



**St Lucie County Utilities
Industrial Pretreatment
Procedures**

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INDUSTRIAL PRETREATMENT PROCEDURE
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General Industrial User Reporting Requirements

General Industrial User Reporting Requirements

Wastewater Survey (See Section 2.1 & Appendix A)

- Characterizes IU processes and effluent for determining applicable standards.
- Due as specified by the Control Authority.

Baseline Monitoring Report (BMR) (See Section 7.1 & Appendix F)

- Details general CIU information necessary for applying and adjusting categorical pretreatment standards; identifies CIU compliance status with the categorical pretreatment standards; and details how a noncompliant CIU proposes to attain compliance by the specified compliance date.
- For existing sources, due the later of either 180 days after the effective date of the applicable categorical pretreatment standard or after a final administrative category determination.
- For new sources and new IUs subject to the categorical pretreatment standards, due 90 days prior to commencement of the regulated discharge.

Permit Application (See Section 5.1 & Appendix D)

- Provides IU information that may be used for permit issuance and reissuance.
- For permit issuance, due as specified by the Control Authority.
- For permit reissuance, due date most likely detailed in current permit as “due X days prior to permit expiration”.

Compliance Schedule Progress Report (See Section 7.2)

- Details IU compliance status with an activity specified in a compliance schedule.
- Typically due within 14 days after the activity deadline for completion; multiple progress reports required where multiple activities planned.

90-day Compliance Report (See Section 7.3)

- Details a CIU's compliance with a particular categorical pretreatment standard.
- For existing sources, due within 90 days after the compliance date specified for the particular categorical pretreatment standard.
- For new sources, due within 90 days of commencement of the affected discharge.

Periodic Compliance Reports (See Section 7.4 & Appendix G)

- Results from any self-monitoring performed by the SIU.
- Due every six months at a minimum; permit should be consulted for specific due dates and frequencies.

24 hour Notification (See Section 7.8)

- To inform the Control Authority of noncompliance detected during a SIU self-monitoring event.
- Due within 24 hours of the SIU's first awareness of the noncompliance.

Resampling Reports (See Section 8.2, Subsection 3 & Appendix H)

- Required where SIU self-monitoring indicates noncompliance.
- Due within 30 days after becoming aware of the violation.

Hazardous Waste Notification (See Section 7.9)

- Required of all IUs discharging hazardous waste to the control authority.
- One time notification due with updates as required as necessary.

Notice of Potential Problems (See Section 8.1, Subsection 1)

- Provided where an IU's discharge could cause problems to the WWF.
- Immediate.

Notice of Changed Discharge (See Section 8.1, Subsection 1)

- Provided where an IU is to undergo a substantial change in the volume or character of pollutants in their discharge to the Control Authority.
- Due prior to changed discharge.

Upset (See Section 8.1, Subsection 2)

- Required of CIUs where there is an exceptional, unintentional, and temporary noncompliance with categorical pretreatment standards.
- Due within 24 hours of becoming aware of the upset, with a written report due within 5 days.

Bypass (See Section 8.1, Subsection 4)

- Required of all SIUs to report intentional diversion of wastestreams from any portion of their pretreatment system.
- Due 10 days prior to planned bypass or within 24 hours of becoming aware of an unanticipated bypass with a written follow-up required in within 5 days.

Slug Discharge Control Plan (See Section 3.3 & Appendix B)

- Required of all SIUs that the Control Authority so determines; example format provided in
- Due as specified by the Control Authority.

Toxic organic management plan (TOMP) (See Section 4 & Appendix C)

- Required of certain CIUs that the Control Authority determines can implement a plan in lieu of monitoring for TTOs. Guidance provided in Appendix 9-D.
- Due as specified by the Control Authority.

Solvent management plan (SMP)

- Required of certain CIUs that the Control Authority determines can implement a plan in lieu of monitoring for TTOs.
- Due as specified by the Control Authority.

Control Authority specific

- e.g.: comments on permit, plans for pretreatment equipment, sludge management plans.
- Due as specified by the Control Authority.

SECTION 1

GENERAL PROVISIONS

Section 1: General Provisions

1.1 Purpose and Policy

Pursuant to Article 6 as amended, chapter 1-20.5, and St Lucie County Ordinance 10-012, SLCU establishes this Industrial Pretreatment Regulation, which sets forth uniform requirements for users of SLCU Wastewater Treatment Facilities. This Regulation enables SLCU to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code 1251 et seq.), the General Pretreatment Regulations (40 Code of Federal Regulations Part 403), and the Florida Administrative Code (Rule 62-625 FAC). The objectives of this regulation are:

- A. To prevent the introduction of pollutants into WWTFs and IWRF that will interfere with its operation;
- B. To prevent the introduction of pollutants into WWTFs and IWRF that will pass through WWTFs and IWRF, without adequately treatment and into receiving waters; or otherwise be incompatible with WWTFs and IWRF;
- C. To protect both SLCU personnel who may be affected by wastewater in the course of their employment and the general public;
- D. To promote reuse and recycling of biosolids from WWF;
- E. To provide for the equitable distribution of the IPP costs and impact to and on the WWTFs and IWRF; and
- F. To enable the District to comply with its DEP permits and NPDES permit conditions sludge use and disposal requirements and any other Federal or State laws to which the WWTFs are subject to comply with the terms of the Bulk Services Agreement and to comply with the terms of any other bulk wastewater treatment and disposal agreements entered into from time to time by the District with third party wastewater treatment and disposal providers Other Bulk Service Providers delivery of wastewater to the ("Other Bulk Service Providers") wastewater treatment and disposal systems ("Bulk WWTFs").

This regulation shall apply to all users of SLCU. The regulation authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except as otherwise provided herein, SLCU shall administer, implement, and enforce the provisions of this regulation. Any powers granted to or duties imposed upon SLCU may be delegated to SLCU personnel.

