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Section 1. Chapter 3-8 "Water and Sewers" Article V, "Wastewater Collection and Treatment System", Article V is hereby repealed in its entirety.

Section 2. Chapter 3-8 "Water and Sewers" Article V, "Wastewater Collection and Treatment System", Article V is hereby created as follows:

## **ARTICLE V. - WASTEWATER COLLECTION AND TREATMENT SYSTEM**

### **DIVISION 1. - GENERALLY**

#### **Sec. 3-8-101. - Purpose**

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. This article sets forth uniform requirements for users of the wastewater facilities for Charlotte County and enable the County to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 at seq.), the general pretreatment regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403), and Chapter 62-625, Florida Administrative Code (F.A.C.).

The objectives of this article are:

- (1) To prevent the introduction of pollutants into Publicly Owned Treatment Works which will interfere with the operation of a Publicly Owned Treatment Works, including interference with its use or disposal of municipal biosolids; and
- (2) To prevent the introduction of pollutants into Publicly Owned Treatment Works which will pass through the treatment works or otherwise be incompatible with such works; and
- (3) To protect both wastewater facility personnel who may be affected by wastewater and biosolids in the course of their employment and the general public.
- (4) To improve opportunities to recycle and reclaim municipal and industrial wastewaters and biosolids;
- (5) To enable the County to comply with its National Pollutant Discharge Elimination System permit conditions, biosolids use and disposal requirements, and any other Federal or State laws to which the wastewater facility is subject.

This article shall apply to all Users of CCU's Wastewater facilities and does not eliminate the User's responsibility to comply with other applicable federal or state regulations.

#### **Sec. 3-8-102. - Definitions.**

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

71 *Abbreviations:* The following abbreviations shall have the designated meanings.

- 72 • *CBOD*-Carbonaceous biochemical oxygen demand
- 73 • *CFR*-Code of Federal Regulations
- 74 • *COD*-Chemical Oxygen Demand
- 75 • *EPA*-U.S. Environmental Protection Agency
- 76 • *gpd*-Gallons per day
- 77 • *L*-Liter
- 78 • *Mg*-Milligrams
- 79 • *mg/L*-Milligrams per liter
- 80 • *NPDES*-National Pollutant Discharge Elimination System
- 81 • *RCRA*-Resource Conservation and Recovery Act
- 82 • *SIC*-Standard Industrial Classification
- 83 • *TSS*-Total Suspended Solids
- 84 • *U.S.C.*-United States Code

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

90 *Act or the Act.* The Federal Water Pollution Control Act, also known as the Clean  
91 Water Act, as amended, 33 U.S.C. §§ 1251, *et seq.*

92 *Administrator.* The Chief administrative officer of the County or their designee.

93 *Approval Authority.* Florida Department of Environmental Protection (FDEP) or its  
94 successor.

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

100 *Authorized representative of industrial user.*

101 (1) If the User is a corporation:

- 102 a. The president, secretary, treasurer, or a vice president of the corporation  
103 or any other person who performs similar policy or decision-making  
104 functions for the corporation; or

- b. The manager of a 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), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- c. If the User is a partnership or sole proprietorship: a general partner or proprietor.
- d. 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.

(2) County. The Utility Director or his or her designee, and the County Administrator of his or her designee.

*Available.* Sewer is available as defined by Florida Statutes Section 381.0065, as amended from time to time.

*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 BCC.* The Board of County Commissioners of Charlotte County, Florida.

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

*Building 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 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.

144 *Categorical industrial User or CIU.* An industrial User subject to a categorical  
145 pretreatment standard.

146 *Categorical Pretreatment Standards.* Standards promulgated by the EPA that specify  
147 the quantity, concentration, or pollutant properties of pollutants that may be discharged  
148 to POTWs.

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

151 *"CCU" CCU refers to Charlotte County Utilities.* A utility owned and operated by  
152 Charlotte County which includes wastewater collections, treatment facilities, and reclaim  
153 distribution systems. The County's Wastewater treatment system includes any sewers  
154 that convey Wastewater to the County facilities from persons outside the County who are,  
155 by contract or agreement with the County, Users of the County's system.

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

159 *Collection System.* The combined lines, pipes, conduits, manholes, and other  
160 structures, usually underground, which convey Wastewater to the CCU Facilities.

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

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

165 *Control Authority.* Any public utility that administers a pretreatment program that has  
166 been approved by the Department in accordance with the requirements of Rule 62-  
167 625.510, F.A.C. In cases where categorical or significant noncategorical industrial users  
168 discharge to domestic WWFs that are not included in an approved pretreatment program,  
169 the Department shall function as the control authority until an approved pretreatment  
170 program has been established by the public utility.

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

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

175 *Daily Maximum Limit.* The maximum allowable discharge limit of a pollutant during a  
176 calendar day. Where daily maximum limits are expressed in units of mass, the daily  
177 discharge is the total mass discharged over the course of the day. Where daily maximum  
178 limits are expressed in terms of a concentration, the daily discharge is the arithmetic  
179 average measurement of the pollutant concentration derived from all measurements  
180 taken during that day.

181 *Dangerous Discharges.* Any liquids, solids, or gasses which by reason of their nature  
182 or quantity are, or may be, sufficient either alone or by interaction with other substances  
183 to cause fire or explosion or be injurious in any other way to the County's Wastewater  
184 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.

*Domestic 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 ERC is the production of one hundred ninety (190) gallons per day of Wastewater.

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

*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.

*FDOH.* 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 ½-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 on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

*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.

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

*Indirect Discharge.* The discharge or the introduction of non-domestic pollutants from any source to CCU (including Holding Tank Waste discharged into the system).

*Industrial User.* User producing Wastewater not otherwise defined as domestic Wastewater and a source of indirect discharge to CCU (including Holding Tank Waste discharged to CCU).

*Industrial 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 are subject to pretreatment standard; which 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.* Water, other than Wastewater, that enters a sanitary sewer, or sewer service connections from the ground through such means as, but not limited to, defective pipes, joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.

*Inflow.* Water, other than Wastewater, that enters a sanitary sewer, or sewer service connections, from above ground through 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 CCU's operations, therefore, is a cause of a violation of County's NPDES permit or of the prevention of 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.

*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.

*Liquid Waste.* Certain domestic wastes, including primarily those wastes removed from septic tanks, temporary domestic waste holding tanks, portable toilets, and marine vessels that have an approved connection directly to CCU.

*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.* 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.

*New Source.*

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

*Normal Domestic 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<sub>3</sub> ) 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.

*On-site Sewage Treatment and Disposal System ("OSTDS").* A 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 Wastewater 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 Sewer on land of the owner or on other land to which the owner or owners have a legal right to install a system.

*Owner.* The owner of real property shall be deemed as the name appearing on the Property Appraiser's database.

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

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

386 *Person.* Any individual, owner, lessee, tenant, partnership, co-partnership, firm,  
387 company, governmental entity or any other legal entity, or their legal representatives,  
388 agents or assigns.

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

391 *Pollutant.* Dredged spoil; solid waste; incinerator residue; filter backwash; sewage;  
392 garbage; sewage sludge; munitions; medical wastes; chemical wastes; biological  
393 materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar  
394 dirt; municipal, agricultural and industrial wastes; and certain characteristics of  
395 Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

396 *Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants  
397 or the alteration of the nature of pollutant properties in Wastewater prior to or in lieu of  
398 introducing such pollutants into the County's POTW. This reduction or alteration can be  
399 obtained by physical, or biological processes; by process changes; or by other means,  
400 except by diluting the concentration of the pollutants unless allowed by an applicable  
401 pretreatment standard.

402 *Pretreatment requirements.* Any substantive or procedural requirement related to  
403 pretreatment other than a national Categorical Pretreatment Standard imposed on a non-  
404 domestic Wastewater discharge.

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

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

410 *Prohibited Discharges.* Any pollutant or discharge which causes pass through or  
411 interference of the CCU POTWs.

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

416 *Public Sewer.* A common pipe controlled by a governmental agency or public utility.

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

423 *Sanitary Sewer.* A pipe which carries wastewater and to which storm, surface and  
424 ground waters are not intentionally admitted.

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

428 *Septic Tank*. A subsurface impervious tank designed to temporarily retain and partially  
429 treat wastewater or similar waterborne wastes.

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

432 *Sewage*. Equivalent to wastewater.

433 *Significant Industrial User ("SIU")*. Any Industrial User of the County's Wastewater  
434 system who:

- 435 (1) Is an industrial User for which categorical standards have been defined by EPA  
436 (equals a categorical industrial User); or
- 437 (2) Discharges twenty-five thousand (25,000) gallons or more per day of  
438 processed Wastewater; or
- 439 (3) Contributes a processed waste stream which makes up five (5) percent or more  
440 of the average dry weather hydraulic or organic capacity of the County's  
441 treatment system plants on a per plant basis; or
- 442 (4) The County determines the User has the potential to adversely affect the  
443 County's Wastewater facilities.

