

ARTICLE V. - WASTEWATER COLLECTION AND TREATMENT SYSTEM^[9]

Footnotes:

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Editor's note— Ord. No. 2001-034, § 1, adopted June 26, 2001, repealed former Art. V, Wastewater collection and treatment system, in its entirety, being §§ 3-8-101, 3-8-102, 3-8-121—3-8-123, 3-8-130—3-8-138, 3-8-141—3-8-149, 3-8-151, 3-8-161, 3-8-162, 3-8-171, 3-8-181, as derived from Ord. No. 94-34, adopted Aug. 9, 1994; and Ord. No. 95-045, adopted Sept. 19, 1995. Sec. 2 of Ord. No. 2001-034 enacted new provisions which pertained to similar subject matter and are herein set out. Provisions designated as §§ 3-8-178—3-8-181 were redesignated by the editor as §§ 3-8-103—3-8-106 for purposes of classification.

DIVISION 1. - GENERALLY

Sec. 3-8-101. - Purpose and policy.

The purpose of this article is to provide for the public health and welfare and to maintain the efficient, economic, and safe operation of Charlotte County Utilities ("CCU") by regulating the quality and quantity of wastes discharged into CCU wastewater facilities; and to establish uniform requirements for users of CCU's wastewater facilities; to provide for. This article sets forth uniform requirements for users of the county's compliance wastewater facilities for Charlotte County and enable the County to comply with all applicable state and federal laws and regulations; State and to establish pretreatment program standards modeled after those of the Federal Water Pollution Control Act and laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251, et al seq.; and.), the General Pretreatment Regulations (general pretreatment regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403)), and Chapter 62-625, Florida Administrative Code ("F.A.C.") 62-625-.)

The objectives of this article are:

- (1) —To prevent the introduction of pollutants into CCU's wastewater facilities which will interfere with the operation of the system or contaminate the resulting disposal of municipal sludge biosolids;
[40 CF. 403.2]—(a)]
(2): —To prevent the introduction of pollutants into the county-CCU's wastewater system which will pass through the system, inadequately treated, into the environment treatment works or otherwise be incompatible with the system; such works; and [40 CFR 403.2(b)]
- (3) —To protect both the general public and the county wastewater facilities' facility personnel who may be affected by wastewater and sludge biosolids in the course of their employment; and the general public;

Commented [CJ1]: All fines should be up to \$5,000 per violation.

Commented [JK2R1]: Not sure where this should be addressed

Commented [CJ3R1]:

Commented [KJL4]: Revised to 1, 2, 3 for consistency

- (4) —To ~~promote reuse and recycling of~~ improve opportunities to recycle and reclaim municipal and industrial wastewater and sludge from the county wastewater system; wastewaters and biosolids.; **[40 CFR 403.2(c)]**
- (5) —To ~~establish a pretreatment program, including permit, reporting and compliance procedures, enforcement, remedies and affirmative defenses;~~
- (6) —To enable the ~~county~~ County to comply with its National Pollutant Discharge Elimination System permit conditions, ~~sludge~~ biosolids use and disposal requirements, ~~as required by federal and any other Federal~~ or state ~~State~~ laws to which ~~CCU~~ the wastewater facility is subject;.
- (7) —To ensure that wastewaters and sludges from the system meet all regulatory requirements applicable to either the recycling or reclamation of such wastewaters and sludges;
- (8) —To provide regulation of direct and indirect contributors to the county wastewater facilities through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users; to authorize monitoring, compliance, and enforcement activities; and to provide for connecting of private wastewater disposal systems;
- (9) —To provide for fees adequate to cover the entire cost of processing permits and program management; for reviewing and acting upon any permit application; and to cover the cost of surveillance, inspection, sampling, monitoring, any other field services and any other costs of establishing and implementing the program.

This article shall apply to all ~~users~~ Users of CCU's ~~wastewater~~ Wastewater facilities. Compliance with this article and does not eliminate the ~~user's~~ User's responsibility to comply with other applicable federal or state regulations. Except as otherwise provided herein, the director of utilities of the county shall administer, implement and establish policies and rules to enforce provisions and standards of this article.

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-102. - Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the following meanings ~~hereinafter designated~~:

Abbreviations: The following abbreviations shall have the designated meanings.

- CBOD—Carbonaceous biochemical oxygen demand
- CFR—Code of Federal Regulations
- COD—Chemical Oxygen Demand
- EPA—U.S. Environmental Protection Agency
- gpd—Gallons per day
- L—Liter
- mg Milligrams

- mg/L—Milligrams per liter
- NPDES—National Pollutant Discharge Elimination System
- RCRA—Resource Conservation and Recovery Act
- SIC—Standard Industrial Classification
- TSS—Total Suspended Solids
- U.S.C.—United States Code

Acceptable Wastes. Domestic sewage wastes generated within the County or outside the County as authorized by the Utility Director from septic tanks, temporary domestic waste holding tanks, and portable toilets and sewage wastes generated by marine vessels are the only acceptable wastes for discharge to the facilities by Liquid Waste transport trucks.

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.*

~~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.*~~

Administrator. ~~The~~ chief ~~Chief~~ administrative officer of the ~~county~~ County or ~~his~~ their designee.

Approval authority. Florida Department of Environmental Protection or its successor.

Approved Hauler. Any person, approved by CCU carrying on or engaged in vehicular transport of septage, industrial waste, interceptor waste, or grease as part of or incidental to any business for the purpose of hauling and discharging septage, industrial waste, interceptor waste, or grease to CCU approved disposal facilities. Equivalent to Waste Hauler.

Ammonia. The concentration of NH_3 , expressed as nitrogen in milligrams per liter (mg/L).

~~Assessment.~~ An annual special assessment imposed against property to fund the cost of wastewater collection facilities.

Approval Authority:

~~County.~~ Charlotte County, the Utility Director, or his/her designee.

Authorized representative of industrial user. ~~Representative:~~

1.) (1)—Industrial:

A. If the ~~user~~ User is a corporation:

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

Commented [KJL5]: Added previous definition but may also want to add Utility Director

Commented [JK6]: Should this be CCU approved hauler

Commented [KJL7]: Define, Florida Department of Environmental Protection or it's successor

Commented [JK8]: Clarify may want to separately define

Commented [KJL9R8]: See authorized rep definition below

Commented [KJL10]: Definition is for the authorized rep of the User

b.—2. The manager of ~~one or more~~ manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) ~~(in second quarter 1980 dollars)~~, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2)—3. If the ~~user~~ User is a partnership or sole proprietorship: a general partner or proprietor, ~~respectively~~.

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

Commented [KJL11]: Change to 2

(3)—If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his designee.

(4)—2.) County: The Utility Director or his or her designee, and the County Administrator or his/ her designee.

~~The individuals described in paragraphs 1 through 3, above, may designate another authorized representative. Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the county.~~

Commented [JK12]: Includes utility director as authorized rep. Only concern it may conflict with last sentence of 4). Recommend these be kept separate to avoid misinterpretation.

Commented [KJL13]: Change to 2

Available. ~~Sewer~~ Available means sewer is available as defined by section Florida Statutes Section 381.0065, Fla. Stat. amended from time to time.

Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, ~~five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/L)).~~

Baseline Monitoring Report or BMR. A report that documents a User's compliance status with all applicable pretreatment standards.

Best Management Practices (BMPs). Schedules of activities, prohibited practices, maintenance procedures, and management practices to ensure compliance with the Act, State, and County Code. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, industrial sludge or waste disposal, drainage from raw materials storage, or waste dental amalgams.

Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/L)).

Biosolids. –The nonhazardous and recyclable organic matter resulting from the treatment of Wastewater.

Board or BCCBOCC. The Board of County Commissioners of Charlotte County, Florida.

Building drain~~Drain~~. That part of the piping of a building which collects ~~wastewater~~Wastewater inside the building and conveys it to outside the building wall.

Building sewer. ~~The extension of the inside building drain to~~ Sewer. A conduit or pipe which conveys Wastewater from the plumbing drain system of a building to a public sewer or other place of disposal. ~~Building Sewer may also called~~ be referred to as a house connection, sewer connection, or service lateral.

Bypass. The intentional diversion of Wastewater streams from or around any portion of an industrial or commercial User's private sewage disposal system, treatment facility, or other control facility.

Categorical standards. ~~industrial User or CIU.~~ —An industrial User subject to a categorical pretreatment standard.

Categorical Pretreatment Standard ~~or Categorical Standard.~~ Any regulation containing Standards. Standards promulgated by the EPA that specify the quantity, concentration, or pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the act (33 U.S.C. §1317) which apply to a specific category properties of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471. pollutants that may be discharged to POTWs.

Carbonaceous biochemical oxygen demand~~Biochemical Oxygen Demand~~ ("CBOD"). A measure of oxygen required to oxidize organic matter and oxidizable inorganic compounds in water.

"CCU" ~~CCU refers to Charlotte County's~~ County Utilities. A utility owned and operated by Charlotte County which includes wastewater collections, treatment facilities ~~("CCU").~~ A, and reclaim distribution systems. ~~publicly owned treatment works ("POTW") or "POTWs") facilities used for Wastewater treatment works," as defined by section 212 of the act (33 U.S.C. §1292) which is owned by the county. This definition, CCU includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or liquid industrial wastes of a liquid nature and any conveyances which convey wastewater to a~~ Wastewater the County's Wastewater treatment plant facilities. The county's wastewater County's Wastewater treatment system shall also ~~include~~ includes any sewers that convey ~~wastewater~~Wastewater to the ~~county~~County facilities from persons outside the ~~county~~County who are, by contract or agreement with the ~~county~~users County, Users of the ~~county's~~County's system.

Commented [JK14]: Control Authority? This is a little confusing through out document since CCU is referring to utility and to the treatment plants, the terms are used interchangeable throughout document which can be confusing which is being discussed.

~~Chemical oxygen demand~~Oxygen Demand (COD). A measure of oxygen, equivalent to that portion of the organic matter in a sample, that is susceptible to oxidation by a strong chemical oxidant.

~~Connection fees. An equitable~~Collection System. The combined lines, pipes, conduits, manholes, and proportionate charge made at other structures, usually underground, which convey Wastewater to the time sewer service is newly requested or required to cover the growth related capital cost of construction for master pumping stations, master force mains, CCU Facilities, County's Wastewater treatment and effluent disposal facilities and a collection system required to provide service to new connections to the sewer system by new users, plants.

Compliance Schedule. The schedule approved by the Utility Director for a User or Waste Hauler to comply with permit conditions or discharge requirements.

Composite Sample. A sample resulting from the combination of individual Wastewater samples taken at selected intervals based on an increment of either flow or time.

Control Authority. 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.

County. Charlotte County, Florida, a political subdivision of the State of Florida or its agent.

~~Direct discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Florida.~~

~~Director of utilities. The person designated by the board of county commissioners to administer the utility department, or his designee.~~

Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

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 during that day.

Commented [JK15]: May want to change to POTW instead of wastewater, County wastewater treatment plant is changed throughout as CCU or wastewater treatment plant.

Commented [KJL16]: Restored from previous version since included in checklist.

~~Dangerous Discharges.~~ Any liquids, solids, or gasses which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the County's Wastewater treatment system or to the operation of CCU. Specific prohibited materials include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, fuel oil, solvents, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substance which the County, FDEP, or EPA has notified the User is a fire hazard or a hazard to the system.

Commented [JK17]: Moved from section 3-8-122

~~Domestic wastewater~~Wastewater. The sewage produced from non-commercial or non-industrial activities, and which results from normal human living processes, and which are substantially similar in origin and strength to those typically produced in households.

~~Drainfield.~~ A system of open-jointed or perforated piping, approved alternative distribution units, or other treatment facilities designed to distribute effluent for filtration, oxidation and absorption by the soil within the zone of aeration.

~~Environmental Protection Agency or EPA.~~ The U.S. Environmental Protection Agency.

~~Equivalent Residential Connection (ERC).~~ The basis for one (1) ~~wastewater~~Wastewater ERC is the production of one hundred ninety (190) ~~gpd~~gallons per day of ~~wastewater~~Wastewater.

~~Excess strength.~~ ~~Wastewater discharges into CCU's facilities that are in excess of normal domestic wastewater.~~

~~Existing source~~Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed ~~categorical pretreatment standards~~Categorical Pretreatment Standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the ~~act~~Act.

~~Floatable Grease.~~ Oil, fat, or grease in a physical state such that it will separate by gravity, from Wastewater by treatment in an approved pretreatment device.

~~Florida Building Code.~~ The current edition of the Florida Building Code, as amended from time to time.

~~Florida Plumbing Code.~~ The current edition of the Florida Plumbing Code as amended from time to time.

~~FDEP.~~ The Florida Department of Environmental Protection ~~or FDEP.~~ The Florida governmental agency charged with protecting waters of the state.

~~FDOH.~~ The Florida Department of Health including its division, the Charlotte County Health Department ("CCHD").

~~Garbage Disposal or Grinder.~~ A device that shreds or grinds up solid or semisolid waste materials into smaller particles (no particle greater than 1/2-inch (1.27 centimeters) in any dimension for discharge into the sanitary sewer collection system).

~~General Discharge Standards. National Standards promulgated by the EPA that forbid the discharge of any pollutant(s) to a POTW that can cause pass through or interference.~~

Grab sample. A sample which is taken from a ~~waste stream~~Waste Stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

~~Health officer. The county health department director or his designee.~~

Holding tank waste.Gray Water or Grey Water. All of the liquid contained in a Grease Interceptor that lies below the floating grease layer and above the food solids layer.

Grease or FOG. Fats, oils, grease, waxes, and other related constituents which may be present in the Wastewater system as a floatable solid, liquid, colloid, emulsion, or in a solution. This definition encompasses substances of animal or vegetable origin, including, but not limited to, butter, lard, margarine, vegetable fats and oils, and fats in meats, cereals, seeds, nuts, and certain fruits. This definition also encompasses substances of mineral origin, including, but not limited to, kerosene, lubricating oil, and road oil.

Grease Interceptor. A multi-compartment grease control device which has a minimum size of 1250 gallons in accordance with CCU standard design drawings and standard specifications designed to collect, contain and remove food wastes and grease from the waste stream while allowing the balance of the Liquid Waste to discharge to the County's sanitary sewer collection system by gravity.

Grease Laden Waste. Liquid Waste from the kitchen fixtures which contains one hundred (100) milligrams or more of grease/liter (mg/L).

Grease Trap. A grease control device which serves individual fixtures whose rated flow is less than fifty (50) gpm, is located inside a Regulated Establishment and is designed to collect, contain and remove food wastes and grease from the waste stream while allowing the balance of the Liquid Waste to discharge to the County's sanitary sewer collection system by gravity.

Grease Recycling or Disposal Facility. A facility engaged in either recycling of beneficial elements of waste grease, or other means of waste grease disposal approved by FDEP that complies with the Florida Administrative Code requirements, or both.

Groundwater. Water located beneath the surface of the ground.

Hazardous Waste. Any Wastewater which causes a hazard to human life, creates a public nuisance, or is defined as a hazardous waste under 40 CFR Part 261.

~~Waste. Any Wastewater which causes a hazard to human life, creates a public nuisance, or is defined as a hazardous waste under 40 CFR Part 261.~~

Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Commented [JK18]: This is confusing not sure EPA has any prohibited discharge standards. May want to clarify better.

Indirect ~~discharge~~Discharge. The discharge or the introduction of non-domestic pollutants from any source ~~into CCU's wastewater facilities to~~ CCU (including ~~holding tank waste~~Holding Tank Waste discharged into the system).

Commented [JK19]: Referring to WWTP

Industrial ~~user~~User. User producing ~~wastewater~~Wastewater not otherwise defined as domestic ~~wastewater~~Wastewater and a source of indirect discharge to ~~wastewater facilities~~CCU wastewater facilities (including ~~holding tank waste~~Holding Tank Waste discharged ~~into the system to~~ CCU).

Industrial ~~waste survey~~Wastewater. All liquid or water-carried sewage produced from industrial or commercial processes.

Industrial Waste Survey ("IWS"). A survey, form or questionnaire prepared by CCU to determine which ~~users~~Users are subject to pretreatment standard; which ~~users~~Users currently discharging into the facilities have a potential to have an adverse effect on the facilities; and to inform CCU of the characteristics of the wastes being discharged into the facilities.

Infiltration ~~inflow~~. Groundwater and surface ~~means~~ The water ~~which, other than Wastewater, that enters into the sewers through cracked a sanitary sewer, or sewer service connections from the ground through such means as, but not limited to, defective pipes, joints, and manholes or other openings.~~

~~Instantaneous maximum allowable discharge limit.~~ ~~The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete~~connections, or composite sample collected, independent of the industrial flow rate and the duration of the sampling event. manhole walls. Infiltration does not include, and is distinguished from, inflow.

~~Inflow.~~ ~~means~~ The water, other than Wastewater, that enters a sanitary sewer, or sewer service connections, from above ground ~~though such source as, but not limited to, roof leaders; cellar yards and area drains; foundation drains; pool drains; cooling water discharges; drains from springs and swampy areas or manhole covers; cross connections from storm sewers, combined sewers, or catch basins; storm waters; surface runoff; street wash waters; or drainage. Inflow does not include, and is distinguished from, infiltration.~~

Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts ~~the county wastewater CCU's or County Wastewater system, its treatment processes or operations, or its sludge processes, use or disposal, and,~~ therefore, is a cause of a violation of ~~county's~~County's NPDES permit or of the prevention of ~~sewage sludge biosolids~~ use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: section 405 of the act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Commented [JK20]: Previously noted as CCU although , agree with county wastewater system

Commented [JK21]: Should this be biosolids?

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.