1.3 Abbreviations

BOD. Biochemical Oxygen Demand

COD. Chemical Oxygen Demand

DEP. Departmental of Environmental Protection

DOC. Demonstration of Compliance

EPA. Environmental Protection Agency

IPP. Industrial Pretreatment Program

IWS. Industrial Wastewater Surcharge

LEL. Lower Explosive Limit

NMF. Notice of Monthly Fine

NOSV. Notice of Significant Violation

NOV. Notice of Violation

NPDES. National Pollutant Discharge Elimination System

NSC. Notice to Show Cause

O&M. Operation & Maintenance

RCRA. Resource Conservation & Recovery Act

SLCU. St Lucie County Utilities

TSS. Total Suspended Solids

WWTF. Wastewater Treatment Facility

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this regulation, shall have the meanings hereinafter designated.

Act ("the Act"). The Federal Water Pollution Control Act also known as the Clean Water Act as amended 33USC1251 et seq

Approval Authority. The DEP or its successor agencies.

Authorized Representative of the User. Either:

1. The president, vice-president, secretary or treasurer or any other person who performs similar policy or decision-making functions for the User if the User is a corporation; or
2. A general partner, manager, or proprietor if the User is a partnership, limited liability company or sole proprietorship, respectively; or
3. The highest administrative official appointed or designated by a User to oversee the operation and performance of the activities of the User, or his designee, if the User is a Federal State or local governmental entity; or
4. A duly authorized representative of the person designated in subsections (1), (2), or (3) above if such authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facilities from which the discharge originates, and the written authorization is submitted to the control authority.

Biochemical Oxygen Demand ("BOD"). The quantity of oxygen utilized in the biochemical oxidation of organic matter.

Bypass. The intentional diversion of wastewater streams from any portion of an industrial user's treatment facility.

Categorical Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405—471, as amended.

CFR. Code of Federal Regulations, as amended.

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

Control Authority. The district and/or the FPUA or other bulk service providers, as applicable.

Department of Environmental Protection ("DEP"). The Department of Environmental Protection of the State of Florida.

Discharge. To deposit, place, emit, unload, release, or cause or allow to be disposed of, deposited, placed, emitted, unloaded,

or released.

Domestic Waste. Any superfluous solid, liquid, or gaseous material derived principally from the use of sanitary conveniences of residences (including apartments); wastewater produced from a noncommercial or nonindustrial source.

District. The St. Lucie County Water and Sewer District.

Environmental Protection Agency ("EPA"). The United States Environmental Protection Agency.

Existing Source. Any source of discharge, the construction or operation which commenced prior to the publication by EPA of proposed categorical pretreatment standards.

F.A.C. Florida Administrative Code, as amended.

FPUA. The Fort Pierce Utilities Authority.

Grab Samples. A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

Indirect Discharge. The introduction of pollutants into the WWTFs, IWRP or other bulk WWTFs from any non-domestic source regulated under sections 307 (b), (c), and (d) of the act and F.S. Ch. 403.

Industrial User ("IU"). Any user discharging industrial wastewater into the WWTFs, IWRP or bulk WWTFs.

Industrial Wastewater. Food waste, other waste, or any superfluous solid, liquid, or gaseous material resulting from manufacturing, industrial, or commercial processes, or from natural resource development, recovery, or processing.

Industrial Wastewater Surcharge. An additional service charge assessed against industrial users whose wastewater characteristics exceed established surcharge limits.

Industrial Wastewater Discharge Permit ("permit"). Written authorization from the control authority to discharge industrial wastewater to the WWTFs, IWRP or bulk WWTFs, setting certain conditions and/or restrictions on such discharge.

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

Interceptors (separators, grease traps). Any device designed and installed to separate and retain floatable deleterious, hazardous, and/or undesirable matter from sewage or liquid wastes, and to discharge into a WWF by gravity.

Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

1. Inhibits or disrupts the WWTFs, IWRP or bulk WWTFs, their treatment processes or operations, or its domestic wastewater residuals processes, use or disposal; and
2. Is a cause of a violation of any requirement of the NPDES permit held by the control authority (including an increase in the magnitude or duration of a violation) or prevents use or disposal of domestic wastewater residuals in compliance with local regulations or rules of DEP, F.S. Ch. 403, and all applicable federal laws.

Medical Waste. Wastes including, but not limited to, isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

New Source.

1. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed pretreatment standards prescribed under Section 307(c) (33 U.S.C. 1317) of the act which will be applicable to such source, if the standards are thereafter promulgated in accordance with that section, provided that:

- a) The building, structure, facility or installation is constructed at a site at which no other source is located; 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, will 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 subsection has commenced if the owner or operator has:
 - a. Begun, or caused to begin as part of a continuous onsite 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 subsection.

Non-contact cooling water. Water usage for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product, to which the only pollutant added is heat.

NPDES Permit. A permit issued pursuant to Section 402 of the act (33 U.S.C. 1342).

Pass Through. A discharge which exits the WWTFs, IWFR or bulk WWTFs into the waters of the State or 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 regulatory requirement of the WWF's NPDES permit (including an increase in the magnitude or duration of a violation).

Person. Individual, corporation, firm, company, joint venture, partnership, sole proprietorship, association, or any other legal business entity, any state or political subordinate thereof, any municipality, any interstate body and any department, agency, or instrumentality of the United States and any officer, agent, or employee thereof, and any organized group of persons whether incorporated or not.

pH. The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter (g/L) of solution.

Pollutant. Any dredged spoil, medical waste, solid waste, incinerator residue, garbage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant

properties in wastewater prior to or in lieu of discharging or otherwise introducing such Pollutants into the WWTFs, IWRF or Bulk WWTFs. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Rule 62-625.410(5), F.A.C., appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities for protection against surges or slug discharges that might interfere with or otherwise be incompatible with the wastewater facilities. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Rule 62-625.410(6), F.A.C.

Pretreatment Requirement. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

Pretreatment Standard. For any specified pollutant, the prohibitive discharge standards as set forth in this article, the State of Florida's Pretreatment Standards, or the National Categorical Pretreatment Standards, whichever standard is the most stringent.

