User Fee for the Downtown Core**

**1.      Purpose and Intent** - The intent and purpose of this ordinance is as follows:

(a) To protect the health, safety and general welfare of the citizens and visitors of Winter Garden.

(b) To facilitate orderly development within the Downtown Core.

(c) To enhance parking level of service within the Downtown Core and to promote economic well-being within the Downtown Core and the City as a whole.

(d) To provide adequate parking for the Downtown Core.

(e) To ensure that new and expanding developments that cannot provide adequate on-site parking shall bear a share of the cost for the provision of new or expanded parking facilities.

(f) To establish a Parking Trust Fund that will be used to maintain existing and future parking spaces as well as to construct new parking spaces.

- (g) To establish a Downtown Parking Fee option for new and expanding developments within the Downtown Core.
2. **Generally.** As required by Section 118-1386, all new and expanding developments and all changes of use of existing buildings and properties within the Downtown Core must provide adequate parking. At the option of the property owner or business owner, the below parking user fee may be paid in lieu of providing all or some of the required parking.
  3. **Parking Calculations** – The number of paved parking spaces for new and expanding developments in the Downtown Core will be as follows:
    - Restaurants – 1 parking space for each four patron seats
    - Residential – Two parking spaces for each residential unit
    - All Other Allowable Uses – 3 parking spaces for each 1,000 s.f. of gross space
  4. **Vesting.** The Current number of parking spaces provided by all existing improved properties are vested for their current use, square footage and parking as of the effective date of this ordinance. Any change of use, modification of square footage of structures or increased use such as outdoor cafes or seating will require a determination or assessment of parking need. If the assessment determines additional parking is needed, that parking shall comply with provisions of this ordinance.
  5. Property owner must either provide the required parking on-site, off-site within four hundred feet of the entrance, pay the appropriate amount of the Downtown Core parking fee or some combination of the three.
  6. The Downtown Core parking fee shall be \$7,000.00 (in 2007 dollars). The fee is based on one-third cost of land and parking to provide a typical space. The Downtown Core parking fee shall be increased each year by 2.5% per year beginning January 1, 2008 the prior year's fee unless a different adjustment is made by the Winter Garden City Commission by Resolution. The Downtown Core as identified on Exhibit "A" may be amended by Resolution by the Winter Garden City Commission.
  7. ***Downtown Parking District Trust Fund.*** The Downtown Parking District Trust Fund shall be established at the time of the payment of the first parking user fee. The payment to the Trust Fund shall be used for the following purposes:
    - a. Acquire, construct, or develop on-street and off-street parking and related facilities on interim or long-term basis;
    - b. Fund the capital costs associated with new, upgraded, and/or expanded on-street and off-street parking areas serving land uses within the Downtown Core;
    - c. Acquisition of land for future surface parking lots or garage construction;
    - d. Maintenance, including but not limited to lighting, landscaping, striping, signage, and resurfacing, of present and future city-owned parking spaces.

8. **Reserved Parking** – Payment into the Parking Trust Fund does not in any way entitle any property or business owner to ownership, use, occupancy or claim to any parking spaces owned by the City. No parking spaces will be reserved for any person or entity and all will remain available for public parking subject to the rules and ordinances of the City of Winter Garden and provided that the City Manager may reserve any or all of the parking spaces for emergency, law enforcement, and municipal service purposes, as well as special events and activities.
9. **Administration** – The City Manager is authorized to develop any required forms and / or contracts to implement this section. Appeal of staff determination or request for waiver or variance shall be to City Manager.

**Section III** In the event of a conflict or conflicts between this ordinance and other ordinances, this Ordinance controls.

**Section IV** If any portion of this Ordinance is determined to be void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

**Section V** This Ordinance shall become effective upon approval by the City Commission at its second reading.

FIRST READING: \_\_\_\_\_ 2007.

SECOND READING AND PUBLIC HEARING: \_\_\_\_\_ 2007.

APPROVED:

\_\_\_\_\_  
Jack Quesinberry, Mayor/Commissioner

ATTESTED:

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

{Parking Ord Downtown 5/7/2007}

**RESOLUTION NO. 07-04**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING THE CITY OF WINTER GARDEN STORMWATER FACILITIES PLAN FOR DR. BRADFORD MEMORIAL PARK DATED APRIL 2007; AUTHORIZING THE PLAN TO BE SUBMITTED TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP); AND DESIGNATING THE AUTHORIZED REPRESENTATIVE AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Winter Garden determined that the project recommended in the City of Winter Garden Stormwater Facilities Plan for Dr. Bradford Memorial Park is in the best interests of its citizens; and

**WHEREAS**, the City is seeking funding from the Florida Department of Environmental Protection (FDEP) under its SRF loan program to fund these improvements to benefit the City of Winter Garden stormwater customers; and.

**WHEREAS**, staff has requested that the City Commission approve the City of Winter Garden Stormwater Facilities Plan and Capital Financing Plan for Dr. Bradford Memorial Park after a discussion at a public meeting in accordance with State Revolving Fund (SRF) requirements.

**NOW, THEREFORE, BE IT RESOLVED by the City Commissioners, City of Winter Garden, Florida as follows:**

**Section 1. Adoption of Facilities Plan.** The City of Winter Garden, a political subdivision of the State of Florida, hereby adopts the City of Winter Garden Stormwater Facilities Plan for Dr. Bradford Memorial Park, copy attached and incorporated herein.

**Section 2. Adoption of Capital Financing Plan.** The City of Winter Garden Capital Financing Plan, that has been reviewed, and has been discussed at a public meeting of the City of Winter Garden, is hereby adopted.

**Section 3. Authorization to Submit the Facilities Plan.** The City Commission hereby authorizes the submission of this Plan to the State of Florida Department of Environmental Protection.

**Section 4. Authorization of City Manager.** The City Manager is hereby authorized to carry out the responsibilities under this Loan Program and to delegate authority and responsibility to staff to carry out all activities to accomplish the goals of the Loan Program.

**Section 5. Effective Date.** This resolution shall take effect immediately upon its adoption.

**PASSED AND RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

\_\_\_\_\_  
Jack Quesinberry, Mayor/Commissioner

ATTEST:

\_\_\_\_\_  
Kathy Golden, City Clerk