Licensed Approved Hauler. Any person, approved by CCU carrying on or engaged in vehicular transport of septage, industrial waste, interceptor waste, or grease as part of or incidental to any business for the purpose of hauling and discharging septage, industrial waste, interceptor waste, or grease to CCU approved disposal facilities. Equivalent to Waste Hauler

Commented [JK22]: Should this be CCU approved hauler

Liquid Waste. Certain domestic wastes, including primarily those wastes removed from septic tanks, temporary domestic waste holding tanks, food trucks, portable toilets, and marine vessels that have an approved connection, ~~are not able to discharge their domestic Wastewater~~ directly in-to CCU. ~~the County's Wastewater treatment facilities~~

Commented [JK23]: Conflicts with previous requirements which allow liquid waste

Local Discharge Limits or Local Limits. Those discharge limits developed and enforced by the County and adopted by resolution of the board to implement any General or Specific Prohibitions set forth in Chapter 62-625, Florida Administrative Code (F.A.C.), as amended, or to satisfy any other discharge requirement imposed on the County by the EPA, FDEP, or any other agency.

Manifest. The recordkeeping system used for identifying the concentration, quantity, composition, origin, routing, and destination of waste during transportation from facility.

Medical waste/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.

Monthly Average. The arithmetic average value of all samples taken in a calendar month for an individual pollutant parameter.

Monthly Average Limit. The maximum value of all samples taken in a calendar month for an individual pollutant parameter.

~~*National categorical pretreatment standard or pretreatment standard.* Any regulation containing pollutant discharge limits promulgated by the EPA which applies to industrial users.~~

~~*National pollution discharge elimination system or NPDES permit.* A permit issued pursuant to section 402 of the act (33 U.S.C. 1342).~~

~~*Natural outlet.* An outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface ground water.~~

~~*New source*~~*Source.*

1.) (1)—Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the

promulgation of pretreatment standards under section 307(c) of the act provided that:

- a. — The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- b. — The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- c. — The production or ~~wastewater~~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.

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

3.) (3)—Construction of a ~~new source~~New Source as defined under this paragraph has commenced if the owner or operator has:

- a. — Begun, or caused to begin, as part of a continuous on-site construction program;
 - (i) Any placement, assembly or installation of facilities or equipment; or
 - (ii) 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~~New Source facilities or equipment; or
- b. — Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

Noncontact ~~cooling water~~Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

Non-Flushable Items. This shall include items like diapers, feminine hygiene products, disposable toilet brushes, disposable gloves, disposable masks, cotton swabs, dental floss, diaper/cleansing wipes, paper towels and other items that cannot be safely flushed and broken down so that it can safely pass through the sewer system.

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:

- (1) Has consistently complied with all applicable Categorical Pretreatment Standards and requirements;
- (2) 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,
- (3) Never discharges any untreated categorical process Wastewater.

Non-Treatable Substances. Waters or wastes containing substances that are not able to be treated or reduced by the ~~sewage~~ treatment process or are only treatable to the degree that the ~~sewage treatment plant~~ Water Reclamation Facility effluent cannot meet the requirement of other agencies having jurisdiction over discharge or violates any contract, resolution, law, rule, regulation, permit or approval applicable to the industrial, commercial or agricultural use of reclaimed water.

Normal domestic wastewaterDomestic Wastewater. Wastewater discharged into CCU's facilities which the average concentration of CBOD is not more than two hundred (200) mg/L, the average total suspended solids not more than two hundred fifty (250) mg/L, the average total COD concentration not more than four hundred (400) mg/L, and an average ammonia (NH_3) concentration of thirty-five (35) mg/L.

Notice of Violation (NOV). A written notice under Florida Statutes Section 162 and Charlotte County Code Section 1-1-15 which informs a User that a violation of this article has occurred.

Notify. Contact by telephone, in person, or via certified United States mail, return receipt requested.

Noxious and Malodorous Materials. Any liquids, gases, or solids, which either singly or by interaction with other wastes, create a public nuisance, hazard to life, or prevent entry into the sewers for maintenance and repair.

Noxious and Malodorous Materials. Any liquids, gases, or solids, which either singly or by interaction with other wastes, create a public nuisance, hazard to life, or prevent entry into the sewers for maintenance and repairs.

On-site sewage treatmentSewage Treatment and disposal systemDisposal System ("OSTDS"). Also referred to as aA sewage treatment and disposal facility, which may contain a standard subsurface, filled, or mound drain field system, an aerobic treatment unit, a graywater system tank, a laundry wastewaterWastewater system tank, a septic tank, a grease, oil and sand interceptor, a dosing tank, a solids or effluent pump, a waterless, incinerating, or organic waste-composting toilet or a sanitary pit privy that is installed or proposed to be installed beyond a building-sewerBuilding Sewer on land of the owner or on other land to which the owner or owners have a legal right to install a system.

Commented [JK24]: Wastewater?

~~*Package plant.* Self-contained sewage treatment facilities built to serve developed areas to which sanitary sewers are not yet available.~~*Owner.* The owner of real property shall be deemed as the name appearing on the Property Appraiser's database.

~~*Pass through/Through.*~~ A discharge which exits ~~CCU's wastewater facilities~~CCU into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of ~~county~~County NPDES permit, including an increase in the magnitude or duration of a violation.

Commented [JK25]: Confusing (may want POTW)

~~*Permittee.* A person who has been issued a permit issued by the County stipulating the conditions under which a User may discharge to CCU.~~

~~*Person.* Any individual, owner, lessee, tenant, partnership, co-partnership, firm, company, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.~~

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

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; municipal, agricultural and industrial wastes; and certain characteristics of ~~wastewater~~Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in ~~wastewater~~Wastewater prior to or in lieu of introducing such pollutants into the ~~county's wastewater~~County's Wastewater facilities. This reduction or alteration can be obtained by physical, ~~chemical~~, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment requirements. Any substantive or procedural requirement related to pretreatment other than a national ~~categorical pretreatment standard~~Categorical Pretreatment Standard imposed on a non-domestic ~~wastewater~~Wastewater discharge.

~~*Pretreatment Standards or Standards.* Specific or General Prohibited Discharge Standards, Categorical Pretreatment Standards, and local limits.~~

*Process water*Water. Any water which, during manufacturing or processing comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

~~*Prohibited Discharges.* Any pollutant or Wastewater which causes pass through or interference of the County's Wastewater facilities.~~

~~*Properly shredded garbage.* The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be~~

carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

~~Publicly owned treatment works~~Owned Treatment Works ("POTW"). Charlotte County's ~~Wastewater Treatment~~Water Reclamation Facilities, including the Burnt Store, Eastport, Rotonda, Westport Water Reclamation Facilities, and any future ~~Wastewater treatment~~Water Reclamation facilities that may be acquired or constructed by CCU;

Commented [JK26]: Recommend POTW in lieu of CCU when referring to WWTPs

~~Public notice~~. Notice published in a daily newspaper of general circulation within ~~Charlotte County~~.

~~Public sewer~~Sewer. A common pipe controlled by a governmental agency or public utility.

~~Regulated Establishment (RE)~~. ~~A means any facility engaged in preparing and/or packaging food or beverages for sale or consumption, on or off site, with the exception of private residences. Regulated Establishments shall include, but are not limited to food courts, food manufacturers, food packagers, factories, restaurants, grocery stores, convenience stores, bakeries, cafeterias, lounges, hospitals, correctional facilities, hotels, nursing homes, assisted living facilities, churches and schools.~~

~~Sanitary sewer~~Sewer. A pipe which carries ~~sewage~~wastewater and to which storm, surface and ground waters are not intentionally admitted.

Commented [JK27]: wastewater

~~Sanitary Sewer Overflow (SSO)~~. The release or discharge of untreated or partially treated Wastewater from the sanitary sewer collection system or Wastewater treatment plant into the environment.

~~Septic tank~~Tank. A subsurface impervious tank designed to temporarily retain ~~sewage~~ or similar waterborne wastes.

Commented [JK28]: And partially treat wastewater?

~~Septic tank waste~~ or septage. Any ~~sewage~~wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

~~Sewage~~. ~~A combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present, even though unintentional. Equivalent term is wastewater.~~ Equivalent to wastewater

Commented [CJ29]: Added definition

~~Sewage works~~. All facilities for collecting, pumping, treating and disposing of ~~sewage~~.

~~Sewer~~. A pipe or conduit for carrying sewage.

~~Significant industrial user~~Industrial User ("SIU"). Any ~~industrial user~~Industrial User of the ~~county's wastewater~~County's Wastewater system who: (1) is

1) Is an industrial ~~user~~User for which categorical standards have been defined by EPA (equals a categorical industrial ~~user~~User); or (2) ~~discharges~~

2) Discharges twenty-five thousand (25,000) gallons or more per day of processed ~~wastewater~~Wastewater; or (3) ~~contributes~~

3) Contributes a processed waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the county's~~County's~~ treatment system plants on a per plant basis; or (4)

4) The County determines the User has a reasonable~~the~~ potential, in the opinion of the utility director, to adversely affect the county's wastewater~~County's Wastewater~~ facilities.

Upon a finding that a user~~User~~ meeting the criteria in subsection (24) has no reasonable potential for adversely affecting the county's wastewater~~County's Wastewater~~ system or for violating any pretreatment standard or requirement, the county~~County~~ may at any time, on its own initiative or in response to a petition received from a user~~User~~, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user~~User~~ should not be considered a significant industrial user~~User~~.

Significant noncompliance~~Non-Compliance~~ ("SNC"). An SIU shall be in significant noncompliance~~Significant Non-Compliance~~ when any one (1) or more of the following criteria are satisfied:

1) (1)—Chronic violations of wastewater discharge limits when~~Wastewater Discharge Limits defined as those in which~~ sixty-six (66) percent (66%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) thea numeric pretreatment standard or requirement, including instantaneous maximum limit or average limit (if applicable) for the same pollutant parameter; limits; or

(2)—Technical review criteria (TRC) violations when, defined as those in which thirty-three (33) percent (33%) or more of the wastewater measurements taken for each pollutant parameter during a six (6) month period equalequals or exceedexceeds the product of the numeric pretreatment standard or requirement, including instantaneous maximum limit or average (if applicable) limits, multiplied by the applicable TRC:

a. For conventional pollutants, TRC = 1.4 or forty (40) percent over the limit;

2) b. For for BOD, TSS, and total Oil and Grease, and 1.2 for all other pollutants, TRC = 1.2 or twenty (20) percent over the limit; except pH); or

3) (3)—When the SIU fails to respond within ten (10) days of receipt of a notice~~Notice~~ of violation~~Violation~~ (NOV) issued by the director~~Utility Director~~; or

4) (4)—When the SIU fails to accurately report noncompliance; or

5) (5)—When the SIU reports false "information"; or

6) (6)—When the SIU intentionally or negligently violates a permit condition or requirement; or

7) (7)—When the SIU refuses to permit entry to the director~~County~~ or his designee for inspection, etc., as specified in this article~~Article~~; or

- 8) ~~(8)~~—When any violation occurs that the ~~director~~Utility Director reasonably believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass through; or endangered the health of CCU's employees or the general public;
- 9) ~~(9)~~—When any discharge occurs which causes imminent endangerment to human health, welfare or to the environment or results in CCU's use of its emergency authority to halt or prevent such a discharge;
- 10) ~~(10)~~—When violations of ~~industrial wastewater discharge permit (IWDP)~~the User's Wastewater Discharge Permit (WWDP) or other required compliance schedules occur such as, but not limited to, failure to start or complete construction, or failure to attain final compliance by the compliance schedule date;
- 11) ~~(11)~~—When periodic compliance reports, base-line monitoring reports or other required reports are not received by the ~~director~~Utility Director within thirty (30) days after due date; or
- 12) ~~(12)~~—When any violation or group of violations occurs which, in the judgement of the ~~director~~Utility Director, may reasonably be expected to have a significant adverse impact on the operation or implementation of the pretreatment program, the ~~wastewater~~Wastewater treatment system, the quality of sludge, the system's reclaimed water quality or air emissions generated by the systems or has the potential to endanger CCU's employees.

Sludge. The solid, or ~~semisolid~~semi-solid, residue removed during the treatment of municipal ~~wastewater~~Wastewater.

Slug, slugs, or slug flow. Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration of flows during normal operation ~~and shall that may~~ adversely affect ~~the CCU's~~ collection system and/or performance ~~of the wastewater facilities~~.

Specific Prohibited Discharges. Specific prohibited discharges enumerated by the EPA C~~intended to enhance control of hazardous wastes entering POTWs.~~

Spill C~~ontainment P~~lan. A detailed plan showing facilities and operating procedures to provide protection from accidental discharge.

Standard Drawing Details. The latest approved version of Charlotte County Utilities Standard Drawing Details providing uniformity in standards, materials, products, and construction which may be obtained from Charlotte County. These Standard Drawing Details represent the minimum requirements; additional specifications or requirements may be added to projects on an as-needed basis.

Standard Specifications. The latest approved version of Charlotte County Utilities' Standard Specifications providing uniformity in standards, materials, products, and construction which may be obtained from Charlotte County. These Standard Specification represent the minimum requirements; additional specifications or requirements may be added to projects on an as-needed basis.

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Storm ~~drain~~Drain (building). A ~~building-drain~~Building Drain used for conveying rainwater, surface water, groundwater, subsurface water, condensate, cooling water or other similar discharge to a building storm sewer or a combined ~~building-sewer~~Building Sewer extending to a point outside the building wall.

Stormwater-sewer. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Storm Sewer. A sewer used to convey rainwater, surface water, condensate, cooling water or other similar ~~liquid wastes~~.

-

Superintendent. The person designated by CCU's director to supervise the operation of the county wastewater facilities and who is charged with certain duties and responsibilities by this article, or a duly authorized representative. ~~Liquid Wastes~~.

Suspended ~~solids~~Solids. Solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

Toxic ~~pollutant~~Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of the ~~act~~Act (Clean Water Act) or other acts.

Trailer. A facility which provides for living, sleeping, eating, cooking, and/or sanitation, whether of a residential or commercial (office) nature.

Transported ~~liquid waste~~Liquid Waste. Certain domestic wastes, including primarily those ~~liquid wastes~~Liquid Wastes removed from septic tanks, temporary domestic waste holding tanks, portable toilets, and marine vessels that are not able to discharge their domestic ~~wastewater~~Wastewater directly into the ~~county's wastewater~~County's Wastewater treatment facilities through approved discharged points designated by the ~~county~~County, are transported to the facilities by ~~liquid waste~~Liquid Waste transport or similar trucks. Transported ~~liquid waste~~Liquid Waste is subject to the restrictions provided in sections 3-8-~~122 and 3-8-124~~105.

Transported ~~waste-discharge-permit~~Waste Discharge Permit ("TWDP"). A ~~transport waste-discharge-permit~~Transport Waste Discharge Permit issued by the ~~director~~Transport Waste Discharge Permit is required for any person who proposes to discharge domestic sewage wastes from ~~liquid waste~~Liquid Waste transport trucks to CCU.

Upset. ~~is an~~is an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the facilities. ~~User~~.

~~Uniform extension policy~~Utility Extension Standards. The ~~rules~~rules and regulations of CCU contained in ~~Resolution 94-236~~Chapter 3-8 Article II, Division V, as may be amended from time to time, designed to set forth the service and financial relationship between CCU and property owners, builders, or developers seeking to obtain water or ~~sewer~~wastewater service ~~for the benefit of other properties.~~(s).

Commented [CJ32]: changed

User. Any person who contributes, causes, or permits the contribution of the ~~wastewater into the county's wastewater facilities~~ Wastewater to CCU, or any owner of property or tenant/lessee of property required to connect to the ~~county's wastewater~~ CCU.

Waste cooking oil hauler. Any person licensed to carry or engage in vehicular transport of used or spent cooking oil.

Waste cooking oil recycling or disposal facility. A facility engaged in either recycling of beneficial elements of used or spent cooking oil for resale or converting used or spent cooking oil through chemical or biological means into base elements, such as carbon dioxide and water, which can subsequently be discharged into the County's sanitary sewer collection system.

Waste Hauler. ~~Any person carrying on or engaged in vehicular transport of septage, industrial waste, or grease as part of or incidental to any business for the purpose of discharging the septage or industrial waste into CCU or the grease at a grease recycling or disposal facility.~~ Equivalent to Approved Hauler

Commented [JK33]: the POTW

Wastewater. ~~The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and/or institutions, whether treated or untreated, that is contributed into or permitted to enter the County's Water Reclamation Facilities. Equivalent term is sewage.~~ Wastewater. ~~The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and/or institutions, together which may be present, whether treated or untreated, which that is contributed into or permitted to enter the county's wastewater~~ County's Wastewater treatment plants. Equivalent term is sewage.

Commented [JK34]: POTWs

Wastewater facilities ("WWF"). ~~Shall mean the Wastewater Discharge Permit. A permit issued by the County stipulating the conditions under which a User may discharge to the County's publicly owned treatment works (POTW) CCU. Unless specifically identified, this definition includes an individual Wastewater Discharge Permit and a general Wastewater Discharge Permit~~

Commented [JK35]: Already defined as county's Public operated treatment works

Wastewater Facilities. ~~The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent. Equivalent term is sewage works.~~

Waters of the state State. Any surface or groundwater located within the boundaries of the State of Florida or over which the State of Florida exercises jurisdiction.

~~Abbreviations:~~ The following abbreviations shall have the designated meanings:

- ~~• CBOD~~ Carbonaceous biochemical oxygen demand
- ~~• CFR~~ Code of Federal Regulations
- ~~• COD~~ Chemical Oxygen Demand

- ~~EPA — U.S. Environmental Protection Agency~~
- ~~gpd — Gallons per day~~
- ~~L — Liter~~
- ~~mg — Milligrams~~
- ~~mg/L — Milligrams per liter~~
- ~~NPDES — National Pollutant Discharge Elimination System~~
- ~~RCRA — Resource Conservation and Recovery Act~~
- ~~SIC — Standard Industrial Classification~~
- ~~TSS — Total Suspended Solids~~
- ~~U.S.C. — United States Code~~

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-103. - Reserved.