Prohibited Discharges. Absolute prohibitions against the discharge of certain substances.

RCRA. Resource Conservation and Recovery Act.

Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

Sewer. Means a pipe or conduit designed for carrying or transmitting wastewater, including, but not limited to, gravity sewers, force mains and low pressure mains.

Significant Industrial User. Except as provided in subsection (3) below, means the following:

1. An industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C. and 40 CFR Chapter I, Subchapter N which has been adopted by reference in Chapter 62-660, F.A.C.; or
2. An industrial user that:
 - a. Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of process wastewater to the WWTFs, IWRF, bulk WWTFs, (excluding domestic wastewater, non-contact cooling, and boiler blowdown wastewater); or
 - b. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the WWTFs, IWRF or bulk WWTFs; or
 - c. Is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the WWTFs, IWRF or bulk WWTFs' operation or for violating any pretreatment standard or requirement in accordance with Rule 62-625.500(2)(e), F.A.C.
3. Upon a finding that an industrial user meeting the criteria in subsection (2) above has no reasonable potential for adversely affecting the WWTFs', IWRF's or bulk WWTFs' operation or for violating any pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with Rule 62-625.500(2)(e), F.A.C., determine that such industrial user should not be considered a significant industrial user.

Significant Noncompliance ("SNC"). Any one or more of the following:

1. Violations of wastewater discharge limits:
 - a. Chronic violations. Sixty-six (66) percent or more of the measurements exceed the same daily maximum limit or the same average limit in a six-month period (any magnitude of excess).

- b. Technical review criteria (TRC) violations. Thirty-three (33) percent or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six-month period.
 There are two (2) groups of TRCS:
 Group I for conventional pollutants (BOD, TSS, fats, oil, and grease) TRC = 1.4
 Group II for all other pollutants TRC = 1.2
 - c. Any other violation(s) of an effluent limit (average or daily maximum) than the control authority believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through; or endangered the health of the sewage treatment personnel or the public.
 - d. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the control authority exercising its emergency authority to halt or prevent such a discharge.
2. Violations of compliance schedule milestones, contained in a permit or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.
 3. Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety-day compliance reports, and periodic reports) within thirty (30) days from the due date.
 4. Failure to accurately report non-compliance within thirty (30) days of its occurrence.
 5. Any other violation or group of violations that the control authority considers to be significant.

Sludge. Any solid or semisolid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

Slug. Any non-routine discharge of water, wastewater or industrial waste at a flow rate or concentration which could cause interference with the WWF and a violation of the prohibited discharge standards in section 1-20.5-82 of the Code.

Standard Industrial Classification ("SIC") code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

Stormwater. Any flow occurring during or following any form of natural precipitation and resulting from such precipitation.

Superintendent.

Suspended solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

Upset. An exception incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user.

User. A wastewater utility customer of the district.

Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial, medical and manufacturing facilities, and institutions, whether treated or untreated, which are discharged into a WWF.

Wastewater Facility ("WWF"). Collectively, the district's structures, sewers, equipment, and processes required to collect, carry away, and transmit wastewater and the WWTFs, IWRF and bulk WWTFs, as applicable.

SECTION 2

GENERAL SEWER USE REQUIREMENTS

Section 2: General Sewer Use Requirements.

2.1 Non-Residential Wastewater Discharge Survey

The St Lucie County Utilities District is required by Ordinance number 10-012 to conduct an Industrial Survey of non-residential customers discharging a waste stream into the County's wastewater collection system. (See Appendix A) The reason for this survey is to determine if any waste stream being introduced into the County's wastewater collection system that might be detrimental to the normal treatment process at the wastewater treatment facility. Survey must be completed and signed by an authorized representative of the industrial user then return to the Utilities for review. The Utilities will determine if the Industrial User requires filling out a Permit Application / Wastewater Survey.

2.2 Prohibited Discharge Standards.

No user shall discharge into the WWF any pollutant, wastewater or septic tank waste which may cause pass through or interference with the operation or performance of the WWF in accordance with Rule 62-625.400(1)(a), F.A.C.. No user shall discharge into the WWF any of the following in accordance with Rule 62-625.400(2), F.A.C.:

- a. Toxic or poisonous substances, chemical elements or compounds, taste or odor-producing substances, or any other substances which are not amenable to treatment or reduction by the wastewater treatment processes employed by the WWTF, IWRF or bulk WWTF. Toxic pollutants shall include, but not be limited to, any pollutant identified pursuant to 40 CFR Part 116 (4).
- b. Noxious, or malodorous solids, liquids, or gases or other wastewater which, either singly, or by interaction with other waste or wastewater (a) are capable of creating public nuisance or hazard to human or animal life (b) are or may be sufficient to prevent entry into a sewer for its maintenance, inspection, or repair or (c) may create any hazard in the receiving waters of the WWF.
- c. Liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or to its operation. Prohibited materials include but are not limited to, petroleum oil and non-biodegradable cutting oil, pollutants with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit [sixty (60) degrees Centigrade], using the test method specified in ASTM Standard D-93-79 or D-93-80k or as specified in ASTM Standard D-3278 and Pollutants which cause an excess of ten (10) percent of the lower explosive limit (LEL) at any point in the WWF. Specific products include, but are not limited to: gasoline, kerosene, fuel oil, motor oil, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides or any other substance which the control authority, the State of Florida or its subdivisions and agencies, or any federal agency has determined is a fire hazard or a hazard to the WWF.
- d. Radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by regulations within the F.A.C. issued by the Florida Department of Health and Rehabilitative Services and which will or may cause damage or hazards to the WWF or its operating personnel.
- e. Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool discharges, uncontaminated cooling water, unpolluted industrial process waters, air-conditioning condensate, unless specifically authorized by the control authority in writing.
- f. Domestic wastes from septic tanks, portable toilets, on-site wastewater systems or other similar facilities, unless approved by the control authority in writing. Such discharges shall only be made at a site approved by the control authority.
- g. Mineral oil in excess of one hundred (100) mg/L or animal/vegetable fats, wax, grease, or oils in excess of seventh-five (75) mg/L, whether emulsified or not; or substances which may solidify or become viscous at temperatures lower than or equal to one hundred fifty (150) degrees (150 degrees Fahrenheit).