444 Upon a finding that a User meeting the criteria in subsection (4) has no reasonable  
445 potential for adversely affecting the County's Wastewater system or for violating  
446 any pretreatment standard or requirement, the County may at any time, on its own  
447 initiative or in response to a petition received from a User, and in accordance with  
448 procedures in 40 CFR 403.8(f)(6), determine that such User should not be  
449 considered a significant industrial User.

450 *Significant Non-Compliance ("SNC")*. An SIU shall be in Significant Non-Compliance  
451 when any of the following criteria are satisfied:

- 452 (1) Chronic violations of Wastewater Discharge Limits defined as those in which  
453 sixty-six percent (66%) or more of all the measurements taken for the same  
454 pollutant parameter during a six (6) month period exceed (by any magnitude)  
455 a numeric pretreatment standard or requirement, including instantaneous  
456 maximum limits; or
- 457 (2) Technical review criteria (TRC) violations, defined as those in which thirty-three  
458 percent (33%) or more of wastewater measurements taken for each pollutant  
459 parameter during a six (6) month period equals or exceeds the product of the  
460 numeric pretreatment standard or requirement, including instantaneous  
461 maximum limits, multiplied by the applicable criteria (1.4 for BOD, TSS, and  
462 total Oil and Grease, and 1.2 for all other pollutants except pH); or
- 463 (3) When the SIU fails to respond within ten (10) days of receipt of a Notice of  
464 Violation (NOV) issued by the Utility Director; or

- 465 (4) When the SIU fails to accurately report noncompliance; or  
466 (5) When the SIU reports false "information"; or  
467 (6) When the SIU intentionally or negligently violates a permit condition or  
468 requirement; or  
469 (7) When the SIU refuses to permit entry to the County or his designee for  
470 inspection, etc., as specified in this Article; or  
471 (8) When any violation occurs that the Utility Director reasonably believes has  
472 caused, alone or in combination with other discharges, interference (e.g., slug  
473 loads) or pass through; or endangered the health of CCU's employees or the  
474 general public;  
475 (9) When any discharge occurs which causes imminent endangerment to human  
476 health, welfare or to the environment or results in CCU's use of its emergency  
477 authority to halt or prevent such a discharge;  
478 (10) When violations of the User's Wastewater Discharge Permit (WWDP) or other  
479 required compliance schedules occur such as, but not limited to, failure to start  
480 or complete construction, or failure to attain final compliance by the compliance  
481 schedule date;  
482 (11) When periodic compliance reports, base-line monitoring reports or other  
483 required reports are not received by the Utility Director within thirty (30) days  
484 after due date; or  
485 (12) When any violation or group of violations occurs which, in the judgement of the  
486 Utility Director, may reasonably be expected to have a significant adverse  
487 impact on the operation or implementation of the pretreatment program, the  
488 Wastewater treatment system, the quality of sludge, the system's reclaimed  
489 water quality or air emissions generated by the systems or has the potential to  
490 endanger CCU's employees.

491 *Sludge.* The solid, or semi-solid, residue removed during the treatment of municipal  
492 wastewater.

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

498 *Specific Prohibited Discharges.* Specific prohibited discharges enumerated by the  
499 EPA intended to enhance control of hazardous wastes entering POTWs.

500 *Spill containment plan.* A detailed plan showing facilities and operating procedures to  
501 provide protection from accidental discharge.

502 *Standard Drawing Details.* The latest approved version of Charlotte County Utilities  
503 Standard Drawing Details providing uniformity in standards, materials, products, and  
504 construction which may be obtained from Charlotte County. These Standard Drawing

505 Details represent the minimum requirements; additional specifications or requirements  
506 may be added to projects on an as-needed basis.

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

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

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

518 *Storm Sewer.* A sewer used to convey rainwater, surface water, condensate, cooling  
519 water or other similar Liquid Wastes.

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

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

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

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

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

538 *Transported Waste Discharge Permit ("TWDP").* A Transport Waste Discharge Permit  
539 is required for any person who proposes to discharge domestic sewage wastes from  
540 Liquid Waste transport trucks to CCU.

541 *Upset.* An exceptional incident in which there is unintentional and temporary  
542 noncompliance with Categorical Pretreatment Standards because of factors beyond the  
543 reasonable control of the User.

544 *Utility Extension Standards.* The rules and regulations of CCU contained in Chapter  
545 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 wastewater service(s).

*User.* Any person who contributes, causes, or permits the contribution of the Wastewater to CCU, or any owner of property or tenant/lessee of property required to connect to the 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.* Equivalent to Approved Hauler.

*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 Discharge Permit.* A permit issued by the County stipulating the conditions under which a User may discharge to CCU. Unless specifically identified, this definition includes an individual Wastewater Discharge Permit and a general Wastewater Discharge Permit

*Wastewater Facilities (WWF)* The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

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

#### **Sec. 3-8-104. - On-Site Sewage Treatment and Disposal Systems ("OSTDS").**

It shall be unlawful to discharge into any manhole, catch basin, or other opening, into the 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 when authorized by County.

#### **Sec. 3-8-105. – Transported Liquid Waste Regulations and Procedures.**

This section provides regulations and procedures for the control of the discharge of wastes from Liquid Waste Haulers and private septage approved haulers to CCU.

##### **(1) Administration and permitting.**

- a. A County-issued Transport Waste Discharge Permit (TWDP) is required to discharge wastes from Liquid Waste transport trucks or private septage haulers to CCU.

- 583 b. The County shall approve, deny, or approve with conditions, all  
584 Applications for TWDPs in accordance with the policies and regulations  
585 established in this Section.
- 586 c. It shall be unlawful for any person or company to discharge Liquid Waste  
587 transport trucks without a current TWDP.
- 588 d. All food truck Liquid Waste requires:
- 589 i. A permit from the Florida Department of Health (FDOH); and  
590 ii. A TWDP; and  
591 iii. Approved Pretreatment thru CCU, prior to any discharge to CCU.

592  
593 (2) *Application.*

594 All persons required to obtain a TWDP from East Port Water Reclamation  
595 Facility (WRF), will submit to the County a completed Application for a TWDP  
596 with the required fee to the administrative staff at East Port WRF. The  
597 Application can be found on the County website. The following information  
598 may be required to be submitted with the Application.

- 599 a. Identifying Information. Name and address of the facility, including the  
600 name or the operator and owner.
- 601 b. Permits. List of any pollution control permits held by or for this facility
- 602 c. Description of Operations.
- 603 i. Submit a brief description of the nature, average rate of production  
604 (including each product produced by type, amount, processes, and  
605 rate of production), and standard industrial classification (SIC) codes  
606 of the operations carried out. This description shall include a  
607 schematic process diagram which indicates points of discharge to  
608 the WWF from the regulated processes.
- 609 ii. Types of wastes generated, and a list of all raw materials and  
610 chemicals used or stored at the facility which are, or could  
611 accidentally or intentionally be, discharged to the WWF.
- 612 iii. Number and type of employees, hours of operation, and proposed or  
613 actual hours of operation.
- 614 iv. Type and amount of raw materials processed (average and  
615 maximum per day);
- 616 v. Site plans, floor plans, mechanical and plumbing plans, and details  
617 to show all sewers, floor drains, and appurtenances by size, location,  
618 and elevation, and all points of discharge.
- 619 vi. Time and duration of discharges

620 (3) Monitoring all wastes covered by the permit.



- 621 a. Flow Measurement. Submit information showing the measured  
622 average daily and maximum daily flow (in gpd), to the WWF from  
623 each of the following:
- 624 b. J. Regulated process streams
- 625 c. Other streams as necessary to allow for the use of the combined  
626 waste stream formula of subsection 62-625.410(6), F.A.C. Verifiable  
627 estimates of these flows are permitted, where justified by cost or  
628 feasibility considerations.
- 629 d. Any other information deemed necessary by CCU.
- 630 (4) *Revocation of TWDP*. Any TWDP issued under the provisions of this section  
631 may be subject to modification, suspension, or revocation for cause,  
632 including, but not limited to any one of the following:
- 633 a. Providing false information on a TWDP Application.
- 634 b. Providing any false information on a Discharge Manifest.
- 635 c. Failing to comply with any requirements or regulations concerning  
636 discharges to CCU.
- 637 d. Failing to pay required discharge fees, sampling fees, analytical fees, or  
638 any assessed surcharges; or
- 639 e. When necessary to protect the public's health, safety, and welfare.
- 640 (5) *Prohibited Wastes*. Transported Wastewaters produced by any type of  
641 industrial or manufacturing process and mixtures of industrial and domestic  
642 Wastewater from any area are strictly prohibited.
- 643 (6) *Pollutant Limitations of Acceptable Transported Liquid Wastes*. Acceptable  
644 transported Liquid Wastes as defined in this section are subject to the  
645 following pollutant limitations:
- 646 a. Prohibited Discharges (Section 3-8-122) of this Article; and
- 647 b. Specific Pollutant Limitations (Section 3-8-124) of this Article.
- 648 (7) *Manifest and Permit Requirements*. Prior to discharge of each load of  
649 transported Liquid Waste a complete and signed Manifest must be presented  
650 to the designated facilities' operator in charge. Upon County operator  
651 acceptance of a complete Manifest, discharge may be permitted. A complete  
652 Manifest must include:
- 653 a. The origin of all Liquid Waste to be discharged.
- 654 b. Identification of the date, customer name, address served, type and  
655 amount of Liquid Waste, for each source of Liquid Waste contained in  
656 the truck.
- 657 c. The name of the Liquid Waste transport company, vehicle license tag  
658 number, driver name, date, time, and driver's signature, certifying the  
659 accuracy of the information provided on the Manifest.

