

**SEACOAST UTILITY AUTHORITY**

**4200 HOOD ROAD  
PALM BEACH GARDENS, FL 33410-1810**

Business/ After Hours Emergency Phone: (561) 627-2900

Customer Service Phone: (561) 627-2920

Facsimile Number: (561) 624-2839

Web Site Address: [www.sua.com](http://www.sua.com)

**WASTEWATER PRETREATMENT PROGRAM**

Adopted by Ordinance No. 1-2014

Revised March 26, 2014

Revised January 27, 2021

**EXHIBIT "A"**

**SEACOAST UTILITY AUTHORITY  
WASTEWATER PRETREATMENT PROGRAM**

INDEX

To the Rules and Regulations of the Seacoast Utility Authority Sewage Pretreatment Ordinance 1-2021.

Section 1	General Provisions
Section 2	Definitions
Section 3	General Sewer Use Requirements
Section 4	Pretreatment of Wastewater
Section 5	Individual Wastewater Discharge Permits and General Permits
Section 6	Reporting Requirements for Industrial Users
Section 7	Compliance Monitoring
Section 8	Confidential Information
Section 9	Publication of Users in Significant Non-Compliance
Section 10	Administrative Enforcement Remedies
Section 11	Judicial Enforcement Remedies
Section 12	Affirmative Defenses to Discharge Violations
Section 13	Wastewater Treatment Rates
Section 14	Pretreatment Charges and Fees
Section 15	Dental Facilities
Section 16	Effective Date

**Section 1    General Provisions**

1(1) Purpose and Policy

This ordinance sets forth uniform requirements for users of the wastewater facilities for the Seacoast Utility Authority (SUA) and enables SUA to comply with all applicable State and federal laws, including the Clean Water Act (33 United States Code 1251 et seq.) the General Pretreatment Regulations (40 Code of Federal Regulations Part 403) and the DEP 2010 Pretreatment Requirements for New and Existing Sources of Pollution (Chapter 62-625 FAC). The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the wastewater facilities that will interfere with its operation, including interference with its use or disposal of domestic wastewater residuals;

- (b) To prevent the introduction of pollutants into the wastewater facilities that will pass through the wastewater facilities, inadequately treated, into receiving waters, or otherwise be incompatible with the wastewater facilities;
- (c) To protect both wastewater facilities personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (d) To promote reuse and recycling of industrial wastewater and sludge from the wastewater facilities
- (e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the wastewater facilities; and
- (f) To enable SUA to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the wastewater facilities is subject.

This ordinance shall apply to all users of the wastewater facilities. The ordinance authorizes the issuance of wastewater 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.

1(2) Except as otherwise provided herein, SUA shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon SUA may be delegated by the Executive Director to a duly authorized SUA employee.

1(3) Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

BOD – Biochemical Oxygen Demand  
 BMP – Best Management Practice  
 BMR – Baseline Monitoring Report  
 CFR – *Code of Federal Regulations*  
 CIU – Categorical Industrial User  
 COD – Chemical Oxygen Demand  
 FAC – Florida Administrative Code  
 FDEP – Florida Department of Environmental Protection  
 EPA – U.S. Environmental Protection Agency  
 gpd – gallons per day  
 IU – Industrial User  
 mg/l – milligrams per liter  
 NPDES – National Pollutant Discharge Elimination System  
 NSCIU – Non-Significant Categorical Industrial User  
 POTW – Publicly Owned Treatment Works

RCRA – Resource Conservation and Recovery Act  
SIU – Significant Industrial User  
SNC – Significant Noncompliance  
SUA – Seacoast Utility Authority  
TSS – Total Suspended Solids  
U.S.C. – United States Code

## **Section 2 Definitions**

The following terms and phrases when used in this chapter shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning. Words used in the present tense shall include the future, and the singular number includes the plural, and the plural the singular.

- (1) Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- (2) Approval Authority. The Florida Department of Environmental Protection (DEP) is the approval authority for all industrial pretreatment program related activities.
- (3) Authorized or Duly Authorized Representative of the industrial user shall mean:
  - (a) If the user is a corporation:
    1. A principal executive officer of at least the level of vice-president, if the industrial user is a corporation.
    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 individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (b) If the industrial user is a partnership or 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 (a) through (c), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall

operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to SUA.

- (4) Biochemical Oxygen Demand or B.O.D. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
- (5) Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 3 (1)(a) and (b) [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- (6) Categorical Pretreatment Standard, Categorical Standard. 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.
- (7) Categorical Industrial User (CIU). An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- (8) Chemical Oxygen Demand or C.O.D. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- (9) Composite sample. A measured sample of wastewater collected at predetermined intervals, to be commingled over a time period.
- (10) Control Authority. Seacoast Utility Authority or any public utility that administers a pretreatment program that has been approved by the Department in accordance with the requirements of Rule 62-625.510, F.A.C. In cases where categorical or significant noncategorical industrial users discharge to domestic WWFs that are not included in an approved pretreatment program, the Department shall function as the control authority until an approved pretreatment program has been established by the public utility.
- (11) Constituents. The particles and conditions which exist in wastewater.
- (12) Conventional pollutant. Any of five categories defined by the Clean Water Act: B.O.D., suspended solids, fecal coliform, pH and oil and grease.
- (13) Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

- (14) Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (15) DEP. The Florida Department of Environmental Protection
- (16) Domestic waste. The wastewater produced from non-commercial or non-industrial activities which results from normal human processes which are substantially similar in origin and strength to those typically produced in households.
- (17) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- (18) Executive Director. The Chief Executive Officer for Seacoast Utility Authority (SUA), appointed by the SUA Board, who is responsible for planning, organizing, directing and coordinating water and sewage activities throughout SUA or designating a person to perform these functions.
- (19) Existing Source. Any source of discharge that is not a "New Source."
- (20) Grab Sample. An individual, discreet sample collected at a specific time. A grab sample includes all sub samples or aliquots (e.g. individual containers for specific analytes or analyte groups), sample fractions (e.g. total and filtered samples), and all applicable field quality control samples (e.g. field sample duplicates or split samples) collected at the same locations within a time not exceeding fifteen (15) minutes.
- (21) Hazardous Waste Pharmaceutical. A pharmaceutical that is a solid waste, as defined in Title 40 of the Code of Federal Regulations (40 CFR) section 261.2, and exhibits one or more characteristics identified in 40 CFR part 261 subpart C or is listed in 40 CFR part 261 subpart D.
- (22) Healthcare Facility. Any person that is lawfully authorized to:
  - (a) Provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or

- (b) Distribute, sell, or dispense pharmaceuticals. This definition includes, but is not limited to, wholesale distributors, third-party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals.

Healthcare facility does not include pharmaceutical manufacturers.