- h. All trucked or hauled pollutants are prohibited except at discharge points designated by the control authority.
- i. Inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such concentrations as to pass through or cause interference with the operations of the WWF.
- j. Waste or wastewater having a pH lower than five (5) exhibiting any corrosive property which either singly or by interaction with other wastes is capable of causing damage or hazard to structures, processes, equipment, or personnel of the WWF.
- k. Waste or wastewater having a pH higher than ten (10) which either singly or by interaction with other wastes is capable of causing damage or hazard to structures, processes, equipment or personnel of the WWF.
- l. BOD, COD, or chlorine in such concentration and/or flow as to constitute a significant load on or shock to the WWF or cause interference.
- m. Volume of flow or concentrations of wastes constituting "slugs" as defined herein.
- n. Liquid or vapor having a temperature higher than one hundred thirty degrees Fahrenheit (130°F), which will inhibit biological activity in the treatment plant resulting in Interference, or that causes influent temperature to the WWF to exceed one hundred four degrees Fahrenheit (104°F.), except where higher temperatures are required by law.
- o. Solid or viscous substances in such quantities or of such size as to be capable of causing obstruction to the flow in a sewer, or other interference with the proper operation of any connected system, such as but not limited to: ordinances greater than one-half-inch in any dimension, grease, uncomminuted food wastes, animal entrails or tissues, paunch manure, bones, hair, hides or fleshings, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains or hops, waste paper, wood plastics, rubber stoppers, tar asphalt residues from refining or processing of fuel or lubricating oil, gasoline, naphtha, and similar substances either whole or ground.
- p. Excessive discoloration which can not be removed by the treatment process, such as but not limited to dye, printing wastes, and vegetable tanning solutions which imparts color to the WWF effluent thereby violating the NPDES permit held by a control authority.
- q. Medical wastes, except as specifically authorized by the control authority in writing.
- r. Detergents, surface-active agents, or other substances which may cause excessive foaming in the WWF.
- s. Any sludges, screenings, or other residuals from the pretreatment of industrial wastes.
- t. Toxic gases, vapors, or fumes in a quantity that may cause acute worker health and safety problems.
- u. Waste or wastewater that contains more than two thousand (2,000) ppm total solids.
- v. Water or wastewater that contains substances in excess of the standard strength for wastewater as defined

	Standard strength	Maximum allowable
B.O.D.	250 mg/l	1,000 mg/l
Suspended solids (SS)	250 mg/l	1,000 mg/l

2.3 Compliance with national and local standards.

It shall be unlawful for any person to discharge any pollutant into the WWF except when the such discharge is in compliance with federal standards promulgated pursuant to the act [Rule 62-625.500(2)(a)2c, F.A.C.], and any other more stringent state and local standards. Wastes containing concentrations in excess of the National Categorical Pretreatment Standards are prohibited.

2.4 Local pretreatment standards.

Any wastes containing concentrations in excess of the following local pretreatment standards are prohibited:

FPUA Local Limits approved March 27, 2006		
Effective May 5, 2006		
POLLUTANT	MAX DAILY LIMIT	
BOD	1000	mg/L
TFOG	75	mg/L
TSS	1000	mg/L
TS	2000	mg/L
H ₂ S	10	mg/L
COD	1000	mg/L
ARSENIC	0.34	mg/L
CADMIUM	0.12	mg/L
CHROMIUM	12.7	mg/L
COPPER	3.11	mg/L
CYANIDE	0.58	mg/L
LEAD	0.74	mg/L
MERCURY	0.06	mg/L
NICKEL	2.57	mg/L
SILVER	3.17	mg/L
ZINC	2.67	mg/L
SELENIUM	1.99	mg/L
pH	5 - 10	S.U.

The above limits apply at the point where the wastewater is discharged to the WWF. The control authority may impose mass limitations, instantaneous maximum limitations, maximum monthly average values, or maximum four-day average values, in addition to, or in place of, the limitations listed above in accordance with [Rule 62-625.400(3)(a) and (b), F.A.C.].

2.5 Right of revision.

The district authorizes FPUA and each other bulk service provider to establish, by ordinance or in permits, more stringent limitations or requirements on discharges to the WWF if deemed necessary, and such more stringent limitation or requirements shall be automatically incorporated into and made a part of the Code.

2.6 Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with the limitations unless expressly authorized by an applicable federal categorical pretreatment standard [Rule 62-625.410(5), F.A.C.], or in any other pollutant-specific limitation developed by the state. The control authority may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

2.7 Septic tank waste hauling.

- a. Septic tank waste may be introduced into the WWF only at an approved septic receiving station located at a WWF as provided below.
- b. Any septage hauler shall have a discharge permit issued under conditions specified in [Section 1-20.5-84](#) of the Ordinance Code 10-012 and Rule 62-625.400(2)(h), F.A.C..
- c. No hauled load may be discharged without prior written consent from the control authority. Samples may be collected from each load to ensure compliance with applicable standards. The septage hauler may be required to provide waste analysis of any load prior to discharge.
- d. Septage haulers must provide a waste tracking form for every load. The form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, volume and characteristics of waste. This form shall identify the type of industry known or suspected waste constituents and whether any wastes are RCRA hazardous wastes.