Editor's note— Ord. No. 2015-050, § 5, adopted Nov. 10, 2015, repealed § 3-8-103, which pertained to mandatory connection and derived from Ord. No. 2001-034, § 2, adopted June 26, 2001.

Sec. 3-8-104. - On-site sewage treatment and disposal systemsSite Sewage Treatment and Disposal Systems ("OSTDS").

~~No OSTDS shall be installed where CCU's wastewater facilities are available.~~

It shall be unlawful to ~~empty, dump, throw or otherwise~~ discharge into any manhole, catch basin, or other opening, into the ~~county~~County sewer system, or any system connected with and discharging into the sewer system, the contents of any OSTDS, sludge, sewage or other similar matter or material, except ~~as provided in section 3-8-180 hereof~~when authorized by County.

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-105. — Transported liquid waste regulationsLiquid Waste Regulations and proceduresProcedures.

~~Certain domestic wastes, including primarily those liquid wastes removed from septic tanks, temporary domestic waste holding tanks, portable toilets, and marine vessels that are not able to discharge their domestic wastewater directly into the county's wastewater treatment facilities through approved discharged points designated by the county, are transported to the facilities by liquid waste transport or similar trucks. Transported liquid waste is subject to the restrictions provided in sections 3-8-122 and 3-8-124. This section provides regulations and procedures for the control of the discharge of wastes from~~

~~commercial liquid waste transport trucks/Liquid Waste Haulers and private septage approved haulers into the facilities to CCU.~~

Commented [JK36]: POTW?

Commented [JK37]: This change is not clear would keep previous language

(1) ~~(1)~~ Administration and ~~permitting~~ Permitting.

a) ~~a.~~ A transport waste discharge permit County-issued Transport Waste Discharge Permit (TWDP) issued by the director is required for any person who proposes to discharge domestic sewage wastes from liquid waste Liquid Waste transport trucks or private septage haulers to the facilities. CCU.

b) The director County shall approve, deny, or approve with special conditions, all applications Applications for permits TWDPs in accordance with the policies and regulations established in this section. Section.

c) It shall be unlawful for any person or company to discharge liquid waste Liquid Waste transport trucks at the designated facilities without a current TWDP.

a) ~~b.~~ All food truck Liquid Waste requires:

d)

1. A permit from the Florida Department of Health (FDOH); and

1.

2. A TWDP; and

2.

Pretreatment thru CCU, prior to any discharge to CCU.

Commented [SK38]: What does this mean?

Commented [KJL39R38]: This should specify POTW or specifically East Port WRF

3.

(2) Application. All persons required under the terms of this section to obtain a TWDP shall from East Port Water Reclamation Facility (WRF), will submit to the county County a completed application Application for a TWDP together with the required fee. Each application shall include to the administrative staff at East Port WRF. The Application can be found on the County website and the following link: _____. The following information may be required to be submitted with the Application.

Commented [JK40]: Should we reference where they can get information for completion or obtain?

a) 1. Identifying Information. Name, and address and telephone number of applicant. If the applicant is a partnership, corporation or other business, facility, including the name or the operator and owner.

b) Permits. List of an authorized representative must be provided as defined in any pollution control permits held by or for this division. facility

2. The type, license tag number, and description of each vehicle from which waste will be discharged by the applicant. Any new or replacement equipment acquired subsequent to the application shall be reported to the director prior to any discharge from this new equipment into the facilities.

- ~~3. A statement that the provided information is accurate must be signed by the authorized representative of the wastewater transporter.~~
- ~~c. Each permit shall be effective for a one-year period and may include special conditions as deemed necessary by the director. An application for renewal of the permit shall be submitted at least thirty (30) days prior to the expiration date of the existing permit by each applicant wishing to continue to discharge into the facilities. Failure to submit applications in a timely manner will result in periods when discharge will not be permitted due to lack of authorization.~~
- ~~d. The TWDP shall be in addition to any other permits, registrations, or occupational licenses which may be required by the federal, state or local law.~~
- c) (2) Description of Operations.
 - i. submit a brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classification (SIC) codes of the operations carried out. This description shall include a schematic process diagram which indicates points of discharge to the WWF from the regulated processes.
 - ii. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the WRWF;
 - iii. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - iv. Type and amount of raw materials processed (average and maximum per day);
 - v. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
 - vi. Time and duration of discharges
 - vii. The location for monitoring all wastes covered by the permit.
 - viii. Flow Measurement. Submit information showing the measured average daily and maximum daily flow (in gpd), to the WWF from each of the following:
- d) Regulated process streams
- e) Other streams as necessary to allow for the use of the combined waste stream formula of subsection 62-625.410(6), F.A.C. Verifiable estimates of these flows are permitted, where justified by cost or feasibility considerations.

f) Any other information deemed necessary by CCU.

(3) Revocation of ~~permit~~ TWDP. Any TWDP issued under the provisions of this section is ~~subject to be modified, suspended or revoked in whole or in part during its term for a period of at least one (1) year~~ may be subject to modification, suspension, or revocation for cause ~~shown~~, including, but not limited to any one of the following:

a. ~~Falsification of any information submitted as part of the application for the TWDP.~~

a. ~~b.~~ Falsification of any ~~Providing false~~ information contained on a required discharge manifest on a TWDP Application.

b. ~~c.~~ Failure ~~Providing any false information on a Discharge Manifest.~~

c. Failing to comply with any requirements or regulations concerning discharges ~~to the facilities as provided by this article (or any amendments thereto); CCU.~~

d. ~~Failure~~ Failing to pay required discharge fees, sampling ~~and fees,~~ analytical fees, or any assessed surcharges ~~in a timely manner; or~~

e. ~~e.~~ When necessary to protect the public's ~~public's~~ health, safety, and welfare.

~~Withdrawal of permission to discharge shall be in addition to any other penalties for violations of any part of this division.~~

(3) ~~Acceptable wastes. Domestic sewage wastes generated within the county or outside the county as authorized by the director from septic tanks, temporary domestic waste holding tanks, and portable toilets and sewage wastes generated by marine vessels are the only acceptable wastes for discharge to the facilities by liquid waste transport trucks.~~ (4) Prohibited Wastes. Transported Wastewaters produced by any type of industrial or manufacturing process and mixtures of industrial and domestic ~~wastewaters~~ Wastewater from any area are strictly prohibited.

(5) ~~(4) Pollutant limitations~~ Limitations of acceptable wastes. ~~Acceptable~~ Transported Liquid Wastes. Acceptable transported ~~liquid wastes~~ Liquid Wastes as defined in this section are subject to the following pollutant limitations:

a. ~~All general discharge prohibitions as itemized in section Prohibited Discharges (Section 3-8-122) of this article~~ Article; and

b. ~~All specific limitations as itemized in section Specific Pollutant Limitations (Section 3-8-124) of this article~~ Article.

(6) ~~(5) Manifest and permit requirements.~~ Permit Requirements. Prior to discharge of each load of waste ~~into the facilities from a liquid waste transport truck, transported Liquid Waste~~ a complete and signed manifest Manifest must be presented to the designated facilities' operator in charge. Upon County operator

Commented [WD41]: Do we do this?

acceptance of a complete Manifest, discharge may be permitted. A complete Manifest must include:

a. ~~The completed manifest shall indicate the origin of all wastes contained in the truck~~Liquid Waste to be discharged. The

b. Identification of the date, customer name, address served, type and amount of ~~waste must be identified on the manifest~~Liquid Waste, for each source of ~~waste~~Liquid Waste contained in the truck.

c. The name of the ~~liquid~~Liquid Waste transport company, vehicle license tag number, driver name, date, time, and driver's signature ~~must be provided for the manifest to be complete. By signing the manifest, the driver will certify, certifying~~ the accuracy of the information provided on that manifest. ~~Discharge will be permitted only when a completed manifest is submitted to the satisfaction of the operator in charge of the facility. the Manifest.~~

(7) ~~(6)~~ ~~Location and time~~Time. Acceptable transported ~~liquid wastes~~Liquid Wastes shall be discharged at ~~the Eastport~~:

a. ~~East Port~~ ~~WRF~~ ~~port~~Water Reclamation Facility, 3100 Loveland Boulevard, Port Charlotte, ~~33980~~ Monday thru Friday, between the hours of ~~78:00~~ a.m. and ~~5:00~~4:30 p.m., Monday through Friday, ~~or any other~~

b. ~~An alternate facility authorized by the director. Discharges may be permitted during other or alternate hours and on weekends approved by the director in advance and at an approved time for the discharge, with advanced approval from the County.~~

The exact location of the discharge point within the ~~facilities~~Facility shall be identified by the ~~operator in charge as required~~County.

(8) ~~(7)~~ ~~Fees and billing~~Billing. The fees provided for in this section are separate and distinct from all other fees ~~chargeable~~charged by the ~~county~~County and may be ~~amended by resolution~~. The relevant fees applicable to this section are as follows:

a. ~~a. A permit application fee~~A TWDP Application Fee of one hundred ~~and fifty~~ dollars (\$150.00) shall be payable for initial ~~applications for one-year permits, and renewal permit fee of one hundred dollars (\$100.00) shall be payable for renewal applications for one-year permits.~~Application and Renewal permit fees. Each additional truck added ~~to the list during the duration of the permit~~under the TWDP shall be subject to a fee of twenty-five dollars (\$25.00). Temporary replacement trucks used for thirty (30) days or less shall not be subject to this fee throughout the duration of the ~~permit~~TWDP.

b. ~~b. Each time a waste load is discharged at CCU, a waste discharge fee~~A Transported Liquid Waste Discharge Fee based on total gallons discharged shall apply each time a Liquid Waste is discharged as ~~indicated~~measured by the ~~receiving station~~County's flow meter ~~shall apply. In. If the event, the~~

Commented [JK42R41]: Should we add food trucks here

Commented [JK43R41]: Check on

Commented [CJ44R41]: NO, CCU does not accept food truck grease.

~~receiving station~~County's flow meter is inoperable, the fee will be based on the total gallons reported on the ~~waste hauler manifest~~Manifest.

- c. ~~e.~~—The Transported Liquid Waste discharge feeDischarge Fee shall be ~~eight~~minimum 10 cents (\$0.0810) per gallon for in-countyCounty septage waste and ~~ten cents (\$0.10) per gallon for out-of-county septage waste;~~ twelve cents (\$0.12) per gallon for ~~in-county grease~~out-of-County septage waste.

~~A Sampling and fourteen cents (\$0.14) per gallon for out-of-county grease waste per trip.~~

- d. ~~d.~~—A fee shall applyAnalysis Fee for random sampling and analysis carried out by the ~~county or its agent~~County when any violation is detected as follows:

- i. ~~1.~~—The total cost of the sampling and analysis shall be chargeable to the permittee ~~in full~~.
- ii. ~~2.~~—The total cost of the demand sampling and analysis for the specific pollutant(s) in violation from all subsequent discharges by the permittee until no further violations are detected in three (3) consecutive samples.

~~These fees may be amended by the BCC by resolution or ordinance.~~

- (9) ~~(8)~~—Sampling and ~~analysis~~Analysis of ~~wastes~~Liquid Wastes. Random sampling of the contents of any ~~liquid waste~~Liquid Waste transport truck proposed for discharge into the facilities may be conducted by the operator in charge prior to discharge.

a. Samples will be analyzed by the ~~county~~County laboratory or other authorized laboratory for the purpose of determining the presence of industrial or other prohibited wastes ~~as specified by division 2 of this article.~~

b. At the driver's request, samples will be split with the haulage company for comparative analysis at his own expense.

c. At a minimum, random samples will be analyzed for the following pollutants: pH, COD, chloride, cadmium, chromium, copper, lead, nickel, silver, zinc, oil and grease, EPA Method 624. ~~Additional analyses may be performed for other pollutants that the director has reason to believe may be present based on an inspection of the sample and the manifest.~~

d. ~~(9)~~—Additional analyses may be performed for other pollutants that the County has reason to believe may be present based on an inspection of the sample and the manifest.

- (10) Enforcement. A ~~notice~~Notice of violationViolation will be issued to the ~~appropriate permitted waste hauler~~Liquid Waste Hauler if random sampling and analysis ~~reveal~~reveals a violation. Response to this ~~notice~~Notice must be received by the ~~county~~County within ten (10) working days of receipt by the ~~waste hauler~~Liquid Waste Hauler. The ~~waste hauler~~Liquid Waste Hauler will be required to identify the origin of the unacceptable waste and to implement appropriate procedures to

prevent the reoccurrence of this violation. Increased demand sampling and analysis of discharges will be carried out by the ~~county~~County once a violation has been detected. Escalating enforcement procedures, administrative fines and other penalties will be applied when continuing violations are detected ~~including, but not limited to, termination of service and pursuit of action in a court of competent jurisdiction in the county for violations of this article.~~

(Ord. No. 2001-034, § 2, 6-26-01; Ord. No. 2007-066, § 1, 9-25-07; Ord. No. 2010-029, § 1, 6-8-10)

Sec. 3-8-106. - Building ~~sewers~~Sewers and connections.

~~A building sewer is a conduit or pipe which conveys wastewater from the plumbing drain system of a building to a public sewer or other place of disposal.~~**Connections.**

- (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. Authorization ~~may be obtained after approval from the utilities department and payment of all required fees and charges and obtaining written permit from the county community development department.~~to make a connection to CCU's wastewater collection system may be obtained upon:

~~The owner or his agent shall make application for a permit on a special form furnished by the county community development department. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the county community development department and the director of utilities. A permit and inspection fee, as specified in this Code, chapter 3-2, shall be paid at the time the application is filed.~~

- a. ~~All~~Written approval from the Utilities Department; and
- b. ~~Issuance of a plumbing permit for the connection by the Community Development Department; and~~
- c. ~~Payment of all required fees and charges.~~

- (2) ~~The Applicant shall pay all costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall Building Sewer and indemnify the countyCounty from any loss or damage that may be directly, or indirectly be occasioned by, related to the installation of the building sewerBuilding Sewer.~~

- (3) ~~Where sewer service is not initially available, all costs of connection at a subsequent date, associated with permit, construction and/or extension of CCU~~

shall be in accordance with the responsibility of the permit applicantCounty's Utility Extension Standards.

~~A separate and independent building sewer shall be provided for every building or buildable lot; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one (1) building sewer, but the county does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.~~

(4) Unless approved by County, each separate and independent Building Sewer shall be provided for every building or buildable lot.

(5) Existing ~~building sewers~~Building Sewers may be used in connection with new buildings only when they are found, ~~on examination and test by the county community development department by the County Community Development Department~~ to meet all requirements of this article and are approved by the ~~director of utilities~~Utility Director.

(6) ~~If~~When common laterals are permitted by the ~~county~~County, then separate sampling devices must be provided on each individual conduit.

(7) The size, slope, alignment, materials of construction of a ~~building-sewer~~Building Sewer, and the methods to be used in construction shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the ~~county~~County. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9 as amended from time to time, shall apply.

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

(9) No person shall make connection of roof downspouts, foundation drains, areaway drains, air conditioner drains, or other sources of surface runoff or groundwater to a ~~building-sewer~~Building Sewer or ~~building-drain~~Building Drain which in turn is connected directly or indirectly to a public sanitary sewer.

(10) Inspections. ~~The applicant for the building-sewer permit~~Applicant shall notify the ~~county community development~~County Community Development department when the ~~building-sewer~~Building Sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the ~~county community development~~County Community Development department or his representative.

(11) Excavations. All excavations for ~~building-sewer~~Building Sewer installations shall be ~~adequately~~ guarded with barricades and lights in compliance with all

Commented [SK45]: This reads very confusing; can it be re-worded?

Commented [SK46]: Use pumped instead?

Occupational Safety & Health Act (OSHA) requirements ~~so as~~ to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner and within a time frame satisfactory to the ~~county~~County.

(12) The connection of the ~~building sewer~~Building Sewer into the public sewer shall conform to the requirements of the ~~building~~Florida Building Code, Florida Plumbing Code, and ~~Charlotte County Code~~.

(13) Property owner is responsible for maintaining their lateral to ensure continuous compliance with County and State requirements.

plumbing code ~~3-8-107~~ - ~~Infiltration and~~ other applicable rules and regulations ~~Inflow, Prohibited.~~

~~It shall be unlawful for any User to allow or permit infiltration or inflow into any public sewer.~~

~~Each All Users shall allow Authorized Representatives of the countyCounty reasonable access to the User's real property to allow the County to determine if there is any infiltration or inflow into any public sewer associated with User's Building Sewer and Building Drain.~~

Commented [JK47]: All Users?

If any building sewer permits entrance of infiltration/or inflow, the county director of utilities shall require one of the following:

- ~~(1) Require the owner to repair the building sewer within sixty (60) days from date of notification; or~~
- ~~(2) Charge the owner a sewer usage charge that reflects the additional flow of sewage from the owner's property; or~~
- ~~(3) Require the owner to disconnect his building sewer from the county's sewer system within sixty (60) days from date of notification; or~~
- ~~(4) Reimburse the county for the actual cost of making the repair to the building sewer and allow access to property.~~

(Ord. No. 2001-034, § 2, 6-26-2001)

~~Secs. 3-8-107 - 3-8-120. Reserved.~~ ~~3-8-107~~ - ~~Infiltration and Inflow, Prohibited.~~

~~(1) It shall be unlawful for any User to allow or permit infiltration or inflow into any public sewer. .~~

~~(2) All Users shall allow Authorized Representatives of the County reasonable access to the User's real property to allow the County to determine if there is any infiltration or inflow into any public sewer associated with User's Building Sewer and Building Drain.~~

Commented [JK48]: All Users?

(3) Notice of Violation. If the County determines that a User's Building Sewer or Building Drain is, or may be, permitting infiltration or inflow, County shall issue a Notice of Violation in accordance with Florida Statutes §162, and Charlotte County Code of Ordinances Section 1-1-15.