660 (8) *Location and Time.* Acceptable transported Liquid Wastes shall be  
661 discharged at:

- 662 a. East Port WRF, 3100 Loveland Boulevard, Port Charlotte, 33980  
663 Monday thru Friday, between the hours of 8:00 a.m. and 4:30 p.m.; or
- 664 b. An alternate facility or alternate hours with advanced approval from the  
665 County.

666 The exact location of the discharge point within the Facility shall be identified by  
667 the County.

668 (9) *Fees and Billing.* The fees provided for in this section are separate and  
669 distinct from all other fees charged by the County and may be amended by  
670 resolution. The relevant fees applicable to this section are as follows:

- 671 a. A TWDP Application Fee of one hundred and fifty dollars (\$150.00) shall  
672 be payable for initial Application and Renewal permit fees. Each  
673 additional truck added under the TWDP shall be subject to a fee of  
674 twenty-five dollars (\$25.00). Temporary replacement trucks used for  
675 thirty (30) days or less shall not be subject to this fee throughout the  
676 duration of the TWDP.
- 677 b. A Transported Liquid Waste Discharge Fee based on total gallons  
678 discharged shall apply each time a Liquid Waste is discharged as  
679 measured by the County's flow meter. If the County's flow meter is  
680 inoperable, the fee will be based on the total gallons reported on the  
681 Manifest.
- 682 c. The Transported Liquid Waste Discharge Fee shall be a minimum 10  
683 cents (\$0.10) per gallon for in-County septage waste and twelve cents  
684 (\$0.12) per gallon for out-of-County septage waste.
- 685 d. A Sampling and Analysis Fee for random sampling and analysis carried  
686 out by the County when any violation is detected as follows:
  - 687 i. The total cost of the sampling and analysis shall be chargeable to  
688 the permittee.
  - 689 ii. The total cost of the demand sampling and analysis for the specific  
690 pollutant(s) in violation from all subsequent discharges by the  
691 permittee until no further violations are detected in three (3)  
692 consecutive samples.

693 (10) *Sampling and Analysis of Liquid Wastes.* Random sampling of the contents  
694 of any Liquid Waste transport truck proposed for discharge into the facilities  
695 may be conducted by the operator in charge prior to discharge.

- 696 a. Samples will be analyzed by the County laboratory or other authorized  
697 laboratory for the purpose of determining the presence of industrial or  
698 other prohibited wastes.
- 699 b. At the driver's request, samples will be split with the haulage company  
700 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.

d. 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.

(11) *Enforcement.* A Notice of Violation will be issued to the Liquid Waste Hauler if random sampling and analysis reveals a violation. Response to this Notice must be received by the County within ten (10) working days of receipt by the Liquid Waste Hauler. The 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 once a violation has been detected. Escalating enforcement procedures, administrative fines and other penalties will be applied when continuing violations are detected.

### **Sec. 3-8-106. - Building Sewers and 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 to make a connection to CCU's wastewater collection system may be obtained upon:

a. 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 and indemnify the County from any loss or damage that may be directly, or indirectly, related to the installation of the Building Sewer.

(3) Where sewer service is not initially available, all costs of connection or extension of CCU shall be in accordance with the County's Utility Extension Standards.

(4) Unless approved by County, a separate and independent wastewater lateral/connection shall be provided for every building or buildable lot.

(5) Existing Building Sewers may be used in connection with new buildings only when they are found by the County Community Development Department to meet all requirements of this article and are approved by the Utility Director.

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

(7) The size, slope, alignment, materials of construction of a 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. 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 shall be brought to the building at an elevation below the floor grade. In all buildings in which any Building Drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such Building Drain shall be pumped by an approved means and discharged to the 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 or Building Drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (10) Inspections. The Applicant shall notify the County Community Development department when the 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 department or his representative.
- (11) Excavations. All excavations for Building Sewer installations shall be guarded with barricades and lights in compliance with all Occupational Safety & Health Act (OSHA) requirements 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.
- (12) The connection of the Building Sewer into the public sewer shall conform to the requirements of the 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.

#### **Sec. 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.
- (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. If the violation is not corrected in a timely manner, the County reserves the right to complete the needed improvements and asses the User all costs required to make the needed improvements.

## **DIVISION 2. GENERAL WASTEWATER USE REQUIREMENTS**

### **Sec. 3-8-121. - Industrial Waste Survey ("IWS").**

- (1) Any User or Potential User must submit a completed IWS within twenty (20) days of a County request.
- (2) Falsification of information or failure to submit the IWS may result in the imposition of a fine, termination of service, denial of request for service, permit revocation, imposition of any available enforcement actions or remedies, or any combination thereof.

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

- (1) No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or Wastewater which causes pass through or interference of the County's Wastewater facilities.
- (2) No User shall contribute any of the following substances to any County Wastewater facilities:
  - a. Dangerous discharges. 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.
  - b. Any solid, semi-solid, or viscous substance. 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 and its discharge to the County system.
  - c. Any Wastewater having a pH less than six point zero (6.0) or greater than eight point five (8.5).
  - d. Wastewater having any corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the County's Wastewater treatment system.

- 819 e. Toxic Pollutants.
- 820 f. Noxious and malodorous materials.
- 821 g. Materials affecting effluent and biosolids disposal. Any substance which
- 822 may cause the POTW effluent, residuals, or sludges, to be unsuitable for
- 823 reclamation and reuse or to interfere with the reclamation process.
- 824 h. Any substance which may cause the POTW to violate its National Pollutant
- 825 Discharge Elimination System permit, FDEP permit, or the receiving water
- 826 quality standards.
- 827 i. Wastewater with objectionable color. Any Wastewater with objectional color
- 828 not removed in the treatment process, including dye wastes and vegetable
- 829 tanning solutions.
- 830 j. High temperature Wastewater. Wastewater which exceeds forty (40)
- 831 degrees centigrade (104°F).
- 832 k. Slug, Slugs, or Slug Flow.
- 833 l. Radioactive Wastes. Any Wastewater containing any radioactive wastes or
- 834 isotopes of such half-life or concentration as may exceed limits established
- 835 in compliance with state or federal regulations.
- 836 m. Hazardous Wastes.
- 837 n. Non-treatable Substances.
- 838 o. Stormwater, Surface Water, groundwater, artesian well water, roof runoff,
- 839 subsurface drainage, swimming pool drainage, condensate, deionized
- 840 water, Noncontact Cooling Water, and unpolluted Wastewater. All are
- 841 prohibited unless specifically authorized by the County.
- 842 p. Sludges, screenings, or other residues from the pretreatment of Industrial
- 843 Wastes.
- 844 q. Medical Waste.
- 845 r. Transported or hauled pollutants (except as permitted by the County).
- 846 s. Fats, oils, or greases of animal or vegetable origin in concentrations that
- 847 cause or have the potential to cause blockages or overflows in the
- 848 Wastewater Facilities;
- 849 t. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin
- 850 in amounts that will cause interference or pass through.

851 **Sec. 3-8-123. - National Categorical Pretreatment Standards.**

852 The Act establishes responsibilities of local government to implement National  
853 Pretreatment Standards to control pollutants which pass through or interfere with  
854 treatment processes in POTWs. These Categorical Pretreatment are hereby incorporated  
855 by reference.

- 856 (1) Where a Categorical Pretreatment Standard is expressed only in terms of either  
857 the mass or the concentration of a pollutant in Wastewater, the County may

- 858 impose equivalent concentration or mass limits in accordance with 40 CFR  
859 403.6(c).
- 860 (2) When Wastewater subject to a Categorical Pretreatment Standard is mixed  
861 with Wastewater not regulated by the same standard, the County shall  
862 impose an alternate limit using the combined Waste Stream Formula (40 CFR  
863 403.6(e) as amended from time to time).
- 864 (3) A User may apply to the County for a Categorical Pretreatment Standard  
865 variance if the User can prove, pursuant to the procedural and substantive  
866 provisions in 40 CFR 403.13, that factors relating to its discharge are  
867 fundamentally different from the factors considered by EPA when developing  
868 the Categorical Pretreatment Standard.
- 869 (4) A User may obtain a net gross adjustment to a Categorical Pretreatment  
870 Standard in accordance with 40 CFR 403.15.
- 871 (5) Dental Office Point Source Category. 40 CFR part 441, as amended,  
872 identifies EPA finalized technology-based pretreatment standards under the  
873 Clean Water Act to reduce discharges of mercury and other metals from  
874 dental offices into municipal wastewater treatment plants. The guidelines and  
875 pretreatment standards of 40 CFR part 441, as amended from time to time,  
876 are incorporated herein.