- (23) Indirect Discharge or Discharge. Introduction of pollutants into the POTW from any nondomestic source.
- (24) Industrial user. A source of indirect discharge.
- (25) Industrial waste. The sewage from industrial processes, as distinguished from domestic sewage.
- (26) Instantaneous Limit. 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.
- (27) Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
  - (a) Inhibits or disrupts SUA's wastewater facility, its treatment processes or operations, or its domestic wastewater residuals processes, use or disposal; and
  - (b) Is a cause of a violation of any requirement of SUA's NPDES Permit (including an increase in the magnitude or duration of a violation) or prevents use or disposal of domestic wastewater residuals in compliance with local regulations or rules of the Department and Chapter 403, F.S..
- (28) Local Limit. Specific discharge limits developed and enforced by SUA upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- (29) Maximum Allowable Industrial Loading. The total mass of a pollutant that all industrial users and other controlled sources may discharge without causing pass through or interference.
- (30) Medical Waste. 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.

- (31) Method Detection Limit or MDL. An estimate of the minimum amount of a substance that an analyte process can reliably detect. A MDL is analyte- and matrix-specific and is laboratory dependent.
- (32) Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- (33) Monthly Average Limit. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- (34) National categorical pretreatment standards or pretreatment standard. Any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1337) which applies to a specific category of industrial users.
- (35) New source shall be defined as follows:
  - (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 which 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 new modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (a) 2. or 3. above but otherwise alters, replaces, or adds to existing process or production equipment; or



- (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.
- (36) Noncontact cooling water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (37) Non-significant categorical industrial user. An industrial user that discharges 100 gallons per day (gpd) or less of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and:
- (a) Has consistently complied with all applicable categorical pretreatment standards and requirements;
  - (b) Annually submits the certification statement required in subsection 62-625.600(17), F.A.C., together with any additional information necessary to support the certification statement; and
  - (c) Never discharges any untreated categorical process wastewater.
- (38) Pass Through. A discharge which exits the WWTP into waters of the State in quantities or concentrations which alone or in conjunction with a discharge that is from other sources is a cause of a violation of any requirements of SUA's NPDES permit (including an increase in the magnitude or duration of a violation).
- (39) Person. Any individual, firm, company, association, society, corporation, partnership, co-partnership, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns, group or industrial concern. This definition includes all Federal, State, and local governmental entities.

- (40) pH. A measure of the acidity or alkalinity of a solution, expressed in standard unit.
- (41) Pharmaceutical. Any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials). This definition includes, but is not limited to, dietary supplements, as defined by the Federal Food, Drug and Cosmetic Act; prescription drugs, as defined by Title 21 of the Code of Federal Regulations part 203.3(y); over-the-counter drugs; homeopathic drugs; compounded drugs; investigational new drugs; pharmaceuticals remaining in non-empty containers; personal protective equipment contaminated with pharmaceuticals; and clean-up material from spills of pharmaceuticals. Pharmaceutical does not include dental amalgam or sharps.
- (42) Pollution. The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.
- (43) Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (44) POTW. Publicly Owned Treatment Works. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by SUA. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
- (45) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a WWF. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by subsection 62-625.410(5), F.A.C.
- (46) Pretreatment Program. A program administered by a public utility that meets the criteria established in Rule 62-625.500, F.A.C.
- (47) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- (48) Pretreatment Standards or Standards. Prohibited discharge standards, categorical pretreatment standards, and local limits.

- (49) Priority pollutant. Any toxic pollutant regulated under Categorical Standards.
- (50) Public Utility. Any state, county or municipality owning, managing, controlling or operating a domestic WWF, or proposing to construct a domestic WWF that provides or proposes to provide wastewater service.
- (51) Programs Coordinator (PC). The person designated by SUA to be charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.
- (52) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 3 of this ordinance.
- (53) Removal. A reduction in the amount of a pollutant in the WWF's effluent or alteration of the nature of a pollutant during treatment at the WWF. The reduction or alteration can be obtained by physical, chemical or biological means and may be the result of specifically designed WWF capabilities or may be incidental to the operation of the treatment system. Removal as used in this chapter shall not mean dilution of a pollutant in the WWF.
- (54) Responsible Corporate Officer.
  - (a) A president, secretary, treasurer, or 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
  - (b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager;
    - 1. Is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations;
    - 2. Is authorized to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations;
    - 3. Can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements;
    - 4. Has been assigned or delegated the authority to sign documents in accordance with corporate procedures.
- (55) Reverse Distributor. Any person that receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit. Any person, including forward distributors, third-party logistics providers, and pharmaceutical

manufacturers, that processes prescription pharmaceuticals for the facilitation or verification of manufacturer credit is considered a reverse distributor.

- (56) Sanitary sewer. A sewer intended to carry domestic waste from residences, commercial buildings, industrial plants and institutions, together with small quantities of ground, storm and surface waters that are not intentionally admitted.
- (57) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (58) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- (59) Sewer. A pipe or conduit intended to carry wastewater.
- (60) Sewer Service Policy. A schedule of the company's rules, regulations and rates approved by the Seacoast Utility Authority Governing Board.
- (61) Severe Property Damage. Substantial physical damage to property, damage to an industrial user's 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.
- (62) Significant Industrial User. Except as provided in paragraphs (c) and (d) below, means the following:
  - (a) Categorical Industrial Users; and
  - (b) Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the WWF (excluding domestic wastewater, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement in accordance with paragraph 62-625.500(2)(e), F.A.C.
  - (c) SUA may determine that an industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, is a non-significant categorical industrial user on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

1. The Industrial User, prior to SUA's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
  2. The Industrial User annually submits the certification statement required in Subsection 6(14)(b), together with any additional information necessary to support the certification statement; and
  3. The Industrial User never discharges any untreated categorical process wastewater.
- (d) Upon a finding that an industrial user meeting the criteria in paragraph (b) above has no reasonable potential for adversely affecting the WWF'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 paragraph 62-625.500(2)(e), F.A.C., determine that such industrial user is not a significant industrial user.
- (63) Significant noncompliance. See Section 9(1)(a) – (h).
- (64) Slug Discharge. Any discharge of a nonroutine, episodic nature which has a reasonable potential to cause interference or pass through, or in any other way violate the WWF's regulations, local limits or permit conditions.
- (65) Standard industrial classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (66) Storm sewer. A sewer intended to carry storm and surface waters, street wash, and other waters or drainage excluding wastes carried by sanitary sewers.
- (67) Storm water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (68) SUA. Seacoast Utility Authority.
- (69) Suspended solids or Total Suspended Solids. Materials that either float on the surface or are suspended in water, wastewater or other liquids, most of which are removable by laboratory filtering. Suspended solids shall also mean the quantity of material removed from wastewater in a laboratory test, as prescribed in "Standard Methods for Examination of Water and Wastewater", most recent edition, and referred to as nonfilterable residue.
- (70) Treatment or Pretreatment. 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 wastewater facilities. The reduction or alteration

can be obtained by physical, chemical, or biological processes, or process changes or other means, except as prohibited by Chapter 62-625.410 (5).