Secs. 3-8-107—3-8-120. - Reserved.

Commented [JK49]: Should language be provided to allow county to correct and charge user if they do not respond or if causing significant I/I into system or this already covered in other ordinances

Commented [CJ50R49]: Yes it should

DIVISION 2. GENERAL WASTEWATER USE REQUIREMENTS

Sec. 3-8-121. - Industrial ~~waste survey~~Waste Survey ("IWS").

- 1.) ~~The director of utilities may require any user~~Any User or potential user to complete and submit an IWS. Once required, the userPotential User must submit ~~the~~a completed IWS within twenty (20) days of ~~its issuance.~~a County request.
- 2.) ~~Falsification of information or failure to submit the IWS will~~may result in the imposition of a fine, termination of service, denial of request for service, ~~discharge~~permit revocation, imposition of any available enforcement ~~and actions or remedies of division 7~~, or any combination thereof.

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-122. - Prohibited discharges.

- 1) (a) ~~Generally: No user~~User shall contribute or cause to be contributed, directly or indirectly, any pollutant or ~~wastewater~~Wastewater which causes pass through or interference of the ~~county's wastewater~~County's Wastewater facilities. ~~These general discharge prohibitions and the specific prohibitions in (b) below apply to all users of the county's wastewater facilities whether or not the user is subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.~~
- 2) (b) ~~Specifically: A user may not~~ No User shall contribute any of the following substances to any ~~county wastewater~~County Wastewater facilities:
 - a. (1) ~~Dangerous discharges. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the county's wastewater treatment system or to the operation of the county's wastewater treatment system.~~At no time, shall two (2) successive readings of Dangerous Discharges on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter. ~~In addition, specific prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene,~~

~~ethers, alcohols, ketones, aldehydes, fuel oil, solvents, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substance which the county, the FDEP or EPA has notified the user is a fire hazard or a hazard to the system.~~

b. ~~(2)~~—Any solid, semi-solid, or viscous substance. ~~Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the county's wastewater treatment system such as, but not limited to: grease~~Grease, ~~garbage, non-flushable materials,~~ whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, ~~or any other solid or viscous substances which may obstruct the flow or interfere with the operation of CCU.~~ Specifically prohibited is the heating or chemical dissolving of the contents of ~~grease traps~~Grease Traps and its discharge to the ~~county~~County system.

c. ~~(3)~~—pH exclusions. Any ~~wastewater~~Wastewater having a pH less than six point zero (6.0) or greater than eight point five (8.5), ~~unless the county's wastewater treatment facilities are specifically designed to accommodate such wastewater, or wastewater).~~

d. Wastewater having any ~~other~~ corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the ~~county's wastewater~~County's Wastewater treatment system.

~~(4)~~—Toxic pollutants. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the county's wastewater treatment system, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the act, or other acts, be they national, state or local, with the more stringent limit subject to enforcement.

~~(5)~~—Noxious and malodorous materials. Any noxious or malodorous liquids, gases or solids, which either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance and repair.

e. ~~(6)~~—Toxic Pollutants.

f. Noxious and malodorous materials.

g. Materials affecting effluent and ~~sludge~~biosolids disposal. Any substance which may cause the ~~county's wastewater treatment system~~POTW effluent or any other product of the county's wastewater treatment system such as ~~residues,~~ residuals, or sludges, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. ~~In no case shall a substance discharged to the county's wastewater treatment system cause the county's wastewater~~

~~treatment system to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 503 of the act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.~~

~~h. (7) — Substance causing violation. Any substance which will~~may ~~cause the county's wastewater treatment system~~POTW ~~to violate its NPDES and/or National Pollutant Discharge Elimination System permit, FDEP permit, or the receiving water quality standards.~~

~~i. (8) — Color. Any wastewater~~Wastewater ~~with objectionable color. Any Wastewater with objectional color not removed in the treatment process, such as, but not limited to, including dye wastes and vegetable tanning solutions.~~

~~j. (9) — High temperature wastewater. Any wastewater having a temperature which will inhibit biological activity in the county's wastewater treatment system resulting in interference, but in no case wastewater with a temperature at the introduction into the county's wastewater treatment system~~Wastewater. Wastewater ~~which exceeds forty (40) degrees centigrade (104°F).~~

~~(10) — Unacceptable flow rates. Slugs—Any pollutants, including oxygen-demanding pollutants (BOD, etc) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the county's wastewater treatment system. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four hour concentration, quantities or flow during normal operation.~~

~~k. (11) — Slug, Slugs, or Slug Flow.~~

~~l. Radioactive wastes~~Wastes. Any ~~wastewater~~Wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with ~~applicable~~ state or federal regulations.

~~(12) — Hazardous wastes. Any wastewater which causes a hazard to human life, creates a public nuisance or is defined as a hazardous waste under 40 CFR Part 261.~~

~~(13) — Non-treatable substances. Waters or wastes containing substances, including non-biodegradable detergents, which are not amenable to treatment or reduction by the sewage treatment process employed or are amenable to treatment only to the degree that the sewage treatment plant effluent cannot meet the requirement of other agencies having jurisdiction over discharge or violates any contract, resolution, law, rule, regulation, permit or approval applicable to the industrial, commercial or agricultural use of reclaimed water.~~

~~m. (14) — Hazardous Wastes.~~

~~n. Non-treatable Substances.~~

o. Stormwater, ~~surface water~~Surface Water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, ~~noncontact cooling water~~Noncontact Cooling Water, and unpolluted ~~wastewater~~Wastewater. All are prohibited unless specifically authorized by the ~~director of utilities~~County.

p. ~~(15)~~—Sludges, screenings, or other residues from the pretreatment of ~~industrial wastes~~Industrial Wastes.

~~(16)~~—~~Medical wastes, except as specifically authorized by the director of utilities or his designee in a wastewater discharge permit;~~

q. ~~(17)~~—Medical Waste.

r. Transported or hauled pollutants, ~~(except at discharge points designated as permitted by the County).~~

s. Fats, oils, or greases of animal or vegetable origin in concentrations that cause or have the ~~director~~potential to cause blockages or overflows in the ~~Wastewater Facilities~~POTW;

t. Petroleum oil, nonbiodegradable cutting oil, or products of ~~utilities~~utilities, ~~mineral oil~~origin in amounts that will cause interference or pass through.

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-123. - National ~~categorical pretreatment standards~~.

Categorical Pretreatment standards specifying quantities or concentrations ~~Standards~~.

The Act establishes responsibilities of local government to implement National Pretreatment Standards to control pollutants ~~or pollutant properties which are discharged to the county's wastewater facilities by an existing or new industrial user, in specific industrial subcategories, are established as separate federal regulations pass through or interfere with treatment processes in POTWs~~. These ~~categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405—471~~Categorical Pretreatment are hereby incorporated by reference.

- (1) —Where a ~~categorical pretreatment standard~~Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in ~~wastewater~~Wastewater, the ~~director of utilities~~County may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (2) —When ~~wastewater~~Wastewater subject to a ~~categorical pretreatment standard~~Categorical Pretreatment Standard is mixed with ~~wastewater~~Wastewater not regulated by the same standard, the ~~director of utilities~~County shall impose an alternate limit using the combined ~~waste stream formula in Waste Stream Formula (40 CFR 403.6(e)-) as amended from time to time~~.

Commented [WD51]: Consistency?

Commented [JK52R51]: Prior to treatment should be sludge

(3) —A ~~user~~User may ~~obtain~~ apply to the County for a Categorical Pretreatment Standard variance ~~from a categorical pretreatment standard~~ if the ~~user~~User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the ~~categorical—pretreatment standard~~Categorical Pretreatment Standard.

(4) —A ~~user~~User may obtain a net gross adjustment to a ~~categorical standard~~Categorical Pretreatment Standard in accordance with 40 CFR 403.15.

~~If the provisions of this article are more stringent than those imposed by federal pretreatment standards, the provisions of this article shall apply.~~

(Ord. No. 2001-034, § 2, 6-26-2001)

(5) Dental Office Point Source Category. 40 CFR part 441, as amended, identifies EPA finalized technology-based pretreatment standards under the Clean Water Act to reduce discharges of mercury and other metals from dental offices into municipal Wastewater treatment plants. The guidelines and pretreatment standards of 40 CFR part 441, as amended from time to time, are incorporated herein.

Sec. 3-8-124. - Specific ~~pollutant limitations/surcharge and fine~~Pollutant Limitations.

TABLE A: CONVENTIONAL PARAMETERS

Parameter	Maximum Concentration mg/L (24-hour flow proportional composite sample)
Carbonaceous biochemical oxygen demand (CBOD)	200 <u>250</u>
Chemical oxygen demand (COD)	400 <u>450</u>
Total suspended solids (TSS)	250 <u>300</u>
Oil and grease (petroleum and/or mineral)	100
Total nitrogen	50
Total phosphorus	10
Total dissolved solids (TDS)	2500
Fluoride	8

Chlorides	300 <u>400</u>
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The surcharge for all high strength wastes above the maximum concentration for normal domestic ~~wastewater~~ Wastewater for TSS, CBOD₅ and COD shall be established by resolution of the board. ~~Concentrations in excess of the amounts specified in Table A, other than for TSS, CBOD and COD, will be subject to a fine of one thousand dollars (\$1,000.00) per violation, per day.~~

~~No discharge to the East Port Water Reclamation Facility shall be permitted in excess of one thousand three hundred forty nine (1,349) mg/L for CBOD, two thousand six hundred eighty two (2,682) mg/L for COD, and two thousand two hundred thirty five (2,235) mg/L for TSS. Concentrations in excess of these limits will be subject to a fine of one thousand dollars (\$1,000.00) per violation, per day.~~

~~No discharge to the West Port Wastewater Facility shall be permitted in excess of two thousand four hundred sixty three (2,463) mg/L for CBOD, one thousand three hundred eighty four (1,384) mg/L for COD, and two thousand eight (2,008) mg/L for TSS. Concentrations in excess of these limits will be subject to a fine of one thousand dollars (\$1,000.00) per violation, per day.~~

TABLE B: TOXIC PARAMETERS

~~In order to demonstrate the ability to legally enforce the specific standards outlined in Tables A and B, a technical analysis of the impact of pollutants of concern was performed to determine whether they are sufficiently stringent to protect against pass-through, interference, and sludge contamination.~~

Parameter	Maximum Allowable Industrial Loading Lbs/Day
Arsenic (As)	0.01
Cadmium (Cd)	0.01
Chromium total (Cr)	0.98
Copper (Cu)	0.41
Cyanide (CN, T)	0.16

Lead (Pb)	0.10
Mercury (Hg)	0.01
Molybdenum (Mo)	0.02
Nickel (Ni)	0.06
Selenium (Se)	0.01
Silver (Ag)	0.44
Zinc (Zn)	0.29

An Industrial ~~waste discharge permit~~Waste Discharge Permit application will be used to develop ~~user~~User-specific local limits when necessary to ensure that the ~~WWF'sCCU's~~ maximum allowable headwork's loading is not exceeded for ~~particular~~ pollutants of concern.

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-125. - Fines for maximum concentration limits.

Fines for concentrations in excess of the amounts specified in Table ~~A and Table B~~ of ~~this section 3-8-124 of this article~~ shall be established by resolution of the ~~board~~BOCC.

~~These fines may be amended by the board by resolution or ordinance.~~

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-126. -~~Fines~~ Allowable Limits for pH.

The allowable limits for pH is six point zero (6.00) to eight point five (8.50). ~~Fines for pH in excess of the allowable limits shall be established by resolution of the board.~~

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-127. - County's ~~right~~Right of ~~revision~~Revision.

The ~~county~~County reserves the right to establish, by ordinance or resolution, more stringent standards ~~or requirements~~ on discharges to the ~~county wastewater~~County Wastewater system than are provided in this ~~article~~Article.

Commented [JK53]: Should this be moved to separate fee ordinance???

Commented [JK54R53]: Move to separate document

Commented [JK55R53]: Need to determine where this goes?

Commented [WD56R53]: Leave here

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-128. - Dilution.

- (1) ~~No user shall ever increase the use~~Dilution 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 is prohibited unless expressly authorized by an applicable pretreatment standard or requirement.
- (2) The ~~director~~County may impose mass limitations on ~~users~~Users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(Ord. No. 2001-034, § 2, 6-26-2001)

DIVISION 3. - PRETREATMENT OF WASTEWATER

Sec. 3-8-129. - Pretreatment ~~facilities~~Facilities.

- a. Users shall provide ~~wastewater treatment~~Wastewater pretreatment as necessary to ~~comply with this article and shall~~ achieve compliance with all ~~categorical pretreatment standards~~Categorical Pretreatment Standards, local limits, and ~~the prohibitions set out in section 3-8-122 of this article~~Article within the time limitations specified by EPA, the ~~state~~State, or the ~~director of utilities~~County, whichever is more stringent.
- b. Any pretreatment facilities necessary for compliance shall be provided, operated, and maintained at the ~~user's~~User's expense.
- c. Detailed plans describing ~~such~~the pretreatment facilities and operating procedures ~~shall~~must be submitted to the ~~director or his designee~~County for review and ~~shall be acceptable to the director of utilities~~approval before ~~such~~the facilities are constructed.
- d. The review of ~~such~~ plans and operating procedures ~~shall in no way does not~~ relieve the ~~user~~User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to ~~county under the provisions of this article~~County.

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-130. - Additional ~~pretreatment measures~~Pretreatment Measures.

- (a) ~~(a)~~—Whenever deemed necessary, the ~~director of utilities~~County may ~~require~~ users:
 - i. Require Users to restrict their discharge during peak flow periods, designate, and

- ii. Designate that certain ~~wastewater~~Wastewater be discharged only into specific sewers, ~~relocate~~.
- iii. Relocate and/or consolidate points of discharge, ~~separate sewage~~.
- iv. Separate domestic waste streams from industrial waste streams, ~~and such~~.
- v. Impose other conditions as may be necessary to ~~protect the county wastewater system~~CCU Wastewater Facilities and determine the ~~user's~~User's compliance with the requirements of this ~~article~~Article.

(b) ~~(b)~~—The ~~director of utilities~~County may require any person discharging into ~~the county wastewater system~~CCU Wastewater Facilities to install and maintain, on his property and at ~~his~~the User's expense, a suitable storage and flow-control facility to ensure equalization of flow. ~~A wastewater discharge permit~~Wastewater Discharge Permit may be issued solely for flow equalization.

~~(c)~~—Fat, oil and grease (F.O.G), oil, and sand interceptors shall be provided when, in the opinion of the director of utilities or his designee, 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 the director of utilities 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. See section 3-8-150, Grease trap/oil separator requirements.

~~(c)~~ ~~(d)~~—Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. No. 2001-034, § 2, 6-26-2001)

DIVISION 4. - PERMIT PROCEDURES

Sec. 3-8-131. - Wastewater ~~discharges~~Discharges.

It shall be unlawful to discharge to ~~the county's wastewater facilities~~CCU Facilities any ~~wastewater~~Wastewater, except as authorized by the ~~county by County through the issuance of a duly issued permit therefor, or~~Wastewater Discharge Permit in accordance with the provisions of this ~~article~~Article.

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-132. - Wastewater ~~discharge permits~~Discharge Permits.

All ~~significant industrial users proposing to connect to or to contribute to the county's wastewater treatment system shall~~Significant Industrial Users (SIUs) must obtain a ~~county wastewater discharge permit~~Wastewater Discharge Permit before connecting to or contributing to ~~the county's wastewater treatment system. All existing significant industrial users connected to or contributing to the county's wastewater treatment system shall obtain a wastewater discharge permit within one hundred eighty (180)~~

Commented [JK57]: Industrial ?

Commented [WD58R57]: Wastewater is all inclusive

~~days after the effective date of this article.CCU.~~ The ~~director of utilities~~Utility Director shall notify persons who have made incomplete submissions of the ~~permit~~Wastewater Discharge Permit application and will provide thirty (30) days in which to remedy the deficiency.

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-133. - Wastewater Discharge Permit ~~application~~Application.

- 1.) ~~Users required to obtain a county wastewater discharge permit shall complete and file with the county, an application in the form prescribed by the county and accompanied by the permit fee established by the rates, fees and charges. Existing users shall apply for a wastewater discharge permit within thirty (30) days after the effective date of this article, and proposed new users~~SIUs shall apply at least ninety (90) days prior to connecting to or contributing to the county's wastewater treatment system. ~~In support of the application, the user~~CCU.
- 2.) The SIU shall submit, in units and terms appropriate for evaluation, all the following information:
 - a) ~~(1)~~—All information required by section 3-8-144 of this ~~article~~Article.
 - b) ~~(2)~~—Description of activities, facilities, and plant processes on the premises, including 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~~CCU.
 - c) ~~(3)~~—Number and type of employees, hours of operation, and proposed or actual hours of operation.
 - d) ~~(4)~~—Each product produced by type, amount, process or processes, and rate of production.
 - e) ~~(5)~~—~~Type~~The type and ~~the~~ amount of raw materials processed (average and maximum per day).
 - f) ~~(6)~~—Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
 - g) ~~(7)~~—Time and duration of discharges.
 - h) ~~(8)~~—Authorization for ~~director~~Utility Director or other authorized ~~county~~County employees bearing proper credentials to enter at a reasonable time all properties and premises for purposes of inspection, observation, monitoring, samplings, measurements, testing and inspection and copying of records.
 - i) ~~(9)~~—Detailed Dangerous Discharge Prevention and Notification Plans.

- j) Any other information as may be deemed by the ~~county~~County to be necessary to evaluate the ~~permit~~Wastewater Discharge Permit application.

~~The director will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the county may issue a wastewater discharge permit subject to terms and conditions provided herein. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.~~

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-134. -- ~~Wastewater Discharge Permit~~ Application ~~signatories~~Signatories and ~~certification~~Certification.