2.8 Control of discharge.

If any wastes or wastewaters are discharged, or are proposed to be discharged, to the WWF which contain the substances or possess the characteristics enumerated in [Section 1-20.5-82 of the Ordinance Code 10-012](#) as prohibited by the Code, does not meet applicable pretreatment standards and requirements, and/or which may have a deleterious effect upon the WWF, its processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the control authority may:

- a. Reject the wastes or deny or condition the introduction of new sources of wastewater to the WWF;
or
- b. Require the user to demonstrate that in-plant improvements will modify the discharge to such a degree as to be acceptable; and/or
- c. Require pretreatment of the user's discharge to ensure compliance with this article; and/or
- d. Require payment of an industrial waste surcharge to cover the added cost of handling and treating excess loads imposed on the WWF by such discharge. Approval of industrial waste surcharges for the recovery of treatment costs does not replace or supersede the requirements for pretreatment facilities, should they be found necessary by the control authority.

SECTION 3

PRETREATMENT OF WASTEWATER

Section 3: Pretreatment of Wastewater

3.1 Pretreatment facilities.

Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in this article within the time limitations specified by EPA, or the State of Florida, whichever is more stringent. Any pretreatment facility shall be provided, operated, and maintained at the user's sole cost and expense. Detailed plans prepared by a registered engineer in the State of Florida describing such facilities and operating procedures must be approved in writing by the control authority before such facilities are constructed. The review and approval of such plans and operating procedures shall not relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge in compliance with the Code and accordance with Rule 62-625.500(2)(a)3a, F.A.C.

3.2 Additional Pretreatment Measures.

- a. Whenever deemed necessary, the control authority may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the WWF and determine the user's compliance with the requirements of the Code.
- b. The control authority may require any person discharging into the WWF to install and maintain, on their property and at their sole cost and expense, a suitable storage and flow-control facility to ensure equalization of flow. A permit may be issued solely for flow equalization.
- c. Grease, oil, and sand interceptors shall be provided when, in the opinion of the control authority, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved in writing by the control authority and shall be installed at a location on the premises to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. Users shall provide all reports of interceptor maintenance as required by the control authority and in accordance with **Chapter 1-20.5 Ordinance 10-012 and Ordinance 90-45 pt A**. SLCU will inspect a minimum of once a year or if lift station/wastewater plant indicates that there has been an illegal discharge.
- d. Users with the potential to discharge flammable substances shall be required to install and maintain an approved combustible gas detection meter.

3.3 Accidental Discharge/Slug Control Plans.

At least once every two (2) years, the control authority shall evaluate whether to require each user to adopt an accidental discharge/Slug control plan. Alternatively, the control authority may develop such a plan for any user. An accidental discharge/Slug control plan shall address, at a minimum, the following in (**See Appendix B Spill/Slug Discharge Control Plan**) accordance with Rule 62-625.500(2)(b)6, F.A.C.:

- a. Description of discharge practices, including non-routine batch discharges;
- b. Description of all stored chemicals;
- c. Procedures for immediately notifying the control authority of any accidental or slug discharge in accordance [with Section 1-20.5-85 of the Ordinance Code 10-012](#); and
- d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include,

but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

SECTION 4

PREPARATION OF A TOXIC ORGANIC MANAGEMENT PLAN

Section 4: Preparation of a Toxic Organic Management Plan

4.1 Process engineering analysis

1. A process engineering analysis should be conducted to determine the source and type of toxic organic compounds found in a facility's wastewater discharge, including sources and compounds that could reasonably be expected to enter the wastewater in the event of spills, leaks, etc., based on the type of operations conducted at a particular plant. Such an analysis should be based on the results of one or more analyses of the plant's wastewater for the toxic organic pollutants which are included in the definition of TTO for that industrial category and which can reasonably be expected to be present (see TTO monitoring guidance). The process engineering analysis should include: As previously discussed, one alternative to routine TTO monitoring is the preparation of a toxic organic management plan (TOMP) (See **Appendix C Toxic Organic Management Plan Sample**). This option is available to regulated industrial users in the Electroplating, Metal Finishing, and Electrical and Electronic Components (both Phase I and Phase II) categories.
2. A TOMP must specify the toxic organic compounds used, the method of disposal used, (instead of discharge into waste streams), and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the POTW. Guidelines for preparation of a TOMP are presented below as four basic steps.
 - a. An examination of published reports on the specific industry;
 - b. A waste flow diagram to identify all possible wastewater sources;
 - c. A list of raw materials used in the industrial processes, including chemical additives, water treatment chemicals and cleaning agents, and the wastewater stream that each regulated toxic organic could potentially enter;
 - d. Comparison of the toxics found in the effluent with the list of raw materials and selection of the most probable wastewater source;
 - e. Evaluation of the toxics found in the effluent, but not on the raw materials list and determination of those formed as reaction products or by-products;
 - f. Examination of sources such as equipment corrosion or raw materials' impurities that could result in release to wastewater of toxic organic pollutants.

4.2 Pollutant Control Evaluation

1. An evaluation should be made of the control options that could be implemented to eliminate the toxic compound(s) or the source or potential source of toxic organic compound introduction to the treatment system. This may include in-plant modifications, solvent or chemical substitution, partial or complete recycle, reuse, neutralization, and operation changes. The analysis should be conducted on a case-by-case basis and will often result in one or more feasible options to control each source or potential source of toxic pollutant discharge. Finally, evaluation of the available control options, including the advantages and disadvantages of each, may lead to a decision of whether a TOMP is a feasible alternative to TTO monitoring.

4.3 Preparation of Toxic Organic Management Plan

1. A toxic organic management plan should include the following items at a minimum
 - a. A complete inventory of all toxic organic chemicals in use or identified through sampling and analysis of the wastewater from regulated process operations (organic constituents of trade name products should be obtained from the appropriate suppliers as necessary);

- b. Description of the methods of disposal other than dumping used for the inventoried compounds, such as reclamation, contract hauling, or incineration;
- c. The procedures for ensuring that the regulated toxic organic pollutants do not spill or routinely leak into process wastewater, floor drains, noncontact cooling water, groundwater, surface waters (i.e., Spill Prevention, Control, and Countermeasures (SPCC) Plan) or any other location which allows discharge of the compounds;
- d. Determinations or best estimates of the identities and approximate quantities of toxic organic pollutants used as well as discharged from the regulated manufacturing processes. Compounds present in wastestreams that are discharge to sanitary sewers may be a result of regulated processes or disposal, spills, leaks, rinse water carryover, air pollution control, and other sources

4.4 Submission of Toxic Organic Management Plan and Certification Statement

1. The TOMP should be submitted to the Control Authority at the time the baseline monitoring report is required if the IU's initial election is to choose this option. Alternatively, an IU may submit a TOMP at any later time and request that TTO monitoring requirements be discontinued upon approval and implementation of the TOMP. A prerequisite for use of this certification approach is a fully approved, implemented, and ongoing toxic organic management plan. In addition, a certification statement must be included at the time of submission of the TOMP and with each subsequent IU (i.e., semi-annual compliance report). It must be signed by an officer of the company or manager responsible for overall plant operations. A statement such as the following should be required.