- (71) Upset. An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user.
- (72) User. A source of indirect discharge
- (73) Wastewater. The spent water of a community, including liquid and water carried wastes and sewage from residences, commercial buildings, industrial plants and institutions, whether treated or untreated, as well as ground water, surface water and storm water which are contributed to the POTW.
- (74) Wastewater Discharge Permit. As set forth in Section 5 of this ordinance any substantive or procedural requirement related to pretreatment, in addition to any state or national pretreatment standard imposed on an industrial user.
- (75) Wastewater facilities or WWF. The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- (76) Wastewater Treatment Plant or WWTP. That portion of the wastewater facility which is designed to provide treatment of municipal sewage and industrial waste.

### **Section 3    General Sewer Use Requirements**

Except as hereinafter provided, no person shall discharge or cause to be discharged the following into the wastewater facilities:

- 3(1) Discharges Prohibited. 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.
  - (a) General Prohibitions. No user shall introduce or cause to be introduced into the wastewater facility any pollutant or wastewater which causes pass through or interference. These general prohibitions and the Specific Prohibitions in (b) below apply to all users of the wastewater facility whether or not they are subject to other pretreatment standards or any National, State, or local pretreatment standards or requirements.
  - (b) Specific Prohibitions. The following pollutants shall not be introduced into a WWF:

1. Any waters or wastes having a pH lower than 5.0 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of SUA.
2. Pollutants which create a fire or explosion hazard in the POTW such as gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas, or waste stream with a closed cup flash point of less than 140 degrees F or 60 degrees C using the test methods specified in 40 CFR 261.21.
3. Any wastes from septic tanks or other facilities, or wastes emanating from locations outside SUA's service area.
4. 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 WWF.
5. Heat in amounts which will inhibit biological activity in the wastewater facilities resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 40°C (104°F) unless the FDEP, upon request of the control authority, approves alternate temperature limits in accordance with Rule 62-302.520, FAC.
6. Any water or wastes containing fat, oil, grease or any oily substance, singly or in combination, which exceed an average of 100 parts per million or petroleum oils or nonbiodegradable cutting oils or products of mineral oil origin in amounts that will cause passthrough or interference.
7. Any noxious or malodorous gas or substance which, either singly or by interaction with other wastes, may create a public nuisance or increase the hazard of entry into sewers for maintenance and repair. Decomposition products of domestic sewage are excepted herefrom.
8. Any solid or viscous substance which may cause obstruction to the flow in sewers or interference with the proper operation of SUA's wastewater facilities.
9. Any waters or wastes containing toxic or poisonous substances in concentrations which may singly or in combination with other waste, constitute or create a public nuisance or a hazard to humans or animals, or may interfere with any wastewater treatment process or SUA's wastewater facilities, or create a hazard in the receiving water.
10. Any liquids, solids, or gases containing, carrying, or consisting of regulated materials or characteristics in amounts which exceed discharge limits.
11. Any water or waste which, after treatment by SUA, exceeds federal, state or local quality requirements, unless such discharge is allowed by a current and lawful operating permit.
12. Any storm water or drainage from a yard, roof, basement, air conditioning unit, cooling tower, or street catch-basin.
13. Any wastewater which causes a hazard to human life or creates a public nuisance.
14. Dilution- No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for

adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. SUA may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

15. 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 SUA NPDES permit.
16. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
17. Sludges, screenings, or other residues from the pretreatment of industrial wastes
18. Medical Wastes, except as specifically authorized by SUA in an individual wastewater discharge permit or a general permit.
19. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.
20. Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW.
21. Any waste that is hazardous waste under 40 CFR Part 261 will not be discharged to the SUA sewerage system. If hazardous waste is discharged as described by Section 6(9) the industrial user shall follow the reporting requirements stated in Section 6(9). 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.
22. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than ten percent (10%) or any single reading over twenty percent (20%) of the Lower Explosive Limit of the meter.
23. Any hazardous waste pharmaceuticals from healthcare facilities and reverse distributors.

### 3(2) National Categorical Pretreatment Standards

User's must comply with the categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 and are hereby incorporated.

- (a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, SUA may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (b) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, SUA may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating



effluent limitations applicable to individual Industrial Users. Conversions shall be calculated according to Chapter 62-625.410(4) (c), (d) and (i) FAC.

- (c) When the limits in a categorical pretreatment standard are expressed only in terms of pollutant concentrations, an industrial user may request that the SUA convert the limits to equivalent mass limits. The control authority may convert to equivalent mass limits only if the industrial user meets the conditions of Chapter 62-625.410(4) (e) and (f) F.A.C. Equivalent mass limits will be calculated according to Chapter 62-625.410 (4) (g)
  - (d) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, SUA shall impose an alternate limit using the combined wastestream formula in 62-625.410 (6).
  - (e) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 62-625.700 F.A.C., that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
  - (f) A CIU may obtain a net/gross adjustment to a categorical standard in accordance with 62-625.820 F.A.C.
  - (g) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 3(2) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
  - (h) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
  - (i) Users operating under a permit, order or similar means incorporating equivalent mass or concentration limits calculated from a production based Standard shall notify SUA within two (2) business days after the user has a reasonable basis to know that that production level will change more than 20% within the next calendar month. Any User not notifying the SUA of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.
- 3(3) State Pretreatment Standards. Users must comply with State Pretreatment Standards codified at Chapter 62-625 F.A.C.

3(4) Local Limits. SUA is authorized to establish local limits pursuant to 62-625.400(3), [see 40 CFR403.5(c)].

(a) The following pollutant limits are established to protect against Pass Through and Interference. The limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. SUA may impose mass limitations in addition to the concentration-based limitations. No person shall discharge wastewaters containing concentrations which exceed the following local discharge standards.

POLLUTANT	UNIFORM INDUSTRIAL LIMIT CONCENTRATION mg/l
Silver	.86
Cadmium	0.04
Copper	1.6
Mercury	.02
Nickel	.67
Zinc	1.38
Chromium	5.58
Cyanide	0.5
Lead	0.47
Arsenic	0.08
Molybdenum	0.18
Selenium	0.18

(b) SUA may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits or general permits, to implement Local Limits and the requirements of Section 3(1).

**Section 4 Pretreatment of Wastewater**

4(1) Pretreatment Facilities. Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set forth in Section 3 of this ordinance within the time limitations specified by EPA, DEP, or SUA, whichever is more stringent. All facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the PC for review, and shall be acceptable to SUA before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the

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

#### 4(2) Additional Pretreatment Measures

- (a) Whenever deemed necessary SUA may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- (b) SUA may require any person discharging into the wastewater facility to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the P.C., they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by SUA and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
- (d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

#### 4(3) Accidental Discharge / Slug Control Plans

- (a) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. 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 Programs Coordinator shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. When required, detailed plans showing facilities and operating procedures to provide this protection shall be submitted to SUA for review, and shall be approved by SUA before construction of the facility. All existing users shall complete such a plan within ninety (90) days of the effective date of this ordinance. No user who commences discharge to the wastewater facilities after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by SUA. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. An accidental discharge/slug control plan shall address, at a minimum, the following:

1. Description of discharge practices, including nonroutine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the POTW of any accidental or slug discharge, as required by Subsection 6(6) of this ordinance; and,
4. Procedures to prevent adverse impact from any accidental or slug discharge. 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 runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

In the case of an accidental discharge or slug, it is the responsibility of the user to immediately telephone and notify the wastewater facilities of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

- (b) Within five (5) days following an accidental discharge or slug, the user shall, unless waived by the Programs Coordinator, submit to SUA a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, 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 ordinance or other applicable law.
- (c) A notice shall be permanently posted in the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

## **Section 5 Individual Wastewater Discharge Permits and General Permits**

- 5(1) Wastewater Analysis. When requested by SUA, a User must submit information on the nature and characteristics of its wastewater within 30 days of the request. SUA is authorized to prepare a form for this purpose and may periodically require Users to update this information. Protocols and procedures for sample collection and analysis must be performed in accordance with procedures set out in Subsection 6(11) of this ordinance and Chapter 62-160 FAC.
- 5(2) Individual Wastewater Discharge Permit and General Permits Requirement.