~~All wastewater discharge permit applications and user reports~~Wastewater Discharge Permit Applications and SIU Reports must be signed by an ~~authorized representative~~Authorized Representative of the ~~user~~SIU and contain the following certification statement:

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

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-135. - ~~Wastewater discharge permit decisions/appeals~~Discharge Permit Decisions/Appeals.

- 1.) ~~The director will evaluate the data furnished by the user and may require additional information.~~ Within thirty (30) days of receipt of a complete ~~wastewater discharge permit~~Wastewater Discharge Permit application, the ~~director~~County will determine whether ~~or not to issue a wastewater discharge permit.~~ ~~The director~~Wastewater Discharge Permit. The County may deny on ~~reasonable grounds any application for a discharge permit.~~Wastewater Discharge Permit.
- 2.) Within thirty (30) days of the issuance of the determination, ~~an applicant desiring to appeal the decision must file a written request for the director to reconsider.~~ Where the director determines that a request has merit, the director may convene a hearing on the matter. If so, the hearing will be held within thirty (30) days of receipt of the request. The director of utilities or his designated representative shall preside over the administrative hearing and shall entertain

~~testimony and evidence. The applicant shall have the opportunity to be represented by counsel and to examine and cross-examine witnesses. The county shall likewise have the opportunity to be represented by counsel and examine and cross-examine witnesses. The director of utilities shall issue written findings as soon after the hearing as is practicable. The decision of the director of utilities, if adverse to the applicant, may be appealed to the administrator or his or her designee. If an appeal is to be taken, written notice of the appeal shall be delivered to the county administrator no later than ten (10) days after the applicant's receipt of the director of utilities' written findings. The notice must state the justification for requesting the appeal. Within twenty (20) days of receipt of notice of appeal, the county administrator shall determine the appeal and notify the applicant of the decision in writing. If the applicant's appeal process is unsuccessful, the costs to the county, such as attorney's fees and costs, witness fees, and administrative fees, may be charged to the applicant.~~ any person, including the Industrial User, may petition the County to reconsider the terms of a Wastewater Discharge Permit or modification within 30 days of its issuance.

(Ord. No. 2001-034, § 2, 6-26-2001)

3.) Aggrieved parties seeking judicial review of the Wastewater Discharge Permit decision must do so by filing a complaint in the county circuit court within 30 days of notice of the County's decision.

Sec. 3-8-136. - Wastewater Discharge Permit ~~contents~~Contents.

Wastewater ~~discharge permits~~Discharge Permits shall be expressly subject to all provisions of this ~~article~~Article and all other applicable regulations, ~~user~~User charges, and fees established by the ~~county~~County.

(1a) —Permits must contain the following:

- a) (1) —A statement that indicates ~~wastewater—discharge permit~~Wastewater Discharge Permit duration ~~as provided in section 3-8-137;~~
- b) (2) —A statement that the ~~wastewater—discharge~~Wastewater Discharge Permit is non-transferable ~~as provided in section 3-8-138~~without County consent;
- a) (3) —Effluent limited based on applicable ~~pretreatment standards;~~Pretreatment Standards;
- c)
- (4) —Self-monitoring and sampling requirements ~~as provided in section 3-8-144(2)a through e;~~;
- d)

~~b) (5)~~—Notification requirements as provided in section 3-8-149.

~~e)~~

~~f) (6)~~—Record keeping requirements as provided in section 3-8-154.

~~g) A statement referring to civil and criminal penalties as provided in sections 3-8-171 and 3-8-172.~~

~~(7) A statement referring to civil and criminal penalties as provided in sections 3-8-171 and 3-8-172.~~

~~(b2)~~—Permits may contain the following:

~~(1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a public sewer;~~

~~(2) Limits on the average and maximum wastewater constituents and characteristics;~~

~~(3) Limits on average and maximum rate and time of discharge other terms, conditions, or requirements for flow regulations and equalization;~~

~~(4) Requirements for installation and maintenance of inspection and sampling facilities;~~

~~(5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;~~

~~(6) Compliance schedules;~~

~~(7) Requirements for submission of technical reports or discharge reports;~~

~~(8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the county, and affording county access thereto;~~

~~(9) Requirements for notification to the county 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;~~

~~(10) Requirements for notification of slug discharges; and~~

~~(11) Other conditions as deemed appropriate by the county to ensure compliance with this article~~County.

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-137. ~~Permits duration~~ Wastewater Discharge Permit Duration.

~~(4) Wastewater Discharge~~ Permits shall be issued for a ~~one-year period~~. ~~A permit may be issued for a period less than a year or may be stated specified term, not to expire on a specific date. The user shall apply for permit exceed five-years.~~

~~(1)~~

~~(2) A renewal a minimum of application for a Wastewater Discharge Permit must be submitted at least one hundred eighty (180) days prior to the expiration of the user's SIU's existing permit. The terms and conditions of the permit may be subject to modification by the county director of utilities 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 changes or new conditions in the permit shall include a reasonable time schedule for compliance~~Wastewater Discharge Permit.

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-138. - Permit ~~transfer~~Transfer.

~~(1) Wastewater discharge permits are issued to a specific user for a specific location and operation. Wastewater discharge permits~~Discharge Permits shall not be ~~reassigned, assigned, sold, or otherwise~~ transferred or sold to a new owner, ~~new user, different premises, or a new or changed operation or SIU,~~ without the approval of the ~~county.~~ County.

~~(1)~~

~~(2)~~ Any succeeding owner or ~~user~~SIU shall also comply with the terms and conditions of the existing ~~permit~~Wastewater Discharge Permit or modified permit as determined by the ~~county~~County until a new ~~permit is~~Wastewater Discharge Permit has been issued.

~~(2)~~

~~(3)~~ New or changed operations shall require a new ~~permit.~~Wastewater Discharge Permit.

~~(3)~~

~~(4)~~ New uses, ~~a change in operations, or different~~a change in premises ~~shall~~ require a new ~~permit~~Wastewater Discharge Permit.

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-139. - Permit ~~modification~~Modification.

~~(a) The terms and conditions of any permit may be changed by the county during the life of the permit to accommodate changes in local, state and federal regulations or in the event that data upon which the permit was issued has changed. Permit holders shall be notified of change sixty (60) days prior to the effective date of change~~Wastewater Discharge Permit may be modified by the County.

(Ord. No. 2001-034, § 2, 6-26-2001)

~~Sec. 3-8-140.—Wastewater discharge permit public notice and appeals.~~

~~The director shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the director in writing to reconsider the terms of a wastewater discharge permit within ten (10) days of the publication of the notice of its issuance.~~

- ~~(1) Failure to submit a timely petition for reconsideration~~Permit holders ~~shall be deemed to be a waiver of such reconsideration.~~
- ~~(2) In its petition, the petitioner must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.~~
- ~~(3) The effectiveness of the wastewater discharge permit shall not be stayed pending the petition for reconsideration.~~
- ~~(b) (4) If the director fails to act within notified of a change at least thirty (30) days, a petition for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review prior to the effective date of the change.~~
- ~~(5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Circuit Court of Charlotte County for the 20th Judicial Circuit within thirty (30) days from the director's response to the petition or thirty (30) days from the expiration of the thirty (30) days the director had to respond.~~

~~(Ord. No. 2001-034, § 2, 6-26-2001)~~

~~Sec. 3-8-141.—Regulation of waste received from other jurisdictions.~~

- ~~(a) If another local government or user located within another local government, contributes wastewater to the facility, the director shall enter into an inter-governmental agreement with the contributing local government.~~
- ~~(b) Prior to entering into an agreement required by paragraph (a), above, the director shall request the following information from the contributing local government:~~
 - ~~(1) A description of the quality and volume of wastewater discharged to the facilities by the contributing local government;~~
 - ~~(2) An inventory of all users located within the contributing local government that are discharging to the facilities; and~~
 - ~~(3) Such other information as the director may deem necessary.~~
- ~~(c) An inter-governmental agreement, as required by paragraph (a), above, shall contain the following conditions:~~

- (1) ~~A requirement for the contributing local government to adopt a sewer use ordinance which is at least as stringent as this article and local limits which are at least as stringent as those set out in section 3-8-124 of this article. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the county's ordinance or local limits;~~
- (2) ~~A requirement for the contributing local government to submit a revised user inventory on at least an annual basis;~~
- (3) ~~A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing local government; which of these activities will be conducted by the director; and which of these activities will be conducted jointly by the contributing local government and the director;~~
- (4) ~~A requirement for the contributing local government to provide the director with access to all information that the contributing local government obtains as part of its pretreatment activities;~~
- (5) ~~Limits on the nature, quality, and volume of the contributing local government's wastewater at the point where it discharges to the facilities;~~
- (6) ~~Requirements for monitoring the contributing local government's discharge;~~
- (7) ~~A provision ensuring the director's access to the facilities to users located within the contributing local government's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the director; and~~
- (8) ~~A provision specifying remedies available for breach of the terms of the intermunicipal agreement.~~

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-142. - Wastewater ~~discharge permit revocation~~Discharge Permit Revocation.

The ~~director~~County may revoke a ~~wastewater discharge permit~~Wastewater Discharge Permit for good cause, ~~including, Good Cause constitutes,~~ but is not limited to, the following reasons:

- (1) (1) ~~Failure to notify the director~~County of significant changes to the ~~wastewater~~Wastewater prior to the changed discharge.

Failure to provide ~~prior to the changed discharge;~~

- (2) (2) ~~Failure to provide prior~~ notification to the ~~director~~Utility Director of changed conditions pursuant to ~~section 3-8-169~~requirements of this article;.
- (3) (3) ~~Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit~~Wastewater Discharge Permit application;.
- (4) (4) ~~Falsifying self-monitoring reports;.~~

- ~~(5)~~ ~~(5)~~—Tampering with monitoring equipment;_
- ~~(6)~~ ~~(6)~~—Refusing to allow the ~~director~~Utility Director timely access to the ~~facility~~permittee's premises and/or records;_
- ~~(7)~~ ~~(7)~~—Failure to meet effluent limitations;_
- ~~(8)~~ ~~(8)~~—Failure to pay fines;_
- ~~(9)~~ ~~(9)~~—Failure to pay sewer charges;_
- ~~(10)~~~~(10)~~—Failure to meet compliance schedules;_
- ~~(11)~~~~(11)~~—Failure to complete a wastewater survey or the ~~wastewater discharge permit application~~Wastewater Discharge Permit Renewal Application.
- ~~(12)~~~~(12)~~—Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- ~~(13)~~~~(13)~~—Violation of any pretreatment standard or requirement, or any terms of the ~~wastewater discharge permit~~Wastewater Discharge Permit or this ~~article~~Article.

Prior to revocation of the ~~wastewater discharge permit~~Wastewater Discharge Permit, the ~~user~~User shall be notified of the proposed revocation and be offered an opportunity to show cause under ~~section 3-8-163~~ of this ~~article~~Article why the proposed action should not be taken. Exercise of this option by the ~~director~~County shall not be a bar to, or a prerequisite for, taking any other action against the ~~user~~User.

Wastewater ~~discharge permits shall be voidable~~Discharge Permits are void upon cessation of operations or transfer of business ownership unless ~~otherwise~~ approved by the ~~county~~. ~~All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user~~County.

(Ord. No. 2001-034, § 2, 6-26-2001)

DIVISION 5. - RATES, FEES, FINES, AND CHARGES

Sec. 3-8-143. - Rates, ~~fees~~Fees, Fines, and charges~~Charges~~.

The ~~county~~County shall adopt rates, fees, fines, and charges ("fees") ~~applicable to significant industrial users which may include:~~

- ~~(1)~~—Fees for cost of administration of the county's pretreatment program;
- ~~(2)~~—Fees for sampling, monitoring, inspections and surveillance procedures;
- ~~(3)~~—Fees for reviewing accidental discharge procedures and construction;
- ~~(4)~~—Fees for permit application and permit renewals;
- ~~(5)~~—Fees for filing appeals;
- ~~(6)~~—Fees for consistent removal (by the county) of pollutants otherwise subject to national pretreatment standards;
- ~~(7)~~—Fees (surcharges) as provided in section 3-8-124 of this article;

Commented [JK59]: Reference resolution and fee schedule

- ~~(8) Fees for discharge of transported liquid waste;~~
- ~~(9) Fees for discharge of transported liquid waste into facilities; and~~
- ~~(10) Other fees as the county may deem necessary to carry out the requirements contained herein.~~

~~These fees relate solely~~related to the matters covered by this ~~article~~Article and ~~are may be~~ separate from all other fees chargeable by the ~~county.~~FeesCounty. Rates, fees, fines, and charges will ~~may~~ be adopted and/or amended by resolution of the ~~board~~Board of ~~county commissioners~~County Commissioners.

(Ord. No. 2001-034, § 2, 6-26-2001)

DIVISION 6. - REPORTING AND COMPLIANCE

Sec. 3-8-144. -- Monitoring Reports.

Categorical Users currently discharging to, or scheduled to discharge to, CCU shall submit a Baseline monitoring reports.

- ~~(1) (a) Within~~Monitoring Report which contains the information listed in paragraph (d), below within either one hundred eighty (180) days after the effective date of a ~~categorical pretreatment standard~~Categorical Pretreatment Standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, ~~existing categorical users currently discharging to or scheduled to discharge to the facilities shall submit to the director a report.~~
- ~~(2) New Sources, and Sources that become Categorical Users, subsequent to the promulgation of a new applicable Categorical Pretreatment Standard, shall submit a Baseline Monitoring Report which contains the information listed in paragraph (d), below at least ninety (90) days prior to commencement of a discharge~~New Sources, and Sources that become Categorical Users, subsequent to the promulgation of a new applicable Categorical Pretreatment Standard, shall submit a Baseline Monitoring Report which contains the information listed in paragraph (bd), below. At at least ninety (90) days prior to commencement of their discharge su, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report which contains the information listed in paragraph (b), below. --.
- ~~(3) A new source shall report~~New Source must provide, in writing, the method of pretreatment it intends to use to meet applicable categorical pretreatment standards. A new source also shall give Categorical Pretreatment Standards and estimates of its anticipated flow and quantity of pollutants to be discharged prior to discharge.
- ~~(4) (b)~~Users described above shall submit the information set forth below.
 - ~~a) (1)~~Identifying ~~information~~Information. The name and address of the facility, including the name of the operator and owner.

- b) ~~(2)~~—Environmental ~~permits~~Permits. A list of any environmental control permits held by or for the facility.
- c) ~~(3)~~—Description of ~~operations~~Operations. A ~~brief~~ description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by ~~such user~~the User. This description should include a schematic process diagram which indicates points of discharge to ~~the facilities~~CCU from the regulated processes.
- d) ~~(4)~~—Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the facilities from regulated process streams and other streams, as necessary, to allow use of the combined ~~wastestream~~waste stream formula set out in 40 CFR 403.6(e).
- e) ~~(5)~~—Measurement of ~~pollutants~~Pollutants.
- (i) ~~a.~~—The ~~categorical—pretreatment—standards~~Categorical Pretreatment Standards applicable to each regulated process.
 - (ii) ~~b.~~—The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the ~~director~~Utility, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 3-8-150 of this article.
 - (iii) ~~c.~~—Sampling must be performed in accordance with procedures set out in section 3-8-152 of this article.
- f) ~~(6)~~—Certification. A statement, reviewed by the ~~user's—authorized representative~~User's Authorized Representative and certified by a qualified professional, indicating whether ~~pretreatment—standards~~Categorical 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~~Categorical Pretreatment Standards and requirements.
- g) ~~(7)~~—Compliance ~~schedule~~Schedule. If additional pretreatment and/or O&M will be required to meet the ~~pretreatment—standards~~Categorical Pretreatment Standards, the ~~user~~User will complete such additional pretreatment and/or O&M not later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 3-8-145 of this ~~article~~Article.
- h) ~~(8)~~—Signature and ~~certification~~Certification. All ~~baseline—monitoring reports~~BMRs must be signed and certified in accordance with section 3-8-134 of this article.

(Ord. No. 2001-034, § 2, 6-26-2001)

- (5) ~~(e)~~ Significant non-categorical Industrial Users must submit to the County at least once every six months (on dates specified by the County) a Monitoring Report that includes a description of the nature, concentration, and flow of the pollutants required to be reported by the County. Where a local limit requires compliance with a BMP or pollution prevention alternative, the Significant non-categorical Industrial User must submit documentation required by the County to determine the compliance status of the Significant non-categorical Industrial User.
- (6) Monitoring Reports must be based on sampling and analysis performed in the period covered by the Monitoring Report and are subject to the same requirements specified above. The sampling and analysis may be performed by the County in lieu of the Significant non-categorical Industrial User and is subject to the same requirements. All laboratory analytical reports prepared by the industrial User or the County shall comply with rule 62-160.340, F.A.C.

Sec. 3-8-145. — Significant Industrial User Compliance ~~schedule~~ Schedule.

- (1) ~~New and existing industrial users~~ All SIUs shall develop compliance schedules specifying time required to meet all applicable ~~national categorical pretreatment standards. The Categorical Pretreatment Standards.~~
- (2) All SIUs must submit a proposed compliance schedule ~~shall be submitted to the director of utilities~~ Utility for review and approval. ~~This~~
- (3) The proposed compliance schedule ~~shall~~ must indicate the maximum time limit for ~~industrial users~~ the SIU to provide additional pretreatment or operation and maintenance ~~in order to meet these pretreatment standards. Categorical Pretreatment Standards.~~
- (4) The completion date of ~~this~~ the proposed schedule shall not be later than the compliance date established for the applicable pretreatment facilities necessary for the ~~industrial user~~ SIU to meet the applicable ~~pretreatment standards. Categorical Pretreatment Standards.~~
- (5) No increment of such schedule shall exceed nine (9) months. ~~Not~~
- (6) The SIU shall submit progress reports, no later than fourteen (14) days following each date in the schedule and the final date for compliance, ~~the industrial user shall submit a progress report to the county, including: Whether or not it achieved compliance with the increments of progress to be met on such date and, if not, the date on which it expects to comply with the increments of progress, the reason for the delay and measures being taken to return to the schedule established to the County. The progress reports must include:~~

(Ord. No. 2001-034, § 2, 6-26-2001)

- a) Whether or not the SIU achieved compliance with the increments of progress to be met and, if not, the date on which it expects to comply with the increments of progress;
- b) The reason(s) for the delay; and
- c) Measures being taken to return to the schedule established.