"Based on my inquiry of the person or persons directly responsible for managing compliance with the TTO limitations, I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewater has occurred since filing of the last report. I further certify that this facility is implementing the toxic organic management plan submitted to the Control Authority on [DATE]."

[DATE]

[SIGNATURE OF OFFICIAL]

If the IU is unable to make the above certification statement, the IU should notify the Control Authority sixty (60) days prior to the due date for filing the compliance reports. At that time, the Control Authority should determine the appropriateness of requiring sampling and analysis for specific toxicants and notify the IU accordingly.

SECTION 5

INDUSTRIAL WASTEWATER DISCHARGE PERMIT ELIGIBILITY

Section 5: Industrial Wastewater Discharge Permit Eligibility

5.1 Application for Discharge Permit.

- a. No industrial user shall discharge wastewater into the wastewater facility without first applying for a discharge permit. The control authority may require all other users to obtain permits as necessary to carry out the purposes of this article. Any violation of the terms and conditions of a permit shall be deemed a violation of the Code and shall subject the permittee to sanctions set out in sections 1-20.5-88 and 1-20.5-89 of the Ordinance 10-012. Obtaining a permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.
- b. All prospective industrial users must submit to the control authority the application fee and information on the nature and characteristics of their wastewater by completing a permit application / wastewater survey (**See Appendix D Permit Application/Wastewater Survey**) at least one hundred and ninety (190) days prior to the date upon which any discharge will begin. The control authority is authorized to prepare a form for this purpose and may periodically require users to update the survey. Information to be provided with the survey may include description of the industrial activity, specifications of the constituents inherent to the processes and wastes, identification of the wastewater characteristics, plumbing diagrams, location of sampling points, number of employees and hours of operation, and any other information deemed necessary by the control authority to evaluate the permit application. Failure to complete this survey shall be reasonable grounds for terminating service to the user and shall be considered a violation of the Code.
- c. Within sixty (60) days of receipt of a complete permit application, the control authority will determine whether or not to issue a permit. The control authority may deny any application for a permit.

5.2 Application Signatories and Certification.

All permit applications and user reporting must be signed by an authorized representative of the user 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."

All categorical industrial users must comply with the signatory requirements of Rule 62-625.600(11) F.A.C.

SECTION 6

WASTEWATER DISCHARGE PERMIT ELIGIBILITY

Section 6: Wastewater Discharge Permit Process.

6.1 Permits Cost:

Permit shall be expressly subject to all provisions of this article and all other applicable regulations. The cost of said permit shall be incurred by the User in accordance with the fee schedule as set forth in [section 1-20.5-89 of the Ordinance Code 10-012](#).

6.2 Permit Duration:

Duration shall not exceed five (5) years from the date of issuance and upon expiration of same, a renewal permit may be issued which shall be effective for an additional five (5) years provided that the conditions of the existing permit have not changed and the appropriate renewal fees have been paid. The permit shall be displayed by the user in a location at the permitted facility so as to be seen and read by the general public in accordance with Rule 62-625.500(2)(b)2, F.A.C.

6.3 Permits Contents:

Shall contain at a minimum in accordance to Rule 62-625.500(2)(b)2, F.A.C., (See Appendix E Industrial Wastewater Discharge Permit)

a. **Permit must contain:**

1. A statement that indicates permit duration;
2. A statement of non-transferability;
3. Pretreatment standards and effluent limits applicable to the user based on applicable standards in federal, state, and local law;
4. Self monitoring, sampling, reporting, notification, and record keeping requirements to include identification of pollutant(s) to be monitored, sample location(s), sample frequency, and sample type;
5. Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements

b. **Permits may contain** the following additional conditions:

1. The unit charge or schedule of user charges and fees for management of the wastewater to be discharged to the WWF;
2. Limits on the instantaneous, daily, monthly average and/or four-day maximum concentration, mass, or other measure of identified wastewater constituents and characteristics;
3. Limits on the average and/or maximum rate and time of discharge and/or requirements for flow regulations and equalization;
4. Requirements for installation and maintenance of inspection facilities, and flow metering and sampling equipment;
5. Requirements for the installation of pretreatment technology, pollution control, or construction of

appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the WWF;

6. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
7. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the WWF;
8. A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the permit;
9. Other conditions as deemed appropriate by the control authority to ensure compliance with the Code, and federal and state laws, rules, and regulations.

6.4 Compliance Schedules.

If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the user shall submit to the control authority for approval and incorporation in the permit the shortest schedule by which the user is to provide additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards. The compliance schedule shall meet the requirements set out in [section 1-20.5-85 of the Ordinance Code 10-012](#).

6.5 Permit Transfer.

Permits are issued to a specific user for a specific operation. A permit may not be reassigned, transferred or sold to a new owner or new user unless the permittee gives at least ninety (90) days' advance written notice to the control authority and the control authority approves the permit transfer. The notice to the control authority shall include a written certification by the new owner and/or user that:

- a. States that the new owner and/or user has no immediate intent to change the facility's operations and processes;
- b. Identifies the specific date on which the transfer is to occur;
- c. Acknowledges full responsibility for complying with the terms and conditions of the existing permit.
- d. Failure to provide advance notice of a transfer renders the permit voidable on the date of facility transfer.