- (a) All significant industrial users proposing to connect to or to discharge to the SUA wastewater facilities shall obtain an Individual Wastewater Discharge Permit or a General Permit from SUA before connecting to or discharging to the wastewater facilities.
  - (b) SUA may require other Users to obtain individual wastewater discharge permits or general permits as necessary to carry out the purposes of this ordinance
  - (c) Any violation of the terms and conditions of an individual wastewater discharge permit or a general permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 and 11 of this ordinance. Obtaining an individual wastewater discharge permit or a general permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.
- 5(3) Individual Wastewater Discharge and General Permitting: Existing Connections. Any User required to obtain an individual wastewater discharge permit or a general permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within one hundred eighty (180) days after said date, apply to SUA for an individual wastewater discharge permit or a general permit in accordance with Subsection 5(5) of this ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit or a general permit issued by SUA. An extension may be granted in cases of extenuating circumstances.
- 5(4) Individual Wastewater Discharge and General Permitting: New Connections. Any User required to obtain an individual wastewater discharge permit or a general 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 individual wastewater discharge permit or general permit, in accordance with Subsection 5(5) of this ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.
- 5(5) Individual Wastewater Discharge and General Permit Application Contents. All Users required to obtain an Individual Wastewater Discharge Permit or a General Permit shall, within the time limits stated in Subsections 5(3) and 5(4) above, complete and file with SUA a permit application in the form prescribed within the Sewer Service Policy. Users that are eligible may request a general permit under Subsection 5(6) of this ordinance. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. In support of the application,

SUA may require Users to submit, in units and terms appropriate for evaluation, all or some of the following information:

- (a) Name, address and location (if different from the address) of the facility including the name of the operator and owner and their contact information;
- (b) The categorical pretreatment standard applicable to each regulated process and any new categorically regulated processes for existing sources, description of activities, facilities, and plant production processes on the premises;
- (c) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. Samples shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Subsection 6(10) of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by SUA or the applicable Standards to determine compliance with the Standard. Sampling must be performed in accordance with procedures set out in Subsection 6(11) of this ordinance;
- (d) Time and duration of discharges and monitoring location of all wastes covered by the permit. Except where expressly authorized to do so, by an applicable pretreatment standard no industrial user shall ever increase the use of process water or in any other way attempt to dilute discharge as a partial or complete substitute for adequate treatment to achieve compliance with pretreatment standards;
- (e) Information showing the measured average daily and maximum daily flow, in gallons per day to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula of Subsection 62-625.410(6)FAC. Also, 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (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 and all points of discharge;
- (g) Description of activities, facilities and plant processes on the premises, including types of waste 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;
- (h) The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the pretreatment standard or by SUA of regulated pollutants in the discharge from each regulated process.

- (i) A brief description of the nature, average rate of production (including each product produced by type, amount, process or processes and rate of production), and standard industrial classifications (SIC) of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
- (j) Type and amount of raw materials processed (average and maximum per day).
- (k) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation;
- (l) A list of any environmental control permits held by or for the facility;
- (m) Any requests for a monitoring waiver (or renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Subsection 6(4) paragraph (b) of this ordinance;
- (n) Any request for a general permit based on Subsection 5(6) of this ordinance;
- (o) Any other information as may be deemed by SUA to be necessary to evaluate the permit application.

#### 5(6) Wastewater Discharge Permitting: General Permits

- (a) SUA may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
  - 1. Involve the same or substantially similar types of operations;
  - 2. Discharge the same types of wastes;
  - 3. Require the same effluent limitations;
  - 4. Require the same or similar monitoring; and
  - 5. In the opinion of SUA, are more appropriately controlled under a general permit than under individual wastewater discharge permits.
- (b) To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with paragraph 62-625.600(4)(b) FAC for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not

effective in the general permit until after SUA has provided written notice to the SIU that such a waiver request has been granted in accordance with paragraph 62-625.600(4)(b) FAC.

- (c) SUA may not control an SIU through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the Combined Wastestream Formula (Subsection 3(2)(d)) or Net/Gross calculations (Subsection 3(2)(f)).

#### 5(7) Application Signatories and Certifications

- (a) All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Subsection 6(14)(a)
- (b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to SUA prior to or together with any reports to be signed by an Authorized Representative.
- (c) A facility determined to be a Non-Significant Categorical Industrial User by SUA pursuant to Subsection 2(35) must annually submit the signed certification statement in Subsection 6(14)(b).

5(8) Permit Decisions. SUA will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, SUA may issue an individual wastewater discharge permit or a general permit, subject to terms and conditions provided herein. SUA may deny any application for an individual wastewater discharge permit or general permit.

5(9) Permit Modifications. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard with the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by this section, the user shall apply for a Wastewater Discharge Permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing Wastewater Discharge Permit shall submit to SUA within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard any additional information required by the new standard.

- (a) SUA may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:



1. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
2. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
3. Information indicating that the permitted discharge poses a threat to SUA's POTW, personnel, receiving waters or the beneficial reuse of sewage sludge or treated wastewater;
4. Violation of any terms or conditions of the individual wastewater discharge permit;
5. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
6. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
7. To correct typographical or other errors in the individual wastewater discharge permit; or
8. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Subsection 5(12) of this ordinance.

(b) SUA may modify a general permit for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
2. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
3. To correct typographical or other errors in the individual wastewater discharge permit; or
4. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Subsection 5(12) of this ordinance.

5(10) Permit Contents. An individual wastewater discharge permit or a general permit shall include such conditions as are deemed reasonably necessary by SUA to prevent Pass Through or Interference, protect the quality of the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by SUA. Permits must contain:

(a) Statement of duration including the permit issuance, effective and expiration dates;

- (b) Effluent limits, including Best Management Practices based on applicable Pretreatment Standards and state and local law;
- (c) Statement of non-transferability without prior notification to SUA in accordance with Subsection 5(12) of this ordinance and without providing a copy of the permit to the new owner or operator;
- (d) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with Subsection 6(4) paragraph (b) (see 62-625.600(4)(b), F.A.C.);
- (e) Specifications for self monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include identification of pollutants (or best management practice) to be monitored, sampling locations, frequency of sampling, number and type. Specifications may be modified by SUA at any time during the permit period.
- (f) Statement of civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule;
- (g) Requirements for slug control as needed;
- (h) Any grant of the monitoring waiver by SUA must be included as a condition in the User's permit.