Sec. 3-8-146. — Significant Industrial User Compliance ~~data-report~~Data Reports.

~~(1) (a) An industrial user~~SIUs ~~subject to the national categorical pretreatment standards~~Categorical Pretreatment Standards ~~and associated pretreatment requirements (including new connectors following commencement of wastewater discharge into the county's wastewater treatment system) shall~~must ~~submit to the director within ninety (90) days following the date for final compliance with the pretreatment standards and requirements, a report~~Compliance Data Report containing sampling and analysis performed and ~~indicating the nature and concentration, as well as the average and peak daily flows, of all pollutants limited by the pretreatment standards and associated pretreatment requirements being discharged to county's wastewater treatment system. County's Wastewater treatment system must be submitted to the Utility within ninety (90) days following the date for final compliance with the pretreatment standards and requirements.~~

~~(1)~~

~~(2) (b) This report will~~(b) The Compliance Data Report must ~~indicate whether the applicable pretreatment standards and requirements are being met on a consistent basis, and, if not, what additional operation and maintenance procedures or pretreatment will be implemented to bring the user~~SIU ~~into compliance with the applicable national categorical pretreatment standards~~Categorical Pretreatment Standards ~~and associated pretreatment requirements. This statement shall~~The Compliance Data Report must ~~be signed by an authorized representative~~Authorized Representative ~~of the industrial user~~SIU ~~and certified by a qualified engineering professional.~~

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-147. — Industrial User Periodic ~~compliance-report~~Compliance Reports.

~~(1) (a) Significant industrial users and industrial users~~Industrial Users ~~subject to the national categorical pretreatment standards~~Categorical Pretreatment Standards ~~and associated pretreatment requirements shall~~must ~~submit to the director of utilities twice annually, during the months of June and December (unless required more frequently in the pretreatment standards or by the director of utilities), a report~~a Periodic Compliance Report containing sampling

and analysis performed and indicating the nature and concentration of pollutants in the effluent being discharged which are limited by referenced pretreatment standards. The report must be submitted. This report shall twice annually, during the months of June and December (unless required more frequently in the pretreatment standards or by the Utility).

- (2) The Periodic Compliance Report must include a record of the average and peak daily flows being discharged and all self-monitoring reports during the reporting period. Additionally, this report must contain all self-monitoring results. In the event that any monitoring by the industrial user
- (3) If the Periodic Compliance Report shows any violation, no matter how minor, the industrial userIndustrial User must resample and resubmit both results to the directorUtility within thirty (30) days. At the discretion of the county and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director of utilities
- (4) The County may decide to alter the months during which the compliance reportsPeriodic Compliance Reports are to be submitted by a particular userIndustrial User.
- (5) (b) The countyCounty may impose mass (quantum) limitations on industrial usersIndustrial Users to meet the applicable national categorical pretreatment standardsCategorical Pretreatment Standards and/or local discharge limits in cases where the imposition of mass limitations are appropriate. In such cases, the compliance data report required by section 3-8-146Compliance Data Report shall indicate the quantity of pollutants regulated by the pretreatment standardsCategorical Pretreatment Standards to be discharged by the industrial userIndustrial User as well as a reasonable measure of the user'sUser's long-term production rate.
- (6) For all other industrial usersIndustrial Users subject to categorical pretreatment standardsCategorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other unit of operation), the reportPeriodic Compliance Report must include the user'sIndustrial User's actual average production rate for the reporting period. These reports will contain the results of sampling and analysis of the discharge and will include a record of the flow, nature and concentration, or quantity in pounds where requested by the director of utilities, of pollutants contained therein which are limited by the applicable pretreatment standards and associated pretreatment requirements.
- (7) Periodic Compliance Reports must contain the results of sampling and analysis of the discharge of pollutants contained therein that are limited by the applicable pretreatment standards and associated pretreatment requirements and will include a record of the flow, nature and concentration, or quantity in pounds when requested by the Utility.

The frequency of monitoring ~~shall be~~ prescribed in the ~~referenced pretreatment standards~~Categorical Pretreatment Standards. All analyses will be performed in accordance with the procedures established in section 3-8-151.

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-148. - Monitoring and ~~sampling facilities.~~ Sampling Facilities.

The ~~county shall have the right to~~ County may construct, operate, and maintain monitoring ~~and sampling facilities at the point of discharge to CCU, at an Industrial User's expense.~~ The monitoring and sampling facilities at the industrial user's expense in order shall be used to allow inspection of the building, building sewer or internal inspect drainage systems, sample discharges, and sampling and measure the flow measurement of the wasteWastewater being discharged to the county's wastewater treatment system in order CCU to ensure compliance with the applicable ~~national categorical pretreatment standards~~Categorical Pretreatment Standards and related pretreatment requirements. ~~Appropriate valving shall be included in design and construction of such facilities to halt discharges prohibited by section 3-8-122. Ample room shall be provided in the area of such~~

Commented [JK60]: To CCU's collection system?

Commented [WD61R60]: CCU covers all infrastructure

~~The monitoring and sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, including sampling and measurement equipment, shall be maintained at all times in a safe and proper operating condition by the county~~County at the expense of the industrial user. ~~Whether constructed on public or private property, the sampling and monitoring facilities shall be constructed in accordance with all applicable local construction standards and specifications~~Industrial User.

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-149. - Dangerous ~~discharge prevention and notification requirements~~ Discharge Prevention and Notification Requirements.

- (1) ~~(a)~~ — Each ~~industrial user shall~~ Industrial User must provide adequate protection from accidental discharge of prohibited materials or other substances regulated by this ~~article.~~ Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's cost and expense. Detailed plans showing facilities and operating procedures to provide the protection shall be submitted to the county utilities department for review and shall be approved by the county director of utilities before issuance of a permit and shall include at a minimum the following: Article.
- (2) ~~(1)~~ — Description SIUs shall provide, at the SIU's expense, facilities approved by County to prevent accidental discharge of prohibited materials.

- (3) Detailed Dangerous Discharge Prevention and Notification Plans must be submitted to the County for review and approval prior to the issuance of a Wastewater Discharge Permit. Plans shall include at a minimum the following:
- a) A description of discharge practices, including non-routine batch discharges;.
 - b) (2) DescriptionA description of stored chemicals;.
 - c) (3) Procedures for immediately notifying the director of utilitiesUtility Director of any accidental or slug discharge, as required by section 3-8-149(b) of this article; and.
 - d) (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection:
 - i. Inspection and maintenance of storage areas, handling
 - ii. Handling and transfer of materials, loading
 - iii. Loading and unloading operations, control
 - iv. Control of plant site runoff, worker
 - v. Worker training, building
 - vi. Construction of containment structures or equipment, measures
 - vii. Measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- (4) The directorUtility may re-evaluate these plans every two (2) years and may require the userIndustrial User to modify the existing plan or submit new plans.
- (5) All existing industrial usersSIUs shall complete such aimplement the proposed plan within one (1) year of the issuance of a permit. an Industrial Wastewater Discharge Permit.
- (6) No user who commences contribution to the county's wastewater treatment system shall be permitted toSIU may introduce pollutants into the county's wastewater treatment systemCCU until accidentaldangerous discharge procedures prevention and notification plans have been approved by the countyCounty and the County approved planned facilities are in place.
- (7) Review and approval of such plans Dangerous Discharge Prevention and Notification Plans and operating procedures shall not relieve the industrial userSIU from the responsibility to modify the user'sSIU's facility as necessary to meet theall requirements of this regulationArticle.
- (4) (b) In the caseThe SIU must notify the Utility, in writing, of an incident immediately if there is an accidental or slug discharge, it is the responsibility of the user to telephone notification to the director of utilities of the incident immediately.
- (8) _____

~~(4)~~ The notification shall include the location of discharge, the type of waste, the concentration, the volume, and correction actions.

(9)

~~(c)~~ Within five (5) calendar days following an accidental discharge, the ~~user~~SIU shall, unless waived by the ~~director~~Utility Director, submit to the ~~director of utilities~~Utility Director a detailed written report describing the cause of the discharge, the amount and type of pollutant released, and the measures to be taken by the ~~user~~SIU to prevent similar future occurrences.

i. Neither the notification nor the report shall relieve the ~~user~~SIU of liability for any expenses, losses or damages which may be incurred as a result of damage to the ~~county's wastewater~~County's Wastewater treatment system, or any damage to persons or property; nor shall such notification relieve the ~~user~~SIU of any fines, civil penalties or other liabilities which may be imposed by this or other applicable laws.

~~(10) (d)~~ A notice shall be permanently posted on the ~~industrial user's~~SIU's bulletin board or other prominent place, ~~advising to~~ advise employees whom to call ~~in the event of~~ a dangerous discharge ~~occurs~~. Employers shall ensure that all employees ~~who may cause or suffer such a dangerous discharge to occur~~ are advised of the emergency notification ~~procedure~~procedures.

(Ord. No. 2001-034, § 2, 6-26-2001)

(11) SIUs shall notify the County and FDEP's hazardous waste and pretreatment authorities in writing of any discharge into the WWF of a substance which, if otherwise disposed of, would be a hazardous waste under Chapter 62-730, F.A.C. Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the IUs discharges more than one hundred (100) kilograms of such waste per calendar month to the WWF, the notification shall also contain the following information to the extent such information is known and readily available to the IU:

(1) ~~(4)~~ An identification of the hazardous constituents contained in the wastes,

(2) An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and

(3) An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months.

SIUs shall provide notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification

under this section need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 6.6 of this ordinance. The notification requirement in this section does not apply to pollutants already reported by under the self-monitoring requirements of sections 6.1, 6.3, 6.4 and 6.5 of this ordinance.

In the case of any new FDEP regulations identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the IU must notify the {Superintendent}, the FDEP's hazardous waste and pretreatment authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations. [62-625.600(15)(c), F.A.C.]

In the case of any notification made under this section, the IU 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. [62-625.600(15)(d), F.A.C.]

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.

Sec. 3-8-150. - Fat, oil, and grease trap/oil and sand separator/interceptor requirements.

(a) ~~Fat, oil and grease~~**Oil, and Grease (F.O.G.) interceptors required.** Users who operate restaurants, cafes, lunch counters, take-outs, cafeterias, bars, clubs, or hotel, hospital, factory or school kitchens or other establishments that serve or prepare food where F.O.G. may be introduced to the sewer system shall have an F.O.G. interceptor.**Management.**

(1) **General Requirement.** Regulated Establishments ~~must~~ have a Grease Trap or Grease or oil and sand ~~in~~ Interceptor in accordance with the current ~~the~~ Florida Building Code and Charlotte County Design Standards.

(2) Take-out food establishments or other establishments that prepare food but do not cook in oil or grease and who serve food only in disposable containers may utilize alternative interceptors as approved by the ~~director~~Utility, provided their discharges will not violate any discharge prohibitions of this ~~article~~Article. F.O.G. interceptors may also be required in non-cooking or cold dairy and frozen foodstuff establishments when they are deemed necessary by the ~~director~~County.

(3) ~~(b)~~ **New Facilities.** Regulated Establishments which are newly proposed, newly constructed, or existing facilities which will be expanded or renovated, must install, operate and maintain a Grease Interceptor or Grease Trap according to the

Commented [WD62]: Please include section numbering from building code or specific chapter.

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requirements of the Florida Building Code – Grease Trap or Grease Interceptor in accordance with the current the Florida Building Code and Charlotte County Design Standards.

(4) Existing Facilities. Regulated Establishments existing within the County prior to the effective date of this article shall be permitted to operate and maintain existing oil and sand/grease interceptors or grease traps provided same are in safe and efficient operating condition.

- a) All fees, fines, and charges will be added to the monthly utility service bill of the Regulated Establishment.
- b) If the County determines that any of the following conditions exist, the County may require an existing Regulated Establishment to install, operate, and maintain a new oil and sand/grease interceptors or grease trap
Grease Interceptor or Grease Trap:
 - i. The Regulated Establishment is contributing oils and grease in quantities sufficient to cause line stoppages, grease buildup, or increased maintenance.
 - ii. The Regulated Establishment is found to be contributing oils and grease in quantities in excess of one hundred (100) mg/L.
 - iii. The Regulated Establishment has an undersized, irreparable, or defective Grease Interceptor or Grease Trap.
 - iv. The Regulated Establishment has a garbage grinder.
 - v. A remodel or installation of a food preparation or kitchen waste plumbing system is performed; or
 - vi. The existing Regulated Establishment undergoes a change of ownership.

(5) Oil and Sand Interceptors. Oil and Sand interceptors are required. Users who operate automatic for:

- a) Automatic and coin operated laundries,
- b) car washes,
- c) filling stations,
- d) commercial garages or similar businesses having any type of washing facilities or grease racks and any other usersUsers producing grit, sand, oils or other materials which may have the potential of causing partial or complete obstruction of the building sewerBuilding Sewer or other areas in the sewer system shall install interceptors approved by the director CCU.
- (e) Location of interceptors. All interceptors shall be Oil and Sand Interceptors must be located outside the building in such a manner that personnel from CCU County can inspect the interceptors at any time.

Commented [JK65]: Should this be addressed in separate section then as part of definition. I know we added but seems out of place here? Is there anywhere else these cost are addressed?

Commented [WD66]: Are these all requirements per code?

Commented [KJL67R66]: Requirements are based

Commented [JK68R66]: criteria for upgrading system to code if not compliant

- (6) (4) —Grease Interceptors. Grease Interceptors must be located in the Regulated Establishment's lateral sewer line beyond all fixtures which may introduce grease into the Sanitary Sewer Collection System.
- a) Garbage Grinders installed within Regulated Establishments shall be plumbed through the Grease Interceptor(s) and a solids interceptor shall separate the discharge before connecting to the Grease Interceptor.
 - b) Solids Interceptors and Grease Interceptors must be sized and rated for the discharge of the Garbage Grinder.
 - c) Wastewater from sanitary facilities and other similar fixtures shall not be introduced into the Grease Interceptor or Grease Trap.
- (7) Grease Traps. Grease Traps must comply with the applicable requirements of the Florida Plumbing Code and installed in accordance with manufacturer's instructions. Regulated Establishments must request approval to install a Grease Trap instead of a Grease Interceptor. All Regulated Establishments shall comply with the following guidelines:
- a) Inspection, Cleaning, and Maintenance. Each Regulated Establishment shall be solely responsible for the cost of trap installation, inspection, cleaning, and maintenance. Cleaning and maintenance must be performed at regularly scheduled intervals no greater than ninety (90) calendar days or at each time the total volume of captured Grease and solid material displaces more than thirty (30) percent of the total volume of the unit. Each Regulated Establishment is required to keep a written record of the date, action taken, and volume hauled, whenever the Grease Trap is opened, inspected, cleaned, and maintained.
 - b) Repairs. The Regulated Establishment shall be responsible for the cost and scheduling of all repairs to its Grease Trap(s). Repairs required by the County must be completed within ten (10) calendar days after the date of written notice of required repairs is received by the facility, unless the County approves, in writing, a different schedule.
 - c) Disposal. Grease and solid materials removed from a Grease Trap shall be transported by a Licensed Hauler and properly disposed of at a facility permitted to receive such wastes.
 - d) Record Keeping. Each Regulated Establishment shall maintain written records of all Grease Trap maintenance, including the time and date of the maintenance, name(s) of individual or company that performed the maintenance, details of any repairs required and dates of repair completion, volume hauled, additives, and any other records pertaining to the trap or material removed or used. The records shall be retained for a period of three (3) years and be made available upon request by the County.
- (8) Grease Interceptors. Grease Interceptors shall comply with the applicable requirements of the Florida Building Code. All Regulated Establishments shall comply with the following guidelines:

- a) Size of ~~interceptors~~Interceptors. All ~~interceptors~~Grease Interceptors shall be sized to ensure that the ~~county's~~County's sanitary sewer collection system is protected from excessive F.O.G., sand, and oil which may cause clogging or damage and that the ~~user~~User is ~~capable of meeting~~able to meet all discharge requirements. ~~F.O.G. interceptors shall be based on chapter 10 of the Florida Building Code, as amended, with a minimum size of 1250 gallons.~~
- b) ~~(e)~~—Inspection, Pumping, and Maintenance. Each Regulated Establishment shall be responsible for the costs of installing, inspecting, pumping, cleaning, and maintaining its Grease Interceptor.
- i. Pumping services shall include the initial complete removal of all contents including floating materials, Wastewater, bottom sludge, and solids from the interceptor.
 - ii. Grease Interceptor cleaning shall include scraping excessive solids from the walls, floors, baffles, and all pipe work.
 - iii. The return of Gray Water back into the Grease Interceptor is prohibited.
 - iv. Each Regulated Establishment must inspect its Grease Interceptor during the pumping procedure to ensure that the Grease Interceptor is properly cleaned out and that all fittings and fixtures inside the Grease Interceptor are in working condition and functioning properly.
- c) Sampling ~~port~~Port. A sampling port shall be installed in an approved location to allow sampling by the ~~utility~~CCU and the ~~user~~User. The ~~samples~~sampling port shall be located between the ~~interceptor~~Interceptor and the discharge point to ~~the sewer system.~~CCU.
- d) ~~(f)~~—Access ~~manholes.~~ AnManholes. A Grease Interceptor's access manhole must have a minimum diameter of twenty-four (24) inches ~~and, have readily removeable covers which~~ shall be provided over each chamber and sanitary tee. The access ~~manholes~~manhole shall extend at least to the finished grade and be designed and maintained to prevent water inflow or infiltration. ~~The manholes shall have readily removable covers to facilitate inspection and cleaning.~~
- e) ~~(g)~~—Plans ~~required~~Required. The following must be submitted to CCU for review and approval prior to installation of ~~an interceptor~~a Grease Interceptor.
- i. ~~(1)~~—Site plans showing the location of the ~~interceptor~~Grease Interceptor, lines, clean out or manhole, and sample port;

Commented [WD69]: Sludge or biosolids?