6.6 Permit Modification.

Permits may be modified by the control authority for good cause including, but not limited to the following:

- a. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- b. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of permit issuance;
- c. A change in the WWF that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. Information indicating that the permitted discharge poses a threat to the WWF, the control authority's personnel, or the receiving waters;
- e. Violations of any terms or conditions of the permit;
- f. Misrepresentations or failure to fully disclose all relevant facts in the Permit application or in any required reporting;
- g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13 and Rule 62-625.700, F.A.C.;
- h. To correct typographical or other errors in the permit;
- i. To reflect a transfer of the facility ownership and/or operation to a new owner/operator if approved by the control authority; or
- j. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.
- k. User requests for permit modifications shall be made in writing and include facts or reasons which support the request. When modifying a permit, the control authority shall allow a reasonable time frame for the user to comply with the new or changed conditions if the user cannot meet them at the time of the modification and if permitted by law. If the new or changed conditions are the result of new or changed pretreatment regulations, those regulations will stipulate the compliance period. The filing of a request by the permittee for a permit modification does not stay any permit condition.

6.7 Permit Revocation.

Permits may be revoked for the following reasons:

- a. Failure to notify the control authority of significant changes to the wastewater prior to the changed discharge.
- b. Failure to provide prior notification to the control authority of changed condition pursuant to [section 1-20.5-85 of the Ordinance Code 10-012](#).
- c. Misrepresentation or failure to fully disclose all relevant facts in the Permit application.
- d. Falsifying self monitoring reports.
- e. Tampering with monitoring equipment.
- f. Refusing to allow the control authority timely access to the facility premises and records.

- g. Failure to meet effluent limitations.
- h. Failure to pay penalties.
- i. Failure to pay sewer charges.
- j. Failure to meet compliance schedules.
- k. Failure to provide advance notice of the transfer of a permitted facility.
- l. Violation of any pretreatment standard or requirement, or any terms of the permit or the Code.
- m. Indication that the discharge presents a threat to the environment or threatens to interfere with the operation of the WWF. Permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership (except as addressed herein). All permits are void upon the issuance of a new permit.

6.8 Appeal of Permit Revocation.

- a. Authorization to discharge industrial waste into the WWF shall continue in effect unless or until rescinded by the control authority in writing. In the event that the control authority revokes the authorization of any user to discharge wastes into the WWF, notification of such revocation shall be delivered to the user by certified mail or by hand delivery.
- b. Any system user whose authorization to discharge has been revoked may appeal the decision of the control authority. The appeal shall be sent in writing by certified mail, return receipt requested, to the control authority's code enforcement department within fifteen (15) days of receipt of the control authority's notification to cease discharge.
- c. The code enforcement department may affirm, reverse, or modify the order of the control authority and shall issue its decision in writing. The control authority's order to cease discharge of wastes into the WWF shall not become effective until the period for appeal has expired, or in the event that an appeal has been filed, until the code enforcement department has rendered a decision, unless the control authority has made a finding that continued discharge by the user into the WWF constitutes a clear and present danger to the operations of the WWF or to the health of the public, or to the environment. Any such finding shall be included in the control authority's notification to cease discharge, and in such event, the revocation of authorization to discharge wastes shall become effective immediately

6.9 Permit Renewal.

All permittees must apply for a permit renewal a minimum of ninety (90) days prior to the expiration of the existing permit. The reapplication for a permit shall consist of a written request for reissuance of the permit. The request shall state if all terms and conditions of the existing permit and Code are complied with and must be signed by an authorized representative of the user.

6.10 Permit fees and penalties

- a. Permit application and renewal fee.

Initial Permit	\$1,100.00 per year
Renewal Permit	\$900.00 per year
Fine Amount for pH, BOD, TSS Violations	\$250.00 Minimum

Analytical Fees	On a permit by permit basis
Plus applicable fees by other control agencies on a pass through basis.	

b. Other fees and penalties are listed under [section 1-20.5-88 the Ordinance Code 10-012](#), Enforcement actions.

c. Industrial waste surcharge rates shall be as listed below:

BOD = \$0.20/lb

TSS = \$0.20/lb

Oil and Grease = \$7.30/lb

Plus applicable fees by other control agencies on a pass through basis

Monthly surcharges shall be calculated as follows

$$IWS = 8.34 (V) (\$0.20x(BOD-250) + \$0.20y(TSS-250) + \$7.30z(OG-75))$$

IWS = Monthly industrial surcharge rate

V = Volume of industrial flow in million gallons per month based on metered water.

BOD = Biochemical Oxygen Demand in mg/L.

TSS = Total Suspended Solids in mg/L.

OG = Oil and grease in mg/L.

X = Capital and operating costs per pound of BOD greater than 250 mg/L.

Y = Capital and operating costs per pound of TSS greater than 250 mg/L.

Z = Capital and operating costs per pound of oil and grease greater than 75 mg/L.

d. Any person who violates a provision of this Code shall be prosecuted in the name of the State of Florida in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof, and upon conviction shall be punished by a fine to be determined by the control authority for each offense or by imprisonment not to exceed sixty (60) days or by both such, fine and imprisonment. If a violation continues, each day of such violation shall constitute a separate offense.

e. Any person who knowingly makes any false statement, representation or certification in any record or other document submitted under this Code shall be subject to fines to be determined by the control authority per violation or by imprisonment for not more than sixty (60) days, or both.

f. The control authority may revise the permit fees and penalties from time to time by resolution

6.11 Special Agreements.

The district reserves the right to enter into special agreements with the FPUA and other bulk service providers setting out special terms under which they may discharge to the WWF. In no case will a special agreement waive compliance with a categorical pretreatment standard or requirement.