Permits may contain but not be limited to the following conditions:

- (i) Requirements for maintaining and retaining plans and records relating to wastewater discharge as specified by SUA, and affording SUA access thereto.
- (j) Requirements for notification of SUA of 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 submission of technical reports or discharge reports (see Section 6).
- (l) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (m) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

- (n) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
  - (o) 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 POTW;
  - (p) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
  - (q) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - (r) A statement that compliance with the individual wastewater discharge permit or the general 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 individual wastewater discharge permit or the general permit; and
  - (s) Other conditions as deemed appropriate by SUA to ensure compliance with this ordinance and state and federal laws, rules and regulations.
- 5(11) Permit Duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years at the discretion of SUA. Each permit will indicate a specific date upon which it will expire.
- 5(12) Permit Transfer. Permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to SUA and SUA approves the permit transfer. The notice to SUA must include a written certification by the new owner or operator which:
- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes (any planned changes must be reported to SUA as described in Section 6(5) of this ordinance);
  - (b) Identifies the specific date on which the transfer is to occur; and
  - (c) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the permit void as of the date of facility transfer.

5(13) Revocation of Permit

- (a) Violations of this ordinance as described below, or of an applicable state or federal Pretreatment Standard or Requirement, will subject a User to a fine up to \$1,000.00 per day or to permit revocation or both:
1. Failure of a user to factually report the wastewater constituents and characteristics of their discharge no later than the due dates so stipulated in the permit.
  2. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics prior to the changed discharge.
  3. Refusal of reasonable access to the user's premises for the purpose of records review, inspection or monitoring.
  4. Violation of conditions of the permit.
  5. Failure to provide prior notification to SUA of changed conditions pursuant to Subsection 6(5) of this ordinance;
  6. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
  7. Falsifying self-monitoring reports and certification statements;
  8. Tampering with monitoring equipment;
  9. Failure to meet effluent limitations;
  10. Failure to pay fines;
  11. Failure to pay sewer charges;
  12. Failure to meet compliance schedules;
  13. Failure to complete a wastewater survey or the wastewater discharge permit application;
  14. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (b) Whenever SUA finds that any user has violated or is violating this ordinance, wastewater discharge permit, or any prohibition, limitation or requirements contained herein, SUA shall serve upon such person a written notice stating the nature of the violation. Within ten (10) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to SUA by the user.
- (c) Permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits or general permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

5(14) Permit Issuance and Appeals. SUA shall publish in a newspaper or a web page of general circulation within Palm Beach County a notice to issue a wastewater pretreatment permit. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted. Any

person, including the user, may petition SUA to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

- (a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (b) In its' petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (c) The effectiveness of the permit shall not be stayed pending the appeal.
- (d) If SUA fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a permit, not to issue a permit, or not to modify a permit shall be considered final administrative actions for purposes of judicial review.
- (e) Aggrieved parties seeking judicial review of the final administrative permit decision must do so by filing a complaint with the Circuit Court of Palm Beach County, Florida within four (4) years.

5(15) Permit Reissuance. The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by SUA during the term of the permit as limitations or requirements are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any change or new conditions in the permit shall include a reasonable time schedule for compliance.

5(16) Permit Denial. SUA may deny the issuance of a waste water discharge permit until the industrial user submits an application that is completed to the satisfaction of SUA. The industrial user may petition SUA to reconsider the denial of permit issuance within thirty days of notification of the denial.

- (a) In its' petition, the appealing party must indicate the reason(s) the application should be accepted as originally submitted.
- (b) If SUA fails to act within thirty (30) days the petition for reconsideration shall be deemed to be denied. Decisions not to reconsider an application for permit shall be considered final for purposes of judicial review.
- (c) Aggrieved parties seeking judicial review of the final application for permit decision must do so by filing a complaint with the Circuit Court of Palm Beach County, Florida within four years.

5(17) Regulation of Waste Received from Other Jurisdictions

- (a) If another municipality, or User located within another municipality, contributes wastewater to the POTW, SUA shall enter into an inter-municipal agreement with the contributing municipality.
- (b) Prior to entering into an agreement required by paragraph (a), above, SUA shall request the following information from the contributing municipality:
  - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  - (2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
  - (3) Such other information as SUA may deem necessary.
- (c) An inter-municipal agreement, as required by paragraph (a), above, 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 Section 6 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to SUA'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 individual wastewater discharge permit or general permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by SUA; and which of these activities will be conducted jointly by the contributing municipality and SUA;
  - (4) A requirement for the contributing municipality to provide SUA 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 SUA 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 SUA; and
  - (8) A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

## **Section 6 Reporting Requirements for Permittee**

### 6(1) Baseline Monitoring Reports

- (a) Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under paragraph 62-625.410(2)(d), FAC, whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to SUA a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to SUA a report which contains the information listed in paragraph (b) below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated average daily and maximum daily flow in gallons per day to the POTW and quantity of pollutants to be discharged.
- (b) Users described above shall submit the information set forth below.
1. All information required in Subsection 5 (5) (a), (e), (i) and (l).
  2. Measurement of pollutants.
    - a. The User shall provide the information required in Subsection 5 (5) paragraphs (b), (c) and (h).
    - b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
    - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to SUA;
    - d. Sampling and analysis shall be performed in accordance with Section 6(10) and (11);
    - e. The SUA may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

- f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
  3. Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Subsection 2(3) and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
  4. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Subsection 6(2) of this ordinance.
  5. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Subsection 6(14)(a) of this ordinance and signed by an Authorized Representative as defined in Subsection 2(3).
- 6(2) Compliance Schedule Progress Report. In no event shall more than nine (9) months elapse between such progress reports to SUA. The following conditions shall apply to the compliance schedule required by Subsection 6(1) paragraph (b)4.
- (a) 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 operations of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
  - (b) No increment referred to in Subsection 6(1) above shall exceed nine (9) months.
  - (c) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to SUA, including, as 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 user to return the construction to the schedule established.



6(3) Reports on Compliance with Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any User subject to pretreatment standards and requirements shall submit to SUA a report containing the information described in Subsection 5(5) (c) and (e) and Subsection 6(1) (b) 2 of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Subsection 3(2), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6(14)(a) of this ordinance. All sampling will be done in conformance with Section 6(11).

6(4) Periodic Compliance Reports.

(a) Except as specified in Section 6(4)(c), all Significant Industrial Users subject to a pretreatment standard, after the compliance date of such pretreatment standards, or, in the case of a new source, after commencement of the discharge into the wastewater facilities, must, at a frequency determined by SUA submit no less than twice per year (June and December or on dates specified) reports prepared by a laboratory certified by the State of Florida Department of Health and Rehabilitative Services, indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by SUA or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of SUA and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., SUA may agree to alter the months during which the above reports are to be submitted. All reports shall be signed by an authorized representative.