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ii. (2)—Details of the interceptorGrease Interceptor, lines, clean out or manhole, and sample port; and

iii. (3)—Formula and calculation used to determine the interceptorGrease Interceptor capacity.

~~Note: No non-grease laden sources are allowed to be connected to sewer lines intended for grease, oil and sand separators.~~

~~(h) Existing interceptors. All interceptors currently in use or in existence at the time of this article will be considered sized sufficiently provided they meet all discharge requirements as stated in this article. All new interceptors or interceptors to replace or upgrade existing interceptors will be required to meet all criteria stated in this division.~~

- f) (i) Minimum Interceptor Pumping Frequency. Each Regulated Establishment shall have all Grease Interceptor(s) pumped, at a minimum, every ninety (90) calendar days.
- g) Additional Grease Interceptor or Pumping Requirements. In addition to required pumping, the County may determine that additional pumping of the Grease Interceptor(s) is required if:
- i. The floatable grease layer exceeds three (3) inches in depth, as measured by an approved dipping method; or
 - ii. The settleable solids layer exceeds six (6) inches in depth, as measured by an approved dipping method; or
 - iii. The Grease Interceptor is not retaining or capturing grease; or
 - iv. The discharge of Grease exceeds compliance levels.
- h) Repairs. Each Regulated Establishment shall be responsible for the cost and scheduling of all repairs to its Grease Interceptor(s). Repairs required by the County shall be completed within ten (10) calendar days after written notice is received by the facility unless the County establishes a different compliance date.
- i) Disposal. Wastes removed from each Grease Interceptor shall be transported by a Licensed Hauler and shall be properly disposed of at a facility permitted to receive such wastes. Grease, solid materials, or Gray Water removed from a Grease Interceptor may not be returned to any Grease Interceptor, private sewer line, or to CCU.

(9) Record Keeping. Each Regulated Establishment shall maintain written records of all Grease Interceptor maintenance, including the time and date of the maintenance, the name(s) of individual or company that performed the maintenance, details of any repairs required and dates of repair completion, volume hauled, additives.

(10) Quarterly Reporting Requirements. Each Regulated Establishment shall submit a Quarterly Report to the County in a manner provided by the County. Quarterly Reports shall be due on or before the 15th day of January, April, July, and October in each year. Each report shall record the number of times the Grease Trap(s) and/or Grease Interceptor(s) has been cleaned since the last report and the name(s) of individual or company that performed the cleanings. Each report shall note any repairs that were made to the trap(s) and/or Grease Interceptor(s) including the dates that the repairs were performed. Reports shall be submitted as required and shall be subject to a late fee if received after the 15th day of the month specified.

~~Inspections.~~ When upon inspection the interceptor is found to have six (6) inches or more of solids in the bottom of the interceptor (using a sludge judge) or a grease cap of three (3) inches or more, or the establishment exceeds discharge compliance levels, ~~the director can require a grease pump out. Upon completion of an on-site inspection or analytical results of sampling indicate a violation of this article, the director may issue a "notice of violation" to the user or representative to document any discrepancies, noncompliance, special instructions or other guidance identified during the on-site inspection.~~

~~(j)~~ — Maintenance.

(11) ~~(1)~~ — The ~~user~~User of the premises or business where such ~~interceptor~~Grease Interceptor/Grease Trap is located shall obtain from ~~CCU~~the Utility a maintenance card which shall be posted in a conspicuous manner showing proof of regular maintenance. Such card shall be obtained annually and shall be presented upon request. All records pertaining to the maintenance of ~~an interceptor~~a Grease Interceptor/ Grease Trap shall be retained by the ~~user~~User for a period of not less than three (3) years and available to ~~CCU~~the Utility upon request.

(2) ~~Every F.O.G. interceptor shall be cleaned every ninety (90) days or sooner, if needed. An exemption may be granted to the ninety-day minimum requirement if the user can establish that such maintenance schedule is not necessary.~~

(12) ~~(k)~~ — Alternative treatments~~Treatments~~. The use of any free-enzyme, chemical, or other products designed to emulsify, liquefy, or further render grease soluble for the purpose of clearing drains or circumventing the design of the ~~interceptor~~Grease Interceptor is prohibited. All products claiming biological activity must be approved by the ~~director~~Utility. Approval for this or any other treatment does not relieve the ~~user~~User of properly maintaining the ~~interceptor~~Grease Interceptor as to prevent discharge violations to occur.

(13) ~~Failure to comply with this section BMPs.~~ Each Regulated Establishment shall ~~subject~~implement BMPs to minimize the user to appropriate enforcement,

Commented [JK71]: Check to see what free enzyme refers to

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final discharge of fats, oils, and procedures as grease to CCU. BMPs shall include, but shall not be limited to, the following:

- a. Drain screens must be installed on all drainage pipes in the food preparation areas.
- b. All waste cooking oils shall be collected and stored properly in recycling receptacles such as barrels or drums. Recycling receptacles shall be maintained properly to prevent leakage. Waste cooking oils shall be transported by a waste cooking oil hauler and disposed of at a waste cooking oil recycling or disposal facility.
- c. All food waste shall be disposed of directly in the trash or garbage and not in sinks, garbage disposals, or grinders. Food waste shall be disposed of in a manner to prevent leakage in the trash container. If a grinder is used, a solids interceptor shall be installed between the grinder and the Grease Interceptor.
- d. Employees of the food service facility shall receive periodic training on the following subjects:
 - (i) Dry-wiping pots, pans, dishware, and work areas before washing to remove grease;
 - (ii) Properly disposing of food waste and solids in plastic bags prior to disposal in trash containers to prevent leakage and odors;
 - (iii) The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped; and
 - (iv) Proper disposal of grease and oils from cooking equipment to a proper grease receptacle without spilling.
- e. Training shall be documented and verified with employee signatures. Training records shall be maintained for at least two (2) years following the date of training and available for inspection upon request by the Utility.
- f. BMPs and waste minimization practices must be posted conspicuously in the food preparation and dishwashing areas.

(14) Variance Request. A Regulated Establishment may request a variance to reduce the frequency for pumping, cleaning, and maintaining the Grease Interceptor upon showing of good cause.

- a) The Regulated Establishment must submit a written request for a variance including documentation of the reasons for the frequency variance. The County may approve such variances on a case-by-case basis.

b) The County may rescind a variance if the Regulated Establishment causes or contributes to a sanitary sewer overflow or monitoring shows an accumulation of fats, oils, or grease in the lateral Wastewater line or CCU collection system.

Commented [JK73]: Should be clarified to indicate collection system

(15) Installation of Sampling, Metering, or Monitoring Devices. The County may install any sampling, metering, or monitoring devices on a Regulated Establishment's property to conduct sampling, metering, or monitoring of the Regulated Establishment's operations. The Regulated Establishment shall always maintain the sampling, metering, or monitoring devices in a safe and proper operating condition at the Regulated Establishment's expense. All devices used to measure Wastewater flow and quality must be calibrated to the manufacturer's recommendation to ensure their accuracy.

(16) Obstructions. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the Regulated Establishment at the written or oral request of the County and shall not be replaced. The costs of clearing such access shall be borne by the Regulated Establishment.

a) Enforcement and Damages Caused by Sanitary Sewer Overflows. If a Regulated Establishment violates the provisions set forth in this article. Additionally, if any personArticle, or fails to comply with this section and said failure results in damage to the county's system, the countyinitiate/complete corrective action in response to the County's directive, the County shall have the authority to take one, or more, of the following actions:

- i. Issue a Notice of Violation for the Code Violation.
- ii. Abate the violation by pumping the Grease Interceptor and place the appropriate charges on the facility's monthly Charlotte County Utilities Water and Sewer bill. the County shall be entitled to recover the cost of repair of the system from said person and any fines or penalties assessed against the countyCounty as a result of such failure.
- iii. Assess any inspection fees as authorized by Board Resolution.
- iv. Terminate water and Wastewater service.

(17) Falsifying information. Any person who knowingly makes any false statements, representations, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Article shall, upon conviction, be punished by a fine of not more

than \$5,000 per violation per day or by imprisonment for a term not to exceed 60 days or by both such fine and imprisonment.

(18) Conflicts of Law. Whenever the requirements or provisions of this Article conflict with the requirements or provisions of any other lawfully adopted ordinance or statute the most restrictive requirements will apply.

Sec. 3-8-151. - Analytical requirements.

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-151. - Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a ~~wastewater discharge permit application~~ Wastewater Discharge Permit Application or report shall be performed in accordance with the techniques prescribed in EPA 40 CFR Part 136, 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, sampling and analyses must be performed in accordance with procedures approved by EPA.

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-152. - Sample ~~collection~~Collection.

- 1) (a) — Except ~~Flow Proportional Composite Collection techniques must be used to collect Wastewater samples, except as indicated in paragraph (b),c) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the director may authorize the use of time proportional sampling~~ this section.
- 2) Time Proportional Sampling techniques or Grab Collection Techniques, using a minimum of four (4) grab ~~Grab samples where the user, may be authorized by the County if Flow Proportional Composite Collection techniques are not feasible and the User demonstrates that this the alternative sampling technique will provide a representative sample of the effluent being discharged. In addition, grab~~ Grab samples may be required to show compliance with instantaneous discharge limits.
- 3) (b) — Samples ~~Grab Collection Techniques must be used to obtain samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.~~

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-153. -- ~~User to notify of violation/repeat sampling~~Self-Reporting.

User must provide written notification ~~to notify of violation/repeat sampling and reporting.~~

- 1) ~~If County within twenty-four (24) hours if~~ sampling performed by a ~~user~~User indicates a violation, ~~the user must notify the director within twenty-four (24) hours of becoming aware of the violation. The user shall also of this Code.~~
- 2) ~~User must~~ repeat the sampling and analysis ~~within ten (10) days of violation and submit the results of the repeat analysis to the director~~County within thirty (30) days ~~after becoming aware of the violation. The user.~~
- 3) ~~User~~ is not required to resample if the ~~director~~County monitors at the ~~user's~~User's facility at least once a month, or the ~~director~~County samples between the ~~user's~~User's initial sampling and when the ~~user~~User receives the results of this sampling.

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-154. - Record keeping.

~~Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, sample custody number and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. 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 or any administrative action concerning the user or the county, or where the user has been specifically notified of a longer retention period by the director.~~

(Ord. No. 2001-034, § 2, 6-26-2001)

- 1) Sec. 3-8-155.—Users subject to the reporting requirements of this Article shall retain for a period of at least three (3) years, detailed records of information obtained pursuant to any monitoring activities.

Falsifying information.

~~Any person who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation per day or by imprisonment for a term not to exceed sixty (60) days or by both such fine and imprisonment.~~

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-156. - Right of ~~entry: inspection and sampling~~Entry: Inspection and Sampling for Regulated Establishments and Industrial Users.

1) ~~The director~~County shall have the right to enter the premises of any ~~user~~Regulated Establishment or Industrial User at reasonable times without prior notification to determine whether the ~~user~~Regulated Establishment is complying with all requirements of this ~~article and any wastewater discharge permit~~Article, any Wastewater Discharge Permit, or order ~~issued hereunder.~~Users, Regulated Establishment shall allow the ~~director~~County, upon showing of proper credentials, ready access to all parts of the premises for the purposes of inspection, observation, sampling, testing, records examination, and copying, and the performance of any additional duties.

~~a) (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user~~
~~Regulated Establishment~~ shall make necessary arrangements ~~with its security guards~~ so that, upon presentation of ~~their~~County Identification Badges~~suitable identification~~, the ~~director~~County personnel will be permitted to enter without delay ~~for the purposes of performing specific responsibilities to perform inspection and sampling.~~

~~(2) The director shall have the right to set up on the user's property, or require installation of, such~~County may install devices as are necessary to conduct sampling and/or metering of the ~~user's~~Regulated Establishment's operations.

~~b) (3) The director may require the 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 user at his own expense. All devices used to measure wastewater flow and quality shall be calibrated to the manufacturer's recommendation to ensure their accuracy. on~~ Regulated Establishment's property.

~~c) (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the~~ user~~User~~ at the ~~written or oral~~ request of the ~~director~~County and shall not be replaced. The costs of clearing such access shall be borne by the ~~user~~Regulated Establishment.

~~d) (5) Unreasonable delays in allowing the~~ director~~County~~ access to the ~~user's~~User's premises shall be a violation of this ~~article.~~Article. Any delay longer than 24 hours constitutes an unreasonable delay.

(Ord. No. 2001-034, § 2, 6-26-2001)

~~Sec. 3-8-157. -- Search warrants.~~

~~If the director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there~~

Commented [SK74]: What do we consider "suitable identification"? Can we list what we would require?

may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the county designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the director may seek issuance of a search warrant from the court of competent jurisdiction in the county.

- 2) (Ord. No. 2001-034, § 2, 6-26-2001) ~~(b) Installation of Sampling, Metering, or Monitoring Devices.~~ The County may install any sampling, metering, or monitoring devices on a Regulated Establishment's property to conduct sampling, metering, or monitoring of the Regulated Establishment's operations. The Regulated Establishment shall always maintain the sampling, metering, or monitoring devices in a safe and proper operating condition at the Regulated Establishment's expense. All devices used to measure Wastewater flow and quality must be calibrated to the manufacturer's recommendation to ensure their accuracy.

Sec. 3-8-158. - Publication of ~~users~~Users in significant noncomplianceSignificant Noncompliance.

~~The superintendent~~County shall publish annually, in a newspaper of general circulation published in the municipality where the ~~county wastewater system~~CCU is located, a list of the ~~users~~Users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. ~~The term significant noncompliance shall mean:~~

- ~~(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of wastewater measurements taken during a six month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;~~
- ~~(2) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, 1.2 for all other pollutants except pH);~~
- ~~(3) Any other discharge violation that the director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of county wastewater system personnel or the general public;~~
- ~~(4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the director's exercise of his emergency authority to halt or prevent such a discharge;~~
- ~~(5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;~~

- ~~(6) Failure to provide, within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;~~
- ~~(7) Failure to accurately report noncompliance; or~~
- ~~(8) Any other violation(s) which the director determines will adversely affect the operation or implementation of the local pretreatment program.~~

~~(Ord. No. 2001-034, § 2, 6-26-2001)~~

~~Sec. 3-8-159. Confidential information.~~

- ~~(a) In accordance with F.S. chapter 119, all information and documents submitted to CCU are considered to be public information and, as such, are available to the public for reading or copying. However, in accordance with F.S. section 403.111, any information submitted to CCU in accordance with this article may be claimed as confidential by the submitter. Any such claim must be claimed as confidential by the submitter and must be asserted at the time of submission in the manner prescribed on the application form or instruction, or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, CCU 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 F.S. section 403.111.~~
- ~~(b) Effluent information and data provided to the county pursuant to this article shall be available to the public without restrictions.~~

~~(Ord. No. 2001-034, § 2, 6-26-2001)~~

Sec. 3-8-160. - Compliance with more stringent standards.