877 **Sec. 3-8-124. - Specific Pollutant Limitations.**

878 TABLE A: CONVENTIONAL PARAMETERS

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

Fluoride	8
Chlorides	400

879 The surcharge for all high strength wastes above the maximum concentration for normal  
880 domestic Wastewater for TSS, CBOD, and COD shall be established by resolution.

881 TABLE B: TOXIC PARAMETERS

Parameter	Maximum Industrial Lbs/Day	Allowable Loading
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	

882



An Industrial Waste Discharge Permit application will be used to develop User-specific local limits when necessary to ensure that the CCU's maximum allowable headwork's loading is not exceeded for pollutants of concern.

**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 shall be established by resolution of the BOCC.

**Sec. 3-8-126. – Allowable Limits for pH.**

The allowable limit for pH is six point zero (6.00) to eight point five (8.50).

**Sec. 3-8-127. - County's Right of Revision.**

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

**Sec. 3-8-128. - Dilution.**

- (1) Dilution of 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 County may impose mass limitations on Users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

**DIVISION 3. - PRETREATMENT OF WASTEWATER**

**Sec. 3-8-129. - Pretreatment Facilities.**

- (1) Users shall provide Wastewater pretreatment as necessary to achieve compliance with all Categorical Pretreatment Standards, local limits, and this Article within the time limitations specified by EPA, the State, or the County, whichever is more stringent.
- (2) Any pretreatment facilities necessary for compliance shall be provided, operated, and maintained at the User's expense.
- (3) Detailed plans describing the pretreatment facilities and operating procedures must be submitted to the County for review and approval before the facilities are constructed.
- (4) The review of plans and operating procedures does not relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to County.

**Sec. 3-8-130. - Additional Pretreatment Measures.**

- (1) Whenever deemed necessary, the County may:
  - a. Require Users to restrict their discharge during peak flow periods; and
  - b. Designate that certain Wastewater be discharged only into specific sewers.
  - c. Relocate and/or consolidate points of discharge.
  - d. Separate domestic waste streams from industrial waste streams.
  - e. Impose other conditions as may be necessary to protect CCU and determine the User's compliance with the requirements of this Article.
- (2) The County may require any person discharging into CCU to install and maintain, on his property and at the User's expense, a suitable storage and flow-control facility to ensure equalization of flow. A Wastewater Discharge Permit may be issued solely for flow equalization.
- (3) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

**DIVISION 4. - PERMIT PROCEDURES**

**Sec. 3-8-131. - Wastewater Discharges.**

It shall be unlawful to discharge to CCU any Wastewater, except as authorized by the County through the issuance of a Wastewater Discharge Permit in accordance with the provisions of this Article.

**Sec. 3-8-132. - Wastewater Discharge Permits.**

All Significant Industrial Users (SIUs) must obtain a Wastewater Discharge Permit before connecting to or contributing to CCU. The Utility Director shall notify persons who have made incomplete submissions of the Wastewater Discharge Permit application and will provide thirty (30) days in which to remedy the deficiency.

**Sec. 3-8-133. - Wastewater Discharge Permit Application.**

- (1) SIUs shall apply at least ninety (90) days prior to connecting to or contributing to CCU.
- (2) The SIU shall submit, in units and terms appropriate for evaluation, all the following information:
  - a. All information required by section 3-8-144 of this Article.
  - b. 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 CCU.
  - c. Number and type of employees, hours of operation, and proposed or actual hours of operation.

- d. Each product produced by type, amount, process or processes, and rate of production.
- e. The type and the amount of raw materials processed (average and maximum per day).
- f. 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. Time and duration of discharges.
- h. Authorization for Utility Director or other authorized 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. Detailed Dangerous Discharge Prevention and Notification Plans.
- j. Any other information as may be deemed by the County to be necessary to evaluate the Wastewater Discharge Permit application.

**Sec. 3-8-134. - Wastewater Discharge Permit Application Signatories and Certification.**

All Wastewater Discharge Permit Applications and SIU Reports must be signed by an Authorized Representative of the 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."

**Sec. 3-8-135. - Wastewater Discharge Permit Decisions/Appeals.**

- 1) Within thirty (30) days of receipt of a complete Wastewater Discharge Permit application, the County will determine whether to issue a Wastewater Discharge Permit. The County may deny any application for a Wastewater Discharge Permit.
- 2) Within thirty (30) days of the issuance of the determination, 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.
- 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.**

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

- a. A statement that indicates Wastewater Discharge Permit duration;
- b. A statement that the Wastewater Discharge Permit is non-transferable without County consent;
- c. Effluent limited based on applicable Pretreatment Standards;
- d. Self-monitoring and sampling requirements;
- e. Notification requirements as provided in section 3-8-149.
- f. 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.

- (2) Permits may contain other terms, conditions, or requirements as deemed appropriate by the County.

**Sec. 3-8-137. – Wastewater Discharge Permit Duration.**

- 1) Wastewater Discharge Permits shall be issued for a specified term, not to exceed five-years.
- 2) A renewal application for a Wastewater Discharge Permit must be submitted at least one hundred eighty (180) days prior to the expiration of the SIU's existing Wastewater Discharge Permit.

**Sec. 3-8-138. - Permit Transfer.**

- 1) Wastewater Discharge Permits shall not be assigned, sold, or otherwise transferred to a new owner or SIU, without the approval of the County.
- 2) Any succeeding owner or SIU shall also comply with the terms and conditions of the existing Wastewater Discharge Permit or modified permit as determined by the County until a new Wastewater Discharge Permit has been issued.
- 3) New or changed operations shall require a new Wastewater Discharge Permit.
- 4) New uses, a change in operations, or a change in premises require a new Wastewater Discharge Permit.

**Sec. 3-8-139. - Permit Modification.**

- (1) The terms and conditions of any Wastewater Discharge Permit may be modified by the County.
- (2) Permit holders shall be notified of a change at least thirty (30) days prior to the effective date of the change.

**Sec. 3-8-142. - Wastewater Discharge Permit Revocation.**

The County may revoke a Wastewater Discharge Permit for good cause. Good Cause constitutes, but is not limited to, the following reasons:

- (1) Failure to notify the County of significant changes to the Wastewater prior to the changed discharge.
- (2) Failure to provide prior notification to the Utility Director of changed conditions pursuant to requirements of this article.
- (3) Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application.
- (4) Falsifying self-monitoring reports.
- (5) Tampering with monitoring equipment.
- (6) Refusing to allow the Utility Director timely access to the permittee's premises and/or records.
- (7) Failure to meet effluent limitations.
- (8) Failure to pay fines.
- (9) Failure to pay sewer charges.
- (10) Failure to meet compliance schedules.
- (11) Failure to complete a wastewater survey or the Wastewater Discharge Permit Renewal Application.
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any pretreatment standard or requirement, or any terms of the Wastewater Discharge Permit or this Article.

Prior to revocation of the Wastewater Discharge Permit, the User shall be notified of the proposed revocation and be offered an opportunity to show cause under this Article why the proposed action should not be taken. Exercise of this option by the County shall not be a bar to, or a prerequisite for, taking any other action against the User.

Wastewater Discharge Permits are void upon cessation of operations or transfer of business ownership unless otherwise approved by the County.

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

##### **Sec. 3-8-143. - Rates, Fees, Fines, and Charges.**

The County shall adopt rates, fees, fines, and charges related to the matters covered by this Article and may be separate from other fees chargeable by the County. Rates, fees, fines, and charges will be adopted and/or amended by resolution of the Board of County Commissioners.

#### **DIVISION 6. - REPORTING AND COMPLIANCE**

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

- 1) Categorical Users currently discharging to, or scheduled to discharge to, CCU shall submit a Baseline 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 or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later.
- 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.
- 3) A New Source must provide, in writing, the method of pretreatment it intends to use to meet applicable Categorical Pretreatment Standards and estimates of anticipated flow and quantity of pollutants to be discharged prior to discharge.
- 4) Users described above shall submit the information set forth below.
  - a. Identifying Information. The name and address of the facility, including the name of the operator and owner.
  - b. Environmental Permits. A list of any environmental control permits held by or for the facility.
  - c. Description of Operations. A description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by the User. This description should include a schematic process diagram which indicates points of discharge to CCU from the regulated processes.
  - d. 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 waste stream formula set out in 40 CFR 403.6(e).
  - e. Measurement of Pollutants.
    - I. The Categorical Pretreatment Standards applicable to each regulated process.
    - II. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the 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. Sampling must be performed in accordance with procedures set out in section 3-8-152 of this article.
  - f. Certification. A statement, reviewed by the User's Authorized Representative and certified by a qualified professional, indicating whether 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 Categorical Pretreatment Standards and requirements.

g. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Categorical Pretreatment Standards, the 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.

h. Signature and Certification. All BMRs must be signed and certified in accordance with section 3-8-134 of this article.