(b) SUA may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the

pollutant due to activities of the Industrial User [see 40 CFR 403.12(e)(2)]. This authorization is subject to the following conditions:

1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
  2. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Subsection 5(5) m.
  3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
  4. The request for a monitoring waiver must be signed in accordance with Section 2 (3) and include the certification statement in 6(14)(a).
  5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the Department approved method from Rule 62-4.246, F.A.C with the lowest minimum detection level for that pollutant was used in the analysis.
  6. Any grant of the monitoring waiver by SUA must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the SUA for 3 years after expiration of the waiver.
  7. Upon approval of the monitoring waiver and revision of the User's permit by the Programs Coordinator, the Industrial User must certify on each report with the statement in Section 6(14)(c) below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
  8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 6(4) a, or other more frequent monitoring requirements imposed by SUA, and notify the Programs Coordinator.
  9. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
- (c) SUA may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the U.S. EPA or Florida DEP, where the Industrial User's total categorical wastewater flow does not exceed any of the following:

1. twelve hundred (1,200) gallons per day as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches,
2. twenty (20); pounds BOD, and
3. the amounts listed for each of the following pollutants. All listed pollutant quantity below is in pounds per day:
  - a. Arsenic: 0.0000981
  - b. Cadmium: 0.0000543
  - c. Copper: 0.002
  - d. Lead: 0.0005.
  - e. Mercury: 0.000027
  - f. Nickel: 0.00086
  - g. Zinc: 0.004
  - h. Silver: 0.0015
  - i. Chromium: 0.0058
  - j. Molybdenum: 0.00019
  - k. Cyanide: 0.00058
  - l. Selenium: 0.00019

The industrial user must notify SUA immediately of any changes at its facility causing it to no longer meet conditions of paragraph (c) above. Upon notification, the industrial user must immediately begin complying with the minimum reporting in paragraph (a) above. Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 9 of this ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Programs Coordinator, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

- (d) All periodic compliance reports must be signed and certified in accordance with Section 6(14)(a) of this ordinance.
- (e) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- (f) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by SUA, using the procedures prescribed in Section 6(11) of this ordinance, the results of this monitoring shall be included in the report.

- (g) Users that send electronic (digital) documents to SUA to satisfy the requirements of this Section must comply with all electronic reporting requirements as specified in 40 CFR Part 3 – (Electronic reporting) and the Specific Conditions Section of the SUA IU permit issued.
- 6(5) Reports of Changed Conditions. Each user must notify SUA of any planned significant changes to the user’s operations or system which might alter the nature, quality, or volume of its wastewater at least five (5) days before the change.
- (a) SUA may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Subsection 5(5) of this ordinance.
  - (b) SUA may issue a wastewater discharge permit under Subsection 5(14) of this ordinance or modify an existing wastewater discharge permit under Subsection 5(9) of this ordinance in response to changed conditions or anticipated changed conditions.
  - (c) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.
- 6(6) Reports of Potential Problems. Significant Industrial Users are required to notify the SUA Programs Coordinator immediately of any changes at its facility affecting the potential for a Slug Discharge.
- (a) In the case of any discharge, including but not limited to accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, discharges prohibited by Section 3 of this ordinance or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the SUA Wastewater Department Manager or Programs Coordinator of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
  - (b) Within five (5) days following such discharge, the User shall, unless waived by the Programs Coordinator, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

- (c) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- 6(7) Reports from Unpermitted Users. All users not required to obtain an individual wastewater discharge permit or general permit shall provide appropriate reports to SUA as SUA may require.
- 6(8) Notice of Violation / Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify SUA within twenty-four (24) hours after becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to SUA within thirty (30) days of becoming aware of the violation. The user is not required to resample if SUA performs sampling at the user's facility at least once a month, or if SUA performs sampling at the User between the time when the user's initial sampling was conducted and the time when the user or SUA receives the results of this sampling or if SUA has performed the sampling and analysis in lieu of the Industrial User. If sampling and analysis performed by SUA in lieu of the industrial user indicates a violation then SUA is required to perform repeat sampling and analysis within 30 days unless SUA informs the industrial user of the violation and requires the industrial user to perform repeat sampling and analysis.
- 6(9) Notification of the Discharge of Hazardous Waste.
  - (a) Any 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 User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous 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 twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Subsection 6(5) of this ordinance. The notification

requirement in this Subsection does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 6(1), 6(3), and 6(4) of this ordinance.

- (b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires notification to be sent to SUA. Notification to SUA is required for discharges of the nature described in this section for all months in which such discharges occur. Any discharge that exceeds a limit specified in another section of this ordinance or in violation of State or Federal standards for the pollutant discharged is prohibited.
  - (c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify SUA, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
  - (d) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
  - (e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.
- 6(10) Analytical Requirements. All pollutant analyses, including sampling techniques, 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 SUA or other parties approved by EPA.

- 6(11) **Sample Collection.** Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report and based on data that is representative of conditions occurring during the reporting period. See Chapter 62-625.600(6)(d) and (e) for additional sampling information.
- (a) Except as indicated in paragraphs (b) and (c) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by SUA. Where time-proportional composite sampling or grab sampling is authorized by SUA, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by SUA, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
  - (b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
  - (c) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 (40 CFR 403.12(b) and (d)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, SUA may authorize a lower minimum. For the reports required by Subsection 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements. SUA may require a specific number of samples to be collected.
- 6(12) **Date of Receipt of Reports.** 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 United States Postal Service, the date of receipt of the report shall govern.
- 6(13) **Recordkeeping.** Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this

ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Subsection 3(4)(b). Records shall include:

1. Exact time, date, place and method of sampling.
2. Name of person taking the samples.
3. Date analysis was performed and name of person who performed the analysis.
4. Analytical technique or method used.
5. Results of all required analysis performed within 45 days of sampling.

These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or SUA, or where the User has been specifically notified of a longer retention period by SUA.

#### 6(14) Certification Statements

- (a) Certification of Permit Applications, User Reports and Initial Monitoring Waiver.

The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Subsection 5(7); Users submitting baseline monitoring reports under Subsection 6(1) paragraph (b)5; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6(3); Users submitting periodic compliance reports required by Section 6(4) (a) – (d), and Users submitting an initial request to forego sampling of a pollutant on the basis of Subsection 6(4) paragraph (b)4. The following certification statement must be signed by an Authorized Representative as defined in Section 2(3):

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.

- (b) Annual Certification for Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User by the Programs Coordinator pursuant to Section 2(35) and 5(7)(c) must annually submit the following certification statement signed in accordance



with the signatory requirements in Section 2(3). This certification must accompany an alternative report required by the SUA:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]:

- 1. The facility described as \_\_\_\_\_ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 2(35);
- 2. The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- 3. the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

\_\_\_\_\_  
\_\_\_\_\_

- (c) Certification of Pollutants Not Present. Users that have an approved monitoring waiver based on Section 6(4) (b) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 6(4)(a).