- ~~(a) The countyCounty reserves the right to establish by amendment to this articleArticle by subsequent ordinance or resolution, locally developed limitations or, amended Categorical Treatment Standards, other more stringent requirements on discharge to the wastewater disposal system, if deemed necessary to comply with the objectives of this article.~~
- ~~(b) Upon the promulgation of the national categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The county shall notify all affected users of the applicable reporting requirements under 40 CFR, section 403.12.~~
- ~~(c) No industrial user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical~~

~~pretreatment standards or in any other pollutant specific limitation developed by the county or the state.~~

(Ord. No. 2001-034, § 2, 6-26-2001)

DIVISION 7. - ENFORCEMENT AND REMEDIES

Subdivision A. - Administrative

~~Sec. 3-8-161. - Notification of violation.~~

~~When the director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, any other pretreatment standard or requirement, the director may serve upon that user a written notice of violation in person, by facsimile machine or certified mail. Within ten (10) 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 director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.~~

~~(Ord. No. 2001-034, § 2, 6-26-2001)~~

~~Sec. 3-8-162. - Consent orders.~~

~~The 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 3-8-164 and 3-8-166 of this article and shall be judicially enforceable.~~

~~(Ord. No. 2001-034, § 2, 6-26-2001)~~

~~Sec. 3-8-163. - Show cause hearing.~~

~~The director may order a user which has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why the proposed enforcement action should not be taken. Notice 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 thirty (30) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.~~

~~(Ord. No. 2001-034, § 2, 6-26-2001)~~

~~Sec. 3-8-164. Compliance orders.~~

~~When the director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified 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.~~

~~(Ord. No. 2001-034, § 2, 6-26-2001)~~

~~Sec. 3-8-165. Compliance enforcement and fines.~~

~~(a) — *Enforcement procedure.* Whenever the director determines or has reasonable cause to believe that a discharge of wastewater has occurred in violation of the provisions of this article, a wastewater discharge permit or order issued hereunder, any other pretreatment standard or requirement, the director shall evaluate the violation as prescribed below:~~

~~(1) — If the director determines the violation does not cause the SIU to be in SNC as defined in section 3-8-102 of this article, he shall issue the SIU a notice of violation stating the nature of the violation and requesting information or requiring corrective action within ten (10) days. In response to this notice:~~

~~a. — Failure of the SIU to respond within ten (10) working days of the date of the notice shall cause the SIU to be in SNC, and the director may issue a notice of SNC as prescribed in subsection (3) below and an administrative fine of five hundred dollars (\$500.00).~~

~~b. — If the SIU responds with an acceptable written explanation for the violation or corrects the violation within the prescribed time, the director may cease all further enforcement action.~~

c. ~~If the SIU requests additional time to correct the violation, it shall submit a compliance schedule outlining what steps will be taken to gain compliance and prevent reoccurrence of the violation. The director shall evaluate this request, modify it as deemed necessary and may issue a short term compliance schedule requiring the corrective actions to be made within a specified period of time not to exceed sixty (60) days as prescribed in subsection (2) below.~~

d. ~~If the SIU responds that pretreatment is required to correct the discharge problem, the director may issue a notice of SNC as prescribed in subsection (3) below.~~

(2) ~~Once an SIU has received a short term compliance schedule:~~

a. ~~Failure of the SIU to implement the short term compliance schedule within ten (10) working days of date of the issuance of the schedule may cause the director to declare the SIU to be in SNC, issue an administrative fine to the SIU in the amount of five hundred dollars (\$500.00) and issue a final compliance schedule as prescribed in subsection (5) below.~~

b. ~~If the SIU complies with the short term compliance schedule within the specified time period, the director may cease further enforcement action.~~

c. ~~If the director determines that compliance has not been achieved after the time specified in the short term compliance schedule, or no response has been received from the SIU, the director may declare the SIU to be in SNC, issue an administrative fine to the SIU in the amount of five hundred dollars (\$500.00) and issue a final compliance schedule as prescribed in subsection (5) below.~~

(3) ~~If the director determines the violation causes the SIU to be in SNC as defined in section 3-8-102 of this article, he may issue the SIU a notice of SNC stating the nature of the violation and requiring corrective action within a specified time period. The director shall also publish the significant noncompliance with pretreatment standards in a newspaper of general circulation as set out in section 3-8-158 of this article in response to the notice of SNC:~~

a. ~~Failure of the SIU to respond within ten (10) working days of the date of the notice may cause the director to issue an administrative fine to the SIU in the amount of five hundred dollars (\$500.00) per violation per day and issue a final compliance schedule as prescribed in subsection (5) below.~~

b. ~~If the SIU requests additional time to correct the violation, it shall submit a compliance schedule outlining what steps will be taken to gain compliance and prevent reoccurrence of the violation. The director shall evaluate this request, modify it as deemed necessary and may issue a first compliance schedule requiring the corrective~~

~~actions to be made within a specified period of time as prescribed in subsection (4) below.~~

~~(4) — Once an SIU has received a first compliance schedule:~~

~~a. — Failure of the SIU to implement the first compliance schedule within ten (10) working days of receiving the schedule may cause the director to issue an administrative fine to the SIU in the amount of five hundred dollars (\$500.00) per violation per day and issue a final compliance schedule as prescribed in subsection (5) below.~~

~~b. — If the SIU complies with the first compliance schedule within the specified time period, the director may cease further enforcement action.~~

~~c. — If the director determines that compliance has not been achieved after the time specified in the first compliance schedule, or no response has been received from the SIU, the director may issue an administrative fine to the SIU in the amount of five hundred dollars (\$500.00) per violation per day and issue a final compliance schedule as prescribed in subsection (5) below.~~

~~(5) — Once an SIU has received the administrative fine above and a final compliance schedule:~~

~~a. — Failure of the SIU to implement the final compliance schedule within ten (10) working days of the date of issuance of the schedule may cause the director to revoke the discharge permit, terminate the SIU's sewer service and seek to fine the SIU in an amount not to exceed one thousand dollars (\$1,000.00) per violation per day.~~

~~b. — If the SIU complies with the final compliance schedule within the specified time period, the director may cease further enforcement action.~~

~~c. — If the director determines that compliance has not been achieved after the time specified in the final compliance schedule, or no response has been received from the SIU, the director may revoke the discharge permit, terminate the SIU's sewer service and seek to fine the SIU in an amount not to exceed one thousand dollars (\$1,000.00) per violation per day.~~

~~(Ord. No. 2001-034, § 2, 6-26-2001)~~

~~Sec. 3-8-166. — Cease and desist orders.~~

~~When the director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to~~

recur, the director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

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

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

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-167. – Administrative fines— Enforcement and Remedies.

- (a) When the director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may fine such user in an amount not to exceed one thousand dollars (\$1,000.00) per violation per day. 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) Additionally, if a user violation causes the facility to not meet its required permit limits and/or a penalty is imposed on the county, the user who has committed the violation may also be required to pay the cost of repairing all damages to the facility, restoring the facility to its original working order, and pay the penalty, if any, imposed on the county.
- (c) Such fines may be added to the user's next scheduled service charge, and the director shall have such other collection remedies as provided by the credit and collection policy as amended to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the owner's/user's property.
- (d) Users desiring to dispute such fines must file a written request for the director to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where the director determines that a request has merit, the director may convene a hearing on the matter. If so, the hearing will be held within thirty (30) days of receipt of the request. The director of utilities or his designated representative shall preside over the administrative hearing and shall entertain testimony and evidence. The alleged violating user shall have the opportunity to be represented by counsel and to examine and cross-examine witnesses. The county shall likewise have the opportunity to be represented by counsel and examine and cross-examine witnesses. The director of utilities shall issue written findings as soon after the hearing as is practicable. The decision of the director of utilities, if adverse to the alleged violating user, may be appealed to the administrator or his or her

designee. If an appeal is to be taken, written notice of the appeal shall be delivered to the county administrator no later than ten (10) days after the violator's receipt of the director of utilities' written findings. The notice must state the justification for requesting the appeal. Within twenty (20) days of receipt of notice of appeal, the county administrator shall determine the appeal and notify the alleged violating user of the decision in writing. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. If the appeal is unsuccessful, the director may add the costs of preparing administrative enforcement actions, such as notices and orders, and the cost of the hearing, such as attorney's fees and costs, and witness fees, to the fine.

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

These fines may be amended by the board by ordinance.

———(Ord. No. 2001-034, § 2, 6-26-2001)

Code Enforcement.

- (a) Investigations related to possible violations of this Article shall be conducted by code enforcement officers.
- (b) Any code enforcement officer may seek all available remedies in law or equity, including, but not limited to, an administrative search warrant from a court of competent jurisdiction, a criminal search warrant from a court of competent jurisdiction, a subpoena for records once any required notice is given, or an injunction from a court of competent jurisdiction to enforce or restrict any relevant law.
- (c) All violations of this Article will be processed according to Article 1-1-15 of the Charlotte County Code of Ordinances, and per provisions of F.S. ch. 162, as amended from time to time.
- (d) A code enforcement officer is specifically authorized to issue a citation for each violation.
- (e) Each day of any violation shall constitute a separate and distinct offense.

Sec. 3-8-168. - Emergency ~~suspensions~~Suspensions.

The ~~director~~County may immediately suspend a ~~user's~~User's Wastewater discharge, after informal notice to the ~~user~~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. The ~~director~~County may also immediately suspend a ~~user's~~User's Wastewater discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the facility, or which presents, or may present, an endangerment to the environment.

~~(1) (1)~~ Any ~~user~~User notified of a suspension of its ~~Wastewater~~ discharge shall immediately stop or eliminate its contribution. ~~In the event of~~

~~(2) If a user's failure~~User fails to immediately comply ~~voluntarily~~ with the suspension order, the ~~director~~County may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the facility, its receiving stream, or endangerment to any individuals. ~~The director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless the termination proceedings in section 3-8-169 of this article are initiated against the user.~~

~~(2) 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 the director prior to the date of any show cause or termination hearing under section 3-8-164 or 3-8-166 of this article.~~

~~Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.~~

(Ord. No. 2001-034, § 2, 6-26-2001)

Sec. 3-8-169. - Termination of ~~wastewater discharge~~.Wastewater Discharge.

In addition to the provisions in section 3-8-142 of this ~~article~~Article, any ~~user~~User who violates the following conditions is subject to ~~wastewater~~Wastewater discharge termination:

- ~~(1) Violation of wastewater discharge permit~~Wastewater Discharge Permit conditions;
- ~~(2) Failure to accurately report the wastewater~~Wastewater constituents and characteristics of its discharge;
- ~~(3) Failure to report significant changes in operations or wastewater~~Wastewater volume, constituents, and characteristics prior to discharge;
- ~~(4) Refusal of reasonable access to the user's~~User's premises for the purpose of inspection, monitoring, or sampling; or
- ~~(5) Violation of the pretreatment standards in sections 3-8-129 and 3-8-130 of this article.~~

~~Such user~~Users will be notified of the proposed termination of ~~its discharge permit a~~ Wastewater Discharge Permit and be offered an opportunity to show cause ~~under section 3-8-163 of this article~~as to why the proposed action should not be taken.

Sec. 3-8-173. Exercise of this option by- Water Supply Severance.

Whenever an Industrial User has violated or continues to violate the provisions of this Article or an order or permit issued hereunder, water service to the director shall not Industrial User may be a bar to, or a prerequisite for, taking any other action against severed; and service will only recommence, at the user's Industrial User's expense, after the Industrial User has satisfactorily demonstrated its ability to comply.

(Ord. No. 2001-034, § 2, 6-26-2001)

Subdivision B. **Sec. 3-8-174. – Judicial Enforcement Remedies.**

(1) ~~Sec. 3-8-170.~~ – Injunctive relief. Relief. [62-625.500(2)(a)5.a, F.A.C.]

When ~~the director~~CCU finds that a ~~user~~SIU has violated, or continues to violate, any provision of this ~~article, ordinance, an individual~~ wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, ~~the director~~CCU may petition the ~~court~~[insert name of appropriate jurisdiction Court] through the ~~County's 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, ~~order,~~ or other requirement imposed by this ~~article ordinance~~ on activities of the ~~user. The director~~SIU. CCU may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the ~~user~~SIU 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, an SIU.~~

(Ord. No. 2001-034, § 2, 6-26-2001)

(2) ~~Sec. 3-8-171.~~ – Civil penalties. Penalties

~~(a) — A user~~An SIU who has violated, or continues to violate, any provision of this ~~article, ordinance, an individual~~ wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the ~~county~~County for a ~~maximum civil penalty of one thousand dollars (\$of at least \$1,000.00) per a day for each 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. [62-625.500(2)(a)5.a, F.A.C.]

- ~~a) (b) — The director~~B. CCU may recover reasonable ~~attorneys' attorneys'~~ fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the ~~county~~County.
- ~~a) (c) — C.~~ In determining the amount of civil liability, the ~~court~~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~~SIU's violation, corrective actions by the ~~user~~SIU, the compliance history of the ~~user~~SIU, and any other factor as justice requires.

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

(Ord. No. 2001-034, § 2, 6-26-2001)

(3) Sec. 3-8-172. Criminal ~~prosecution.~~ Prosecution

- a. (a) ~~A user.~~ An SIU who willfully or negligently violates any provision of this ~~article, ordinance, an individual~~ wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall ~~be prosecuted in the same manner as misdemeanors and,~~ upon conviction, be guilty of a misdemeanor, punishable by a fine of ~~one thousand dollars (\$1,000.00)~~ not more than [insert maximum fine allowed under State law] per violation, per day, or imprisonment for not more than ~~sixty (60) days~~ () years, or both.
- b. (b) ~~A user.~~ B. An SIU who willfully or negligently introduces any substance into the ~~facilities~~ WWF 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 (\$1,000.00) per violation, per day,~~ [insert maximum fine allowable under State law], or be subject to imprisonment for not more than ~~sixty (60) days~~ () years, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under ~~state~~ State law.
- c. (c) ~~A user.~~ C. An SIU who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ~~article, ordinance, individual~~ wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ~~article, ordinance~~ shall, upon conviction, be punished by a fine of ~~one thousand dollars (\$1,000.00)~~ not more than [insert maximum fine allowable under State law] per violation, per day, or imprisonment for not more than ~~sixty (60) days~~ () years, or both.
- d. In the event of a second conviction, an SIU shall be punished by a fine of not more than [insert maximum fine allowable under State law] per violation, per day, or imprisonment for not more than () years, or both.

(Ord. No. 2001-034, § 2, 6-26-2001)

~~Sec. 3-8-173. Water supply severance.~~

~~Whenever an industrial user has violated or continues to violate the provisions of this article or an order or permit issued hereunder, water service to the industrial user may be severed; and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.~~

(Ord. No. 2001-034, § 2, 6-26-2001)

~~Sec. 3-8-174. -D. In the event of a second conviction, an SIU shall be punished by a fine of not more than [insert maximum fine allowable under State law] per violation, per day, or imprisonment for not more than [] years, or both.~~

(4) Remedies non-exclusive. Nonexclusive.

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

(Ord. No. 2001-034, § 2, 6-26-2001)

DIVISION 8. -AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

Sec. 3-8-175. -Prohibited discharge standards. - Confidential Information.

~~A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 3-8-123 or the specific prohibitions of this article in section 3-8-122(b), except for (b)(1), (3) and (18), if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:~~

- ~~(1) 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~~
- ~~(2) A local limit does not exist for the pollutants that caused the pass through or interference, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the facilities were regularly in compliance with its permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.~~

(Ord. No. 2001-034, § 2, 6-26-2001)

~~Sec. 3-8-176. -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. In accordance with Chapter 119, F.S., all information and documents submitted to the County are~~

considered to be public information, and as such are available to the public for reading and copying. However, in accordance with section 403.111, F.S., any information submitted to the County in accordance with this chapter may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the County shall 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 section 403.111, F.S.

Effluent information and data provided to the County in accordance with this ordinance shall be available to the public without restriction.

Sec. 3-8-175. – Affirmative Defenses to Discharge Violations.

Upset [62-625.840, F.A.C.]

~~(1) A.~~ An upset does not ~~include~~constitute noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of ~~preventive~~preventative maintenance, or careless or improper operation.

~~(1)~~

~~(2) (b) B.~~ An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements ~~of~~ paragraph (c) 1 C. below, are met.

~~(2)~~

~~(3) (c) A user C.~~ An IU who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

~~a) An upset occurred and the SIU can identify the cause of the upset;~~

~~—~~

~~(1) An upset occurred and the user SIU can identify the cause(s) of the upset;~~

~~b) (2) The SIU's facility was, at the time of the upset, being properly operated in a prudent, and workman-like manner and in compliance with applicable operation and maintenance procedures; and~~

~~c) (3) The user SIU has orally submitted the following information to the director CCU within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, with a written submission must to be provided within five (5) days);:~~

~~i. (a.)~~ A description of the ~~indirect~~ discharge and cause of noncompliance;

- ii. ~~(b. —)~~ The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- iii. ~~(c. —)~~ Steps being taken ~~and~~ or planned to reduce, eliminate, and prevent _____ recurrence of the noncompliance.

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

(5) SIUs shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(6) SIUs 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.

(Ord. No. 2001-034, § 2, 6-26-2001)

Bypass [62-625.860, F.A.C.] _____

(1) An SIU may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of section 2 B and C of this section.

(2) Bypass Notifications

_____ a) If a SIU knows in advance of the need for a bypass, it shall submit prior notice to CCU, at least ten (10) days before the date of the bypass. If the SIU does not know of the need for a bypass ten days prior to the bypass then the SIU shall notify CCU immediately upon knowledge of the need for the bypass.

_____ b) A SIU shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to CCU within twenty-four (24) hours from the time the SIU becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the SIU becomes aware of the bypass. The written submission shall contain

1) A description of the bypass and its cause;

2) 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

_____ 3) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

3) Prohibition of Bypass

a) Bypass is prohibited, and CCU shall take enforcement action against a SIU for a bypass, unless:

1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2) There were no technically feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3) The SIU submitted notices as required under section 2 B of this section.

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

(Ord. No. 2001-034, § 2, 6-26-2001)

Secs. 3-8-178—3-8-190. - Reserved. .

~~(d) — D. In any enforcement proceeding, the userSIU seeking to establish the occurrence of an upset shall have the burden of proof.~~

~~(e) — Users willE. SIUs shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.~~

~~(f) — UsersF. SIUs 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.~~

~~(Ord. No. 2001-034, § 2, 6-26-2001)~~

~~Sec. 3-8-177. — Bypass.~~

~~(a) — For the purposes of this section:~~

~~(1) — "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.~~

~~(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.~~

~~(b) [62-625.860, F.A. user, C.]~~

~~(1) A. An SIU 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) section 2 B and (d) C of this section.~~

~~(1) (c) (B. Bypass Notifications)~~

~~a) (1) If a user SIU knows in advance of the need for a bypass, it shall submit prior notice to the director CCU, at least ten (10) days before the date of the bypass, if possible. If the SIU does not know of the need for a bypass ten days prior to the bypass then the SIU shall notify CCU immediately upon knowledge of the need for the bypass.~~

~~(2) A user SIU shall submit oral notice to the director of an unanticipated bypass that exceeds applicable pretreatment standards to CCU within twenty four (24) hours from the time it the SIU becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user SIU becomes aware of the bypass. The written submission shall contain~~

~~i. (a) A description of the bypass and its cause; the~~

~~i. (b) The duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The director may waive the written report on a case by case basis if the oral report has been received within twenty four (24) hours.~~

~~(d) c) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.~~

C. Prohibition of Bypass

~~(1) Bypass is prohibited, and the director may CCU shall take an enforcement action against a user SIU for a bypass, unless:~~

~~(1) a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;~~

~~(2) — b) There were no technically feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and~~

~~(3) — c) The user SIU submitted notices as required under paragraph (c) section 2 B of this section.~~

~~(Ord. No. 2001-034, § 2, 6-26-2001)~~

~~Secs. 3-8-178 — 3-8-190. — Reserved. (2) CCU may approve an anticipated bypass, after considering its adverse effects, if CCU determines that it will meet the three conditions listed in section 2 C(1) of this section.~~