5) 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.**

1) All SIUs shall develop compliance schedules specifying time required to meet all applicable Categorical Pretreatment Standards.

2) All SIUS must submit a proposed compliance schedule to the Utility for review and approval.

3) The proposed compliance schedule must indicate the maximum time limit for the SIU to provide additional pretreatment or operation and maintenance to meet Categorical Pretreatment Standards.

4) The completion date of the proposed schedule shall not be later than the compliance date established for the applicable pretreatment facilities necessary for the SIU to meet the applicable Categorical Pretreatment Standards.

5) No increment of such schedule shall exceed nine (9) months.

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, to the County. The progress reports must include:

- 1147 a) Whether or not the SIU achieved compliance with the increments of  
1148 progress to be met and, if not, the date on which it expects to comply with  
1149 the increments of progress;
- 1150 b) The reason(s) for the delay; and
- 1151 c) Measures being taken to return to the schedule established.

1152 **Sec. 3-8-146. – Significant Industrial User Compliance Data Reports.**

- 1153 (1) SIUs subject to the Categorical Pretreatment Standards and associated  
1154 pretreatment requirements must submit a Compliance Data Report containing  
1155 sampling and analysis performed and indicating the nature and concentration,  
1156 the average and peak daily flows, of all pollutants limited by the pretreatment  
1157 standards and associated pretreatment requirements being discharged to  
1158 County's Wastewater treatment system must be submitted to the Utility within  
1159 ninety (90) days following the date for final compliance with the pretreatment  
1160 standards and requirements.
- 1161 (2) The Compliance Data Report must indicate whether the applicable pretreatment  
1162 standards and requirements are being met on a consistent basis, and, if not, what  
1163 additional operation and maintenance procedures or pretreatment will be  
1164 implemented to bring the SIU into compliance with the applicable Categorical  
1165 Pretreatment Standards and associated pretreatment requirements. The  
1166 Compliance Data Report must be signed by an Authorized Representative of the  
1167 SIU and certified by a qualified engineering professional.

1168 **Sec. 3-8-147. – Industrial User Periodic Compliance Reports.**

- 1169 1) Industrial Users subject to the Categorical Pretreatment Standards and  
1170 associated pretreatment requirements must submit a Periodic Compliance  
1171 Report containing sampling and analysis performed and indicating the nature  
1172 and concentration of pollutants in the effluent being discharged which are  
1173 limited by referenced pretreatment standards twice annually, during the  
1174 months of June and December (unless required more frequently in the  
1175 pretreatment standards or by the Utility).
- 1176 2) The Periodic Compliance Report must include a record of the average and  
1177 peak daily flows being discharged and all self-monitoring reports during the  
1178 reporting period.
- 1179 3) If the Periodic Compliance Report shows any violation, no matter how minor,  
1180 the Industrial User must resample and resubmit both results to the Utility within  
1181 thirty (30) days.
- 1182 4) The County may decide to alter the months during which the Periodic  
1183 Compliance Reports are to be submitted by a particular Industrial User.
- 1184 5) County may impose mass (quantum) limitations on Industrial Users to meet  
1185 the applicable Categorical Pretreatment Standards and/or local discharge  
1186 limits in cases where the imposition of mass limitations are appropriate. In such  
1187 cases, the Compliance Data Report shall indicate the quantity of pollutants



1188 regulated by the Categorical Pretreatment Standards to be discharged by the  
1189 Industrial User as well as a reasonable measure of the User's long-term  
1190 production rate.

1191 6) For all other Industrial Users subject to Categorical Pretreatment Standards  
1192 expressed only in terms of allowable pollutant discharge per unit of production  
1193 (or other unit of operation), the Periodic Compliance Report must include the  
1194 Industrial User's actual average production rate for the reporting period.

1195 7) Periodic Compliance Reports must contain the results of sampling and  
1196 analysis of the discharge of pollutants contained therein that are limited by the  
1197 applicable pretreatment standards and associated pretreatment requirements  
1198 and will include a record of the flow, nature and concentration, or quantity in  
1199 pounds when requested by the Utility.

1200 The frequency of monitoring is prescribed in the Categorical Pretreatment Standards.  
1201 All analyses will be performed in accordance with the procedures established in section  
1202 3-8-151.

1203 **Sec. 3-8-148. - Monitoring and Sampling Facilities.**

1204 The County may construct, operate, and maintain monitoring and sampling facilities  
1205 at the point of discharge to CCU, at an Industrial User's expense. The monitoring and  
1206 sampling facilities shall be used to inspect drainage systems, sample discharges, and  
1207 measure the flow of Wastewater being discharged to CCU to ensure compliance with the  
1208 applicable Categorical Pretreatment Standards and related pretreatment requirements.

1209 The monitoring and sampling facility, including sampling and measurement equipment,  
1210 shall be maintained in a safe and proper operating condition by the County at the expense  
1211 of the Industrial User.

1212 **Sec. 3-8-149. - Dangerous Discharge Prevention and Notification Requirements.**

1213 1) Each Industrial User must provide adequate protection from accidental discharge  
1214 of prohibited materials or other substances regulated by this Article.

1215 2) SIUs shall provide, at the SIU's expense, facilities approved by County to prevent  
1216 accidental discharge of prohibited materials.

1217 3) Detailed Dangerous Discharge Prevention and Notification Plans must be  
1218 submitted to the County for review and approval prior to the issuance of a  
1219 Wastewater Discharge Permit. Plans shall include at a minimum the following:

1220 a. A description of discharge practices, including non-routine batch discharges.

1221 b. A description of stored chemicals.

1222 c. Procedures for immediately notifying the Utility Director of any accidental or  
1223 slug discharge.

1224 d. Procedures to prevent adverse impact from any accidental or slug discharge.  
1225 Such procedures include, but are not limited to:

- 1226 i. Inspection and maintenance of storage areas,  
1227 ii. Handling and transfer of materials  
1228 iii. Loading and unloading operations,  
1229 iv. Control of plant site runoff,  
1230 v. Worker training,  
1231 vi. Construction of containment structures or equipment,  
1232 vii. Measures for containing toxic organic pollutants, including solvents,  
1233 and/or measures and equipment for emergency response.
- 1234 4) The Utility may re-evaluate these plans every two (2) years and may require the  
1235 Industrial User to modify the existing plan or submit new plans.
- 1236 5) All SIUs shall implement the proposed plan within one (1) year of the issuance of  
1237 an Industrial Wastewater Discharge Permit.
- 1238 6) No SIU may introduce pollutants into CCU until dangerous discharge prevention  
1239 and notification plans have been approved by the County and the County  
1240 approved planned facilities are in place.
- 1241 7) Review and approval of Dangerous Discharge Prevention and Notification Plans  
1242 and operating procedures shall not relieve the SIU from the responsibility to  
1243 modify the SIU's facility as necessary to meet all requirements of this Article.
- 1244 8) The SIU must notify the Utility, in writing, of an incident immediately if there is an  
1245 accidental or slug discharge.
- 1246 9) The notification shall include the location of discharge, the type of waste, the  
1247 concentration, the volume, and correction actions.
- 1248 a. Within five (5) calendar days following an accidental discharge, the SIU  
1249 shall, unless waived by the Utility Director, submit to the Utility Director a  
1250 detailed written report describing the cause of the discharge, the amount  
1251 and type of pollutant released, and the measures to be taken by the SIU to  
1252 prevent similar future occurrences.
- 1253 b. Neither the notification nor the report shall relieve the SIU of liability for any  
1254 expenses, losses or damages which may be incurred as a result of damage  
1255 to the County's Wastewater treatment system, or any damage to persons  
1256 or property; nor shall such notification relieve the SIU of any fines, civil  
1257 penalties or other liabilities which may be imposed by this or other  
1258 applicable laws.
- 1259 10) A notice shall be permanently posted on the SIU's bulletin board or other  
1260 prominent place, to advise employees whom to call if a dangerous discharge  
1261 occurs. Employers shall ensure that all employees are advised of the emergency  
1262 notification procedures.
- 1263 11) SIUs shall notify the County and FDEP's hazardous waste and pretreatment  
1264 authorities in writing of any discharge into the WWF of a substance which, if  
1265 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:

- a. An identification of the hazardous constituents contained in the wastes,
- b. An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and
- c. 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 (F.O.G.) Management.**