**Section 7 Compliance Monitoring**

7(1) Right of Entry: Inspection and Sampling. SUA shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this Ordinance is being met and all requirements of this Ordinance and any permits or order issued hereunder are being complied with. Industrial users shall allow SUA or its representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (a) Where a user has security measures in force which require proper identification and clearance before entry into their premises, the industrial

user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from SUA, the City, State and U.S. EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

- (b) SUA, the City, State, and U.S. EPA shall have the right to set up or require installation of, on the industrial user's property, such devices as are necessary to conduct sampling, and/or metering of the user's operations.
- (c) SUA shall have the right to require the industrial user to install monitoring equipment, as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at the industrial user's expense. All devices used to measure wastewater flow and quality shall be calibrated periodically to ensure their accuracy.
- (d) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of SUA and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.
- (e) Unreasonable delays in allowing authorized personnel access to the industrial user's premises shall be a violation of this Ordinance.
- (f) In accordance with 62-625.800 F.A.C., any information submitted to SUA or DEP pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, SUA or DEP may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 62-625.800 F.A.C. (Public Information). Information and effluent data provided to SUA pursuant to this part shall be available to the public at least to the extent provided by 62-625.800 F.A.C.
- (g) The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities should be provided in accordance with SUA's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the SUA representative to perform independent monitoring activities.

- 7(2) Search Warrants. If a SUA representative has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample, as part of a routine inspection and sampling program of SUA, designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare within the SUA service area, then the Executive Director may seek issuance of a Search Warrant from the Circuit Court of Palm Beach County, Florida.

### **Section 8 Confidential Information**

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, general permits, and monitoring programs, and from inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of SUA, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under section 403.111, F.S. Any such request must be asserted at the time of submission of the information or data in the manner prescribed on the application form or, in the case of other submissions by stamping the words "confidential business information" on each page containing such information. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall 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 at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

### **Section 9 Publication of Users in Significant Non-compliance**

- 9(1) SUA shall publish annually in a newspaper of general circulation within Palm Beach County that meets the requirements of Chapters 50.031, F. S. a list meeting the requirements of Chapter 50.011 F. S. of Industrial Users which at any time during the previous twelve (12) months were in significant noncompliance with applicable Pretreatment Standards and Requirements as defined under Significant Noncompliance in this ordinance. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (c), (d) or (h) of this Section) and shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter taken during a six month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including Instantaneous Limits as defined in this ordinance,
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceeds the product of the numeric pretreatment standard or requirement including Instantaneous Limits, multiplied by the applicable TRC (TRC= 1.4 for BOD, TSS, Total Oil and Grease, and 1.2 for all other pollutants except pH),
- (c) Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit or narrative standard) that SUA determines has caused, alone or in combination with other discharges, interference or pass through including endangering the health of wastewater facilities personnel or the general public,
- (d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in SUA's exercise of its emergency authority under Section 10 of this ordinance to halt or prevent such a discharge,
- (e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance,
- (f) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self- monitoring reports, and reports on compliance with compliance schedules,
- (g) Failure to accurately report noncompliance, and
- (h) Any other violation or group of violations, including a violation of Best Management Practices, which the control authority determines will adversely affect the operation or implementation of the pretreatment program, except when the Department is acting as the control authority.

## **Section 10 Administrative Enforcement Remedies**

SUA operates under legal authority enforceable in federal, state or local courts, which authorizes or enables SUA to apply and to enforce the requirements of Chapter 62-625 F.A.C.

- 10(1) Notification of Violation. When a SUA representative finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, general permit or order issued hereunder, or any other pretreatment standard or requirement, a SUA representative may serve upon that user a written Notice of Violation (NOV). Within fifteen (15) days of the receipt of this 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 SUA Executive Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV. Nothing in this section shall limit the authority of the SUA Executive Director to take any action, including emergency actions or any other enforcement action, without first issuing a NOV.
- 10(2) Consent Orders. The Executive Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will 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 administrative orders issued pursuant to Sections 10(4) and (5) of this ordinance and shall be judicially enforceable.
- 10(3) Show Cause Hearing. The Executive Director may order a user which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, general permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Executive Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least three (3) days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in Section 2 (3) and required by Section 5(7) of this ordinance. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
- 10(4) Compliance Orders. When the Executive Director finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, general permit or order issued hereunder, or any other pretreatment standard or requirement, the Executive Director 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.

10(5) Cease and Desist Orders. When a SUA representative finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, general permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the SUA Executive Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (a) Immediately comply with all requirements; and
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10(6) Administrative Fines

- (a) When the Executive Director finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, general permit or order issued hereunder, or any other pretreatment standard or requirement, the Executive Director may fine such user in the amount not to exceed five hundred dollars (\$500) per day. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.
- (b) Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of eighteen percent (18%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one half percent (1.5%) per month. A lien against the user's property will be sought for unpaid charges, fines and penalties.
- (c) Users desiring to dispute such fines must file a written request for a hearing for the Authority Board to reconsider the fine along with full payment of the fine amount within sixty (60) days of being notified of the fine. If a request

has merit, SUA may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. SUA may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

- (d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

10(7) Emergency Suspensions. SUA may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. SUA may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (a) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, SUA may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. SUA may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of SUA that the period of endangerment has passed, unless the termination proceedings in Section 10(8) of this ordinance are initiated against the User.
- (b) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to SUA prior to the date of any show cause or termination hearing under Sections 10(3) or 10(8) of this ordinance. Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

10(8) Termination of Discharge. In addition to the provisions in Section 5(13) of this ordinance, any User who violates the following conditions is subject to discharge termination:

- (a) Violation of individual wastewater discharge permit or general permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;

- (c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- (d) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring or sampling; or
- (e) Violation of the Pretreatment Standards in Section 3 of this ordinance.

## **Section 11 Judicial Enforcement Remedies**

11(1) Injunctive Relief. When a SUA representative finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit or general permit or order issued hereunder, or any pretreatment standard or requirement, the SUA Executive Director may petition the Circuit Court of Palm Beach County, Florida through the SUA Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit or general permit, order, or other requirement imposed by this ordinance on activities of the user. The Executive Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

### 11(2) Civil Penalties

- (a) A user who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit or general permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to SUA for a maximum civil penalty of two thousand dollars (\$2000) 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.
- (b) The Executive Director 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 SUA.
- (c) 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.



- (d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

11(3) Criminal Prosecution.

- (a) A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, general permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction be guilty of a misdemeanor, punishable by a fine of not more than two thousand dollars (\$2000) per violation per day.
- (b) A User who willfully or negligently introduces any substance into the wastewater facility which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least one thousand dollars (\$1000).
- (c) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than two thousand dollars (\$2000) per violation per day.
- (d) In the event of a second conviction, a user shall be punished by a fine of not more than two thousand dollars (\$2000) per violation per day.