- 1) *General Requirement.* Regulated Establishments must have a Grease Trap or Grease Interceptor in accordance with the current Florida Building Code and Charlotte County Utility 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 Utility, provided their discharges will not violate any discharge prohibitions of this Article. F.O.G. interceptors may also

- 1305 be required in non-cooking or cold dairy and frozen foodstuff establishments when  
1306 they are deemed necessary by the County.
- 1307 3) *New Facilities*. Regulated Establishments which are newly proposed, newly  
1308 constructed, or existing facilities which will be expanded or renovated, must install,  
1309 operate and maintain a Grease Trap or Grease Interceptor in accordance with the  
1310 current Florida Building Code and Charlotte County Design Standards.
- 1311 4) *Existing Facilities*. Regulated Establishments existing within the County prior to the  
1312 effective date of this article shall be permitted to operate and maintain existing  
1313 Grease Interceptors or Grease Traps provided same are in safe and efficient  
1314 operating condition.
- 1315 a. All fees, fines, and charges will be added to the monthly utility service bill of the  
1316 Regulated Establishment.
- 1317 b. If the County determines that any of the following conditions exist, the County may  
1318 require an existing Regulated Establishment to install, operate, and maintain a new  
1319 Grease Interceptor or Grease Trap:
- 1320     i. The Regulated Establishment is contributing oils and grease in  
1321 quantities sufficient to cause line stoppages, grease buildup, or  
1322 increased maintenance.
- 1323     ii. The Regulated Establishment is found to be contributing oils and grease  
1324 in quantities in excess of one hundred (100) mg/L.
- 1325     iii. The Regulated Establishment has an undersized, irreparable, or  
1326 defective Grease Interceptor or Grease Trap.
- 1327     iv. The Regulated Establishment has a garbage grinder.
- 1328     v. A remodel or installation of a food preparation or kitchen waste plumbing  
1329 system is performed; or
- 1330     vi. The existing Regulated Establishment undergoes a change of  
1331 ownership.
- 1332 5) *Oil and Sand Interceptors*. Oil and Sand interceptors are required for:
- 1333 a. Automatic and coin operated laundries,
- 1334 b. car washes,
- 1335 c. filling stations,
- 1336 d. commercial garages or similar businesses having any type of washing facilities  
1337 or grease racks and any other Users producing grit, sand, oils or other materials  
1338 which may have the potential of causing partial or complete obstruction of the  
1339 Building Sewer or other areas in CCU.

1340 Oil and Sand Interceptors must be located outside the building in such a  
1341 manner that County can inspect the interceptors at any time.

1342 6) *Grease Interceptors*. Grease Interceptors must be located in the Regulated  
1343 Establishment's lateral sewer line beyond all fixtures which may introduce grease  
1344 into the Sanitary Sewer Collection System.

1345 a. Garbage Grinders installed within Regulated Establishments shall be plumbed  
1346 through the Grease Interceptor(s) and a solids interceptor shall separate the  
1347 discharge before connecting to the Grease Interceptor.

1348 b. Solids Interceptors and Grease Interceptors must be sized and rated for the  
1349 discharge of the Garbage Grinder.

1350 c. Wastewater from sanitary facilities and other similar fixtures shall not be  
1351 introduced into the Grease Interceptor or Grease Trap.

1352 7) *Grease Traps*. Grease Traps must comply with the applicable requirements of the  
1353 Florida Plumbing Code and installed in accordance with manufacturer's  
1354 instructions. Regulated Establishments must request approval to install a Grease  
1355 Trap instead of a Grease Interceptor. All Regulated Establishments shall comply  
1356 with the following guidelines:

1357 a. *Inspection, Cleaning, and Maintenance*. Each Regulated Establishment shall  
1358 be solely responsible for the cost of trap installation, inspection, cleaning, and  
1359 maintenance. Cleaning and maintenance must be performed at regularly  
1360 scheduled intervals no greater than ninety (90)) calendar days or at each time  
1361 the total volume of captured Grease and solid material displaces more than  
1362 thirty (30) percent of the total volume of the unit. Each Regulated Establishment  
1363 is required to keep a written record of the date, action taken, and volume  
1364 hauled, whenever the Grease Trap is opened, inspected, cleaned, and  
1365 maintained.

1366 b. *Repairs*. The Regulated Establishment shall be responsible for the cost and  
1367 scheduling of all repairs to its Grease Trap(s). Repairs required by the County  
1368 must be completed within ten (10) calendar days after the date of written notice  
1369 of required repairs is received by the facility, unless the County approves, in  
1370 writing, a different schedule.

1371 c. *Disposal*. Grease and solid materials removed from a Grease Trap shall be  
1372 transported by a Licensed Hauler and properly disposed of at a facility  
1373 permitted to receive such wastes.

1374 d. *Record Keeping*. Each Regulated Establishment shall maintain written records  
1375 of all Grease Trap maintenance, including the time and date of the  
1376 maintenance, name(s) of individual or company that performed the  
1377 maintenance, details of any repairs required and dates of repair completion,  
1378 volume hauled, additives, and any other records pertaining to the trap or  
1379 material removed or used. The records shall be retained for a period of three  
1380 (3) years and be made available upon request by the County.

- 1381 8) *Grease Interceptors*. Grease Interceptors shall comply with the applicable  
1382 requirements of the Florida Building Code. All Regulated Establishments shall  
1383 comply with the following guidelines:
- 1384 a. *Size of Interceptors*. All Grease Interceptors shall be sized to ensure that the  
1385 County's sanitary sewer collection system is protected from excessive F.O.G.,  
1386 sand, and oil which may cause clogging or damage and that the User is able  
1387 to meet all discharge requirements.
- 1388 b. *Inspection, Pumping, and Maintenance*. Each Regulated Establishment shall  
1389 be responsible for the costs of installing, inspecting, pumping, cleaning, and  
1390 maintaining its Grease Interceptor.
- 1391 i. Pumping services shall include the initial complete removal of all  
1392 contents including floating materials, Wastewater, bottom sludge, and  
1393 solids from the interceptor.
- 1394 ii. Grease Interceptor cleaning shall include scraping excessive solids from  
1395 the walls, floors, baffles, and all pipe work.
- 1396 iii. The return of Gray Water back into the Grease Interceptor is prohibited.
- 1397 iv. Each Regulated Establishment must inspect its Grease Interceptor  
1398 during the pumping procedure to ensure that the Grease Interceptor is  
1399 properly cleaned out and that all fittings and fixtures inside the Grease  
1400 Interceptor are in working condition and functioning properly.
- 1401 c. *Sampling Port*. A sampling port shall be installed in an approved location to  
1402 allow sampling by the CCU and the User. The sampling port shall be located  
1403 between the Interceptor and the discharge point to CCU.
- 1404 d. *Access Manholes*. A Grease Interceptor's access manhole must have a  
1405 minimum diameter of twenty-four (24) inches, have readily removeable covers  
1406 which shall be provided over each chamber and sanitary tee. The access  
1407 manhole shall extend at least to the finished grade and be designed and  
1408 maintained to prevent water inflow or infiltration.
- 1409 e. *Plans Required*. The following must be submitted to CCU for review and  
1410 approval prior to installation of a Grease Interceptor.
- 1411 i. Site plans showing the location of the Grease Interceptor, lines, clean  
1412 out or manhole, and sample port.
- 1413 ii. Details of the Grease Interceptor, lines, clean out or manhole, and  
1414 sample port.

- 1415                   iii. Formula and calculation used to determine the Grease Interceptor  
1416                   capacity.
- 1417           f. *Minimum Interceptor Pumping Frequency.* Each Regulated Establishment shall  
1418           have all Grease Interceptor(s) pumped, at a minimum, every ninety (90)  
1419           calendar days.
- 1420           g. *Additional Grease Interceptor or Pumping Requirements.* In addition to  
1421           required pumping, the County may determine that additional pumping of the  
1422           Grease Interceptor(s) is required if:
- 1423                   i. The floatable grease layer exceeds three (3) inches in depth, as  
1424                   measured by an approved dipping method; or
- 1425                   ii. The settleable solids layer exceeds six (6) inches in depth, as measured  
1426                   by an approved dipping method; or
- 1427                   iii. The Grease Interceptor is not retaining or capturing grease; or
- 1428                   iv. The discharge of Grease exceeds compliance levels.
- 1429           h. *Repairs.* Each Regulated Establishment shall be responsible for the cost and  
1430           scheduling of all repairs to its Grease Interceptor(s). Repairs required by the  
1431           County shall be completed within ten (10) calendar days after written notice is  
1432           received by the facility unless the County establishes a different compliance  
1433           date.
- 1434           i. *Disposal.* Wastes removed from each Grease Interceptor shall be transported  
1435           by a Licensed Hauler and shall be properly disposed of at a facility permitted  
1436           to receive such wastes. Grease, solid materials, or Gray Water removed from  
1437           a Grease Interceptor may not be returned to any Grease Interceptor, private  
1438           sewer line, or to CCU.
- 1439           2) *Record Keeping.* Each Regulated Establishment shall maintain written records  
1440           of all Grease Interceptor maintenance, including the time and date of the  
1441           maintenance, the name(s) of individual or company that performed the  
1442           maintenance, details of any repairs required and dates of repair completion,  
1443           volume hauled, additives.
- 1444           3) *Quarterly Reporting Requirements.* Each Regulated Establishment shall submit  
1445           a Quarterly Report to the County in a manner provided by the County. Quarterly  
1446           Reports shall be due on or before the 15<sup>th</sup> day of January, April, July, and October  
1447           in each year. Each report shall record the number of times the Grease Trap(s)  
1448           and/or Grease Interceptor(s) has been cleaned since the last report and the  
1449           name(s) of individual or company that performed the cleanings. Each report shall  
1450           note any repairs that were made to the trap(s) and/or Grease Interceptor(s)

1451 including the dates that the repairs were performed. Reports shall be submitted  
1452 as required and shall be subject to a late fee if received after the 15<sup>th</sup> day of the  
1453 month specified.

1454 4) *Maintenance*. The User of the premises or business where such Grease  
1455 Interceptor/Grease Trap is located shall obtain from the Utility a maintenance card  
1456 which shall be posted in a conspicuous manner showing proof of regular  
1457 maintenance. Such card shall be obtained annually and shall be presented upon  
1458 request. All records pertaining to the maintenance of a Grease Interceptor/ Grease  
1459 Trap shall be retained by the User for a period of not less than three (3) years and  
1460 available to the Utility upon request.

1461 5) *Alternative Treatments*. The use of any free-enzyme, chemical, or other products  
1462 designed to emulsify, liquefy, or further render grease soluble for the purpose of  
1463 clearing drains or circumventing the design of the Grease Interceptor is prohibited.  
1464 All products claiming biological activity must be approved by the Utility. Approval  
1465 for this or any other treatment does not relieve the User of properly maintaining the  
1466 Grease Interceptor as to prevent discharge violations to occur.

1467 6) *BMPs*. Each Regulated Establishment shall implement BMPs to minimize the  
1468 discharge of fats, oils, and grease to CCU. BMPs shall include, but shall not be  
1469 limited to, the following:

1470 a. Drain screens must be installed on all drainage pipes in the food preparation  
1471 areas.

1472 b. All waste cooking oils shall be collected and stored properly in recycling  
1473 receptacles such as barrels or drums. Recycling receptacles shall be  
1474 maintained properly to prevent leakage. Waste cooking oils shall be  
1475 transported by a waste cooking oil hauler and disposed of at a waste  
1476 cooking oil recycling or disposal facility.

1477 c. All food waste shall be disposed of directly in the trash or garbage and not  
1478 in sinks, garbage disposals, or grinders. Food waste shall be disposed of in  
1479 a manner to prevent leakage in the trash container. If a grinder is used, a  
1480 solids interceptor shall be installed between the grinder and the Grease  
1481 Interceptor.

1482 d. Employees of the food service facility shall receive periodic training on the  
1483 following subjects:

1484 (i) Dry-wiping pots, pans, dishware, and work areas before washing to  
1485 remove grease.

1486 (ii) Properly disposing of food waste and solids in plastic bags prior to  
1487 disposal in trash containers to prevent leakage and odors;



- 1488 (iii) The location and use of absorption products to clean under fryer  
1489 baskets and other locations where grease may be spilled or dripped;  
1490 and
- 1491 (iv) Proper disposal of grease and oils from cooking equipment to a  
1492 proper grease receptacle without spilling.
- 1493 e. Training shall be documented and verified with employee signatures.  
1494 Training records shall be maintained for at least two (2) years following the  
1495 date of training and available for inspection upon request by the Utility.
- 1496 f. BMPs and waste minimization practices must be posted conspicuously in  
1497 the food preparation and dishwashing areas.
- 1498 7) *Variance Request.* A Regulated Establishment may request a variance to reduce  
1499 the frequency for pumping, cleaning, and maintaining the Grease Interceptor upon  
1500 showing of good cause.
- 1501 a. The Regulated Establishment must submit a written request for a variance  
1502 including documentation of the reasons for the frequency variance. The County  
1503 may approve such variances on a case-by-case basis.
- 1504 b. The County may rescind a variance if the Regulated Establishment causes or  
1505 contributes to a sanitary sewer overflow or monitoring shows an accumulation  
1506 of fats, oils, or grease in the lateral Wastewater line or CCU collection system.
- 1507 8) *Installation of Sampling, Metering, or Monitoring Devices.* The County may install  
1508 any sampling, metering, or monitoring devices on a Regulated Establishment's  
1509 property to conduct sampling, metering, or monitoring of the Regulated  
1510 Establishment's operations. The Regulated Establishment shall always maintain  
1511 the sampling, metering, or monitoring devices in a safe and proper operating  
1512 condition at the Regulated Establishment's expense. All devices used to measure  
1513 Wastewater flow and quality must be calibrated to the manufacturer's  
1514 recommendation to ensure their accuracy.
- 1515 9) *Obstructions.* Any temporary or permanent obstruction to safe and easy access to  
1516 the facility to be inspected and/or sampled shall be promptly removed by the  
1517 Regulated Establishment at the written or oral request of the County and shall not  
1518 be replaced. The costs of clearing such access shall be borne by the Regulated  
1519 Establishment.
- 1520 a. *Enforcement and Damages Caused by Sanitary Sewer Overflows.* If a  
1521 Regulated Establishment violates the provisions set forth in this Article, or fails  
1522 to initiate/complete corrective action in response to the County's directive, the  
1523 County shall have the authority to take one, or more, of the following actions:

- 1524 I. Issue a Notice of Violation for the Code Violation.
- 1525 II. Abate the violation by pumping the Grease Interceptor and place  
1526 the appropriate charges on the facility's monthly Charlotte County  
1527 Utilities Water and Sewer bill. the County shall be entitled to  
1528 recover the cost of repair of the system from said person and any  
1529 fines or penalties assessed against the County as a result of such  
1530 failure.
- 1531 III. Assess any inspection fees as authorized by Board Resolution.
- 1532 IV. Terminate water and Wastewater service.
- 1533 10) *Falsifying information.* Any person who knowingly makes any false statements,  
1534 representations, or certification in any application, record, report, plan or other  
1535 document filed or required to be maintained pursuant to this Article or who falsifies,  
1536 tampers with or knowingly renders inaccurate any monitoring device or method  
1537 required under this Article shall, upon conviction, be punished by a fine of not more  
1538 than \$5,000 per violation per day or by imprisonment for a term not to exceed 60  
1539 days or by both such fine and imprisonment.
- 1540 11) *Conflicts of Law.* Whenever the requirements or provisions of this Article conflict  
1541 with the requirements or provisions of any other lawfully adopted ordinance or  
1542 statute the most restrictive requirements will apply.

1543 **Sec. 3-8-151. - Analytical requirements.**

1544 All pollutant analyses, including sampling techniques, to be submitted as part of a  
1545 Wastewater Discharge Permit Application or report shall be performed in accordance with  
1546 the techniques prescribed in EPA 40 CFR Part 136, unless otherwise specified in an  
1547 applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain  
1548 sampling or analytical techniques for the pollutant in question, sampling and analyses  
1549 must be performed in accordance with procedures approved by EPA.

1550 **Sec. 3-8-152. - Sample Collection.**

- 1551 1) Flow Proportional Composite Collection techniques must be used to collect  
1552 Wastewater samples, except as indicated in paragraph (c) below of this section.
- 1553 2) Time Proportional Sampling techniques or Grab Collection Techniques, using a  
1554 minimum of four (4) Grab samples, may be authorized by the County if Flow  
1555 Proportional Composite Collection techniques are not feasible and the User  
1556 demonstrates that the alternative sampling technique will provide a representative  
1557 sample of the effluent being discharged. Grab samples may be required to show  
1558 compliance with instantaneous discharge limits.
- 1559 3) Grab Collection Techniques must be used to obtain samples for oil and grease,  
1560 temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds.

**Sec. 3-8-153. – Self Reporting.**

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

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

- 1) 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.

**Sec. 3-8-156. - Right of Entry: Inspection and Sampling for Regulated Establishments and Industrial Users.**

- 1) County shall have the right to enter the premises of any Regulated Establishment or Industrial User at reasonable times without prior notification to determine whether the Regulated Establishment is complying with all requirements of this Article, any Wastewater Discharge Permit, or order. Regulated Establishment shall allow the 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. Regulated Establishment shall make necessary arrangements so that, upon presentation of their County Identification Badge, the County personnel will be permitted to enter without delay to perform inspection and sampling.
  - b. County may install devices as are necessary to conduct sampling and/or metering of the Regulated Establishment 's operations on Regulated Establishment's property.
  - c. 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 at the request of the County and shall not be replaced. The costs of clearing such access shall be borne by the Regulated Establishment.
  - d. Unreasonable delays in allowing the County access to the User's premises shall be a violation of this Article. Any delay longer than 24 hours constitutes an unreasonable delay.
- (2) *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 in Significant Noncompliance.**

County shall publish annually, in a newspaper of general circulation published in the municipality where the CCU is located, a list of the Users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.