11(4) Remedies Nonexclusive. The remedies provided for in this ordinance are not exclusive. The Executive Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with SUA's enforcement response plan. However, the Executive Director may take other action against any user when the circumstances warrant. Further, the Executive Director is empowered to take more than one enforcement action against any noncompliant user.

**Section 12 "Affirmative Defenses to Discharge Violations"**

12(1) Upset

- (a) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate

treatment facilities, lack of preventive maintenance, or careless or improper operation.

- (b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (c) below, are met.
- (c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - 1. An upset occurred and the user can identify the cause(s) of the upset;
  - 2. 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
  - 3. The user has submitted the following information to SUA within twenty-four (24) hours of the upset. If this information is provided orally, a written submission must be provided within five (5) days:
    - a. A description of the indirect discharge and cause of noncompliance;
    - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
  - 4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
  - 5. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
  - 6. 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.

## 12(2) Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Subsection 3(1)(a) of this ordinance or the specific prohibitions in Sections 3(1)(b) 4 through 19 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:

- (a) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when SUA was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

### 12(3) Bypass

- (a) For the purposes of this section, "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility,
- (b) 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) and (d) of this section.

#### (c) Bypass Notifications

1. If a user knows in advance of the need for a bypass, it shall submit prior notice to SUA at least ten (10) days prior to the date of the bypass, if possible.
2. A user shall submit oral notice to SUA 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. SUA may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

#### (d) Bypass

1. Bypass is prohibited, and SUA 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 equipment downtime or preventive maintenance; and

c. The user submitted notices as required under paragraph (c) of this section.

2. SUA may approve an anticipated bypass, after considering its adverse effects, if SUA determines that it will meet the three conditions listed in paragraph (d)1. of this section.

### **Section 13 Wastewater Treatment Rates (Reserved)**

### **Section 14 Pretreatment Charges and Fees**

#### 14(1) Pretreatment Charges and Fees

SUA may adopt reasonable fees for reimbursement of costs of setting up and operating SUA's Pretreatment Program which may include:

- (a) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (c) Fees for reviewing and responding to accidental discharge procedures and construction;
- (d) Fees for filing appeals;
- (e) Fees to recover administrative and legal costs not included in Section 14(1) (b) associated with the enforcement activity taken by SUA to address Industrial User noncompliance; and
- (f) Other fees as SUA may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by SUA

- 14(2) If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

### **Section 15 Dental Facilities**

Requirements for Dental Facilities that remove or place amalgam fillings.

- (a) Definitions. For the purposes of this section the following words and phrases shall be as defined herein.
- (1) “Amalgam separator” is a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.
  - (2) “Amalgam waste” means and includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.
  - (3) “ANSI/ADA Standard No. 108” is the American National Standards Institute and American Dentistry association standard for amalgam separators.
  - (4) “Existing Source” is any any facility subject to this Section whose first discharge to the sewer collection system occurred on or before July 14, 2017.
  - (5) “ISO 11143” is the International Organization for Standardization’s standard for amalgam separators.
  - (6) “New Source” is any facility subject to this Section whose first discharge to the sewer system occurs after July 14, 2017 and must comply immediately upon commencement of discharge.
- (b) All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following reporting and waste management practices:
- (1) For existing sources, the One-Time Compliance Report is due no later than July 14, 2020 or no later than 90 days after transfer of ownership.
  - (2) For new sources, the One-Time Compliance Report is due within 90 days of the start of discharge to the sewer collection system.
  - (3) No person shall rinse chairside traps, vacuum screens, or amalgam separators equipment in a sink or other connection to the sanitary sewer.

- (4) Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and fixer-containing solutions and shall maintain training records that shall be available for inspection by the superintendent or designee during normal business hours.
  - (5) Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.
  - (6) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.
  - (7) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.
- (c) All owners and operators of dental vacuum suction systems, except as set forth in subsections (d) and (e) of this section, shall comply with the following:
- (1) An ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator or equivalent device shall be installed for each dental vacuum suction system on or before July 14, 2020; provided, however, that all dental facilities that are newly constructed on and after the effective date of this ordinance shall include an installed ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator device. The installed device must be ISO 11143 or ANSI/ADA Standard No. 108 certified as capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified.
  - (2) Proof of certification and installation records shall be submitted to the superintendent within 30 days of installation.
  - (3) Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request therefor by the superintendent or designee during normal business hours. Records shall be maintained for a minimum of three years.
- (d) Facilities with vacuum suction systems that meet all the following conditions may apply to the superintendent for an exemption to the requirements of subsection (c) of this section:

- (1) The system is a dry vacuum pump system with an air-water separator.
- (2) The sedimentation tank is non-bottom draining, with the drain above the anticipated maximum level of accumulated sludge.
- (3) Evidence of regular pump outs by a licensed hauler (a minimum of once a year, or more often if either directed by the manufacturer or necessary to keep solids from exiting through the drain) is maintained and open to inspection by the superintendent during normal business hours.
- (4) The system has no direct discharge pipe to the sewer on the bottom of the sedimentation tank.

An owner or operator whose facility meets conditions (1) through (4) may apply for this exemption by written letter to the superintendent. The superintendent or designee will review the system and, if the exemption is approved, shall provide a written letter of exemption.

An exemption obtained pursuant to this subsection (d) shall expire upon installation of a new vacuum system. Upon expiration of the exemption, the facility shall comply with subsection (c) of this section before commencing further operation.

- (e) Dental dischargers that exclusively practice one or more of the following specialties are not subject to the requirements of this section: (1) Orthodontics; (2) Periodontics; (3) Oral and maxillofacial surgery; (4) Radiology; (5) Oral pathology or oral medicine; (6) Endodontistry and prosthodontistry.
- (f) Dental practices that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, are exempt from the requirements of this part, provided the dental practice:

- (1) Submits the following statement to the Seacoast Utility Authority, signed by a responsible corporate officer, general partner, proprietor, or a duly authorized representative by the applicable compliance deadline identified in Section 16 (b)

(1):

*"This facility is a dental discharger subject to this rule and does not place or remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances. I am a responsible corporate officer, a general partner or proprietor (if the facility is a partnership or sole proprietorship), or a duly authorized representative in accordance with the requirements of § 403.12(l) of the above named dental facility, and 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) Removes dental amalgam for limited emergency or unplanned, unanticipated circumstances, less than 520 times per year per covered chair and as no more than 20% of dental procedures; and

(3) The dental practice notifies the Seacoast Utility Authority of any changes affecting the applicability of this certification.

(g) Disposal of hauled waste from dental facilities to the sanitary sewer is prohibited in accordance with 3(1)(b) 3.

(h) Dental dischargers that fail to comply with this section will be considered significant industrial users, and will be subject to the requirements herein, including the compliance monitoring, reporting requirements, and enforcement remedies identified in Sections 6, 7 and 10, respectively.

## **Section 16 Effective Date**

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

U:/IPP/Ordinance

rev. 3-26-14; corrected Section 6(8)

rev. 12-27-19; added Dental Facilities as Section 15 and Pharmaceutical revisions.