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

The County reserves the right to establish by amendment to this Article by subsequent ordinance or resolution, locally developed limitations, amended Categorical Treatment Standards, other more stringent requirements.

**DIVISION 7. - ENFORCEMENT**

**Sec. 3-8-167. – Enforcement and Remedies.**

1) Code Enforcement.

- a. Investigations related to possible violations of this Article may 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. Any violations of this Article may be processed according to Article 1-1-15 of the Charlotte County Code of Ordinances, and per provisions of F.S. Chapter 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.**

The County may immediately suspend a User's Wastewater discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The County may also immediately suspend a 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) Any User notified of a suspension of its Wastewater discharge shall immediately stop or eliminate its contribution.

(2) If a User fails to immediately comply with the suspension order, the 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.

**Sec. 3-8-169. - Termination of Wastewater Discharge.**

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

(1) Violation of Wastewater Discharge Permit conditions;

(2) Failure to accurately report the Wastewater constituents and characteristics of its discharge.

(3) Failure to report significant changes in operations or Wastewater volume, constituents, and characteristics prior to discharge;

(4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or

(5) Violation of pretreatment standards.

Users will be notified of the proposed termination of a Wastewater Discharge Permit and be offered an opportunity to show cause as to why the proposed action should not be taken.

**Sec. 3-8-173. - Water Supply Severance.**

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

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

**(1) Injunctive Relief**

When CCU finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, CCU may petition the circuit 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, or other requirement imposed by this ordinance on activities of the User. The County may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

1675 (2) Civil Penalties

1676 A User who has violated, or continues to violate, any provision of this ordinance, an  
1677 individual wastewater discharge permit, or order issued hereunder, or any other  
1678 pretreatment standard or requirement shall be liable to the County for a civil penalty of at  
1679 least \$1,000 a day for each violation. In the case of a monthly or other long-term average  
1680 discharge limit, penalties shall accrue for each day during the period of the violation.

1681 The County may recover reasonable attorneys' fees, court costs, and other expenses  
1682 associated with enforcement activities, including sampling and monitoring expenses, and  
1683 the cost of any actual damages incurred by the County.

- 1684 a. In determining the amount of civil liability, the Court shall take into account all  
1685 relevant circumstances, including, but not limited to, the extent of harm caused  
1686 by the violation, the magnitude and duration of the violation, any economic  
1687 benefit gained through the User's violation, corrective actions by the User, the  
1688 compliance history of the User, and any other factor as justice requires.
- 1689 b. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for,  
1690 taking any other action against an User.

1691 (3) Criminal Prosecution

- 1692 a. A User who willfully or negligently violates any provision of this ordinance, an  
1693 individual wastewater discharge permit, or order issued hereunder, or any other  
1694 pretreatment standard or requirement shall, upon conviction, be guilty of a  
1695 misdemeanor, punishable by the fine of not more than \$1,000 per violation, per  
1696 day, or imprisonment for not more than 1 year, or both.
- 1697 b. A User who willfully or negligently introduces any substance into the WWF  
1698 c. which causes personal injury or property damage shall, upon conviction, be  
1699 guilty of a misdemeanor and be subject to a penalty of at least \$1,000 or be  
1700 subject to imprisonment for not more than one year, or both. This penalty shall  
1701 be in addition to any other cause of action for personal injury or property  
1702 damage available under State law.

1703 (4) Remedies Nonexclusive.

1704 The remedies provided for in this ordinance are not exclusive. The County may take any,  
1705 all, or any combination of these actions against a noncompliant User. Enforcement of  
1706 pretreatment violations will generally be in accordance with the County's enforcement  
1707 response plan. However, the County may take other action against any User when the  
1708 circumstances warrant. Further, the County is empowered to take more than one  
1709 enforcement action against any noncompliant User.

1710 **Sec. 3-8-175. – Confidential Information.**

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

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

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

3) 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;
- b. The SIU's facility was, at the time of the upset, being properly operated; and
- c. The SIU has orally submitted the following information to CCU within twenty-four (24) hours of becoming aware of the upset with a written submission to be provided within five (5) days:

- i. A description of the discharge and cause of noncompliance;
- ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- iii. Steps being taken 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.

1748 5) SIUs shall have the opportunity for a judicial determination on any claim of upset  
1749 only in an enforcement action brought for noncompliance with categorical  
1750 pretreatment standards.

1751 6) SIUs shall control production of all discharges to the extent necessary to maintain  
1752 compliance with categorical pretreatment standards upon reduction, loss, or failure  
1753 of its treatment facility until the facility is restored or an alternative method of  
1754 treatment is provided. This requirement applies in the situation where, among other  
1755 things, the primary source of power of the treatment facility is reduced, lost or fails.

## 1756 Bypass

1757 1) An SIU may allow any bypass to occur which does not cause pretreatment  
1758 standards or requirements to be violated, but only if it is for essential maintenance  
1759 to assure efficient operation. These bypasses are not subject to the provision of  
1760 section 2 B and C of this section.

### 1761 1) Bypass Notifications

1762 a. If a SIU knows in advance of the need for a bypass, it shall submit prior notice  
1763 to CCU, at least ten (10) days before the date of the bypass. If the SIU does  
1764 not know of the need for a bypass ten days prior to the bypass then the SIU  
1765 shall notify CCU immediately upon knowledge of the need for the bypass.  
1766 b. A SIU shall submit oral notice of an unanticipated bypass that exceeds  
1767 applicable pretreatment standards to CCU within twenty-four (24) hours from  
1768 the time the SIU becomes aware of the bypass. A written submission shall also  
1769 be provided within five (5) days of the time the SIU becomes aware of the  
1770 bypass. The written submission shall contain

1771 I. A description of the bypass and its cause;  
1772 II. The duration of the bypass, including exact dates and times, and, if the  
1773 bypass has not been corrected, the anticipated time it is expected to  
1774 continue; and  
1775 III. Steps taken or planned to reduce, eliminate, and prevent reoccurrence  
1776 of the bypass.

### 1777 2) Prohibition of Bypass

1778 a. Bypass is prohibited, and CCU shall take enforcement action against a SIU for  
1779 a bypass, unless:

1780 I. Bypass was unavoidable to prevent loss of life, personal injury, or severe  
1781 property damage.  
1782 II. There were no technically feasible alternatives to the bypass, such as  
1783 the use of auxiliary treatment facilities, retention of untreated wastes, or  
1784 maintenance during normal periods of equipment downtime. This



1785 condition is not satisfied if adequate back-up equipment should have  
1786 been installed in the exercise of reasonable engineering judgment to  
1787 prevent a bypass which occurred during normal periods of equipment  
1788 downtime or preventive maintenance; and

1789 III. The SIU submitted notices as required under section 2 B of this section.

1790 b. CCU may approve an anticipated bypass, after considering its adverse effects,  
1791 if CCU determines that it will meet the three conditions listed in section 2 C(1)  
1792 of this section.

1793 Section 3. Codification. It is the intention of the Board of County Commissioners of  
1794 Charlotte County, Florida, and it is hereby provided that the provisions of this Ordinance  
1795 shall become and be made part of the Charlotte County, Florida Code of Ordinances that  
1796 the sections of this Ordinance may be renumbered or lettered to accomplish such  
1797 intention, and that the word "Ordinance" may be changed to "Section" or "Article" or other  
1798 appropriate designation.

1799 Section 4. Severability. If any portion of the foregoing conflicts with any other Charlotte  
1800 County Code or other applicable law, the more restrictive shall apply if any subsection,  
1801 sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or  
1802 unconstitutional by any court of competent jurisdiction, such portion shall be deemed a  
1803 separate, distinct, and independent provision and such holding shall not affect the validity  
1804 of the remainder of this Ordinance.

1805 Section 5. Effective Date. The effective date shall be as provided by law.

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1817 PASSED AND DULY ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2025.

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1819 BOARD OF COUNTY COMMISSIONERS  
1820 OF CHARLOTTE COUNTY, FLORIDA

1821

1822

1823 By: \_\_\_\_\_

1824 Joseph M. Tiseo, Chairman

1825

1826 ATTEST:

1827 Roger D. Eaton, Clerk of the Circuit

1828 Court and Ex-Officio Clerk to the

1829 Board of County Commissioners

1830

1831 By: \_\_\_\_\_

1832 Deputy Clerk

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APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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1837 By: \_\_\_\_\_

1838 Janette S. Knowlton, County Attorney

1839 LR2020-0392\_\_\_\_\_

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