6.12 Regulation of Discharge from other Jurisdictions.

In the event another jurisdiction or municipality contributes all or a portion of its wastewater to another bulk service provider to discharge to the WWF, the control authority to whom the other jurisdiction or municipality contributes wastewater shall require the jurisdiction or municipality to enter into a multi-jurisdictional agreement with the control authority. Prior to entering into a multi-jurisdictional agreement, the control authority may request the contributing jurisdiction provide the following information:

a. A description of the quality and volume of the wastewater(s) at the point where it enters the WWF from the contributing jurisdiction.

- b. An inventory of all industrial users within the contributing jurisdiction.
- c. Such information as may be required by the other jurisdiction.

A multi-jurisdictional agreement as required above shall contain the following conditions:

1. A requirement for the contributing jurisdiction to adopt an ordinance which is at least as stringent as the Code and local limits which are at least as stringent as those set out in subsection (4) for those users that discharge to the WWF. The requirement shall specify that the ordinance and limits must be revised as necessary to reflect changes made to this Code.
2. A requirement for the contributing jurisdiction to submit a revised industrial user inventory on at least an annual basis.
 - a. Conduct pretreatment implementation activities including industrial user permit issuance, inspection and sampling, and enforcement; or
 - b. Authorize the control authority to take or conduct the activities on its behalf.
3. A requirement for the contributing jurisdiction to:
4. A requirement for the contributing jurisdiction to provide the control authority with access to all information that the contributing jurisdiction user or municipal user obtains as part of its pretreatment activities associated with the WWF.
5. Limits on the nature, quality, and volume of the contributing jurisdiction wastewater at the point where it discharges to the WWF.
6. Requirements for monitoring the discharge.
7. A provision ensuring the control authority access to the facilities of users located within the contributing jurisdiction's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the control authority.
8. A provision specifying remedies available for breach of the terms of the multi-jurisdictional agreement.

6.13 Permit Appeals Process

- a. Appeals Process may be used when:
 1. An applicant has made three good faith attempts at providing a complete application pursuant to Section 4.1; or
 2. SLCU denies a permit pursuant to Section 5.7; or
 3. A permit applicant or holder disputes a decision by SLCU to impose, modify, or add permit limitations or conditions as authorized under Section 5.3 & 5.6.

SECTION 7

REPORTING REQUIREMENTS

Section 7: Reporting Requirements

7.1 Baseline Monitoring Reports. [62-62.600(1),F.A.C.]

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 Rule 62-625.410(2)(d), F.A.C., whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the WWF shall submit to the control authority a report which contains the information listed numerically below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the control authority a report which contains the information listed numerically below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged. (See **Appendix F Baseline Monitoring Report**)

1. **Identifying information.** The name and address of the facility, including the name of the operator and owner.
2. **Environmental permits.** A list of any environmental control permits held by or for the facility.
3. **Description of operations.** A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the WWF from the regulated processes.
4. **Flow measurement.** Information showing the measured average daily and maximum daily flow, in gallons per day, to the WWF from regulated process streams and other streams, as necessary to allow use of the combined waste stream formula set out in Rule 62-625.410(6), F.A.C.
5. **Measurement of pollutants.**
 - a. The categorical pretreatment standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the control authority, 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 1-20.5-85 of the Ordinance Code 10-012](#).
 - c. Sampling must be performed in accordance with procedures set out in subsection [1-20.5-85\(k\) Ordinance Code 10-012](#).
6. **Certification.** A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
7. **Compliance schedule.** If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this SECTION must meet the requirements set out in subsection [1-20.5-85\(b\) of the Ordinance Code 10-012](#) and in accordance with Rule 62-625.600(3) F.A.C.

8. **Signature and certification.** All baseline monitoring reports must be signed and certified in accordance with subsection [1-20.5-84\(b\) of the Ordinance Code 10-012](#).

7.2 Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by sections [1-20.5-84](#) and [1-20.5-85 of the Ordinance Code 10-012](#) and accordance to Rule 62-625.600(2) F.A.C.

- a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- b. No increment referred to above shall exceed nine (9) months;
- c. The user shall submit a progress report to the control authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- d. In no event shall more than nine (9) months elapse between such progress reports to the control authority

7.3 Reports on compliance with categorical pretreatment standard deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of the new source following commencement of the introduction of wastewater into the WWF, any user subject to such pretreatment standards and requirements shall submit to the control authority a report containing the information described in [section 1-20.5-85 of the Ordinance Code 10-012](#). For users subject to equivalent mass or concentration limits established in accordance with the procedures in Rule 62-625.410(4), F.A.C., this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection [1-20.5-84\(b\) of the Ordinance Code 10-012](#).

7.4 Periodic compliance reports.

1. All significant industrial users shall, at a frequency determined by the control authority but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with subsection [1-20.5-84\(b\) of the Ordinance Code 10-012](#). (See Appendix G Period Compliance Report)
2. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
3. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than

required by the control authority, using the procedures prescribed in subsection [1-20.5-85\(k\) of the Ordinance Code 10-012](#), the results of this monitoring shall be included in the report.

7.5 Reports of changed conditions.

1. The control authority may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the resubmission of a industrial wastewater survey & discharge permit application under [section 1-20.5-84 of the Ordinance Code 10-012](#).
2. The control authority may issue a permit under [section 1-20.5-84 of the Ordinance Code 10-012](#) or modify an existing permit in response to changed conditions or anticipated changed conditions.
3. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty-five (25) percent or greater, and the discharge of any previously unreported pollutants.

7.6 Reports of potential problems

1. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the control authority, the user shall immediately telephone and notify the control authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
2. Within five (5) days following such discharge, the user shall, unless waived by the control authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article.
3. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (1), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

7.7 Reports from unpermitted users.

All users not required to obtain a permit shall provide appropriate reports to the control authority as the control authority may require.

7.8 Notice of violation/repeat sampling and reporting.

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

7.9 Notification of the discharge of hazardous waste.

1. Any user who commences the discharge of hazardous waste shall notify the control authority, the EPA Regional Waste Management Ordinance Director, and state hazardous waste authorities, in writing, of any Discharge into the WWF of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the WWF, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this subsection needs be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under [section 1-20.5-85 of the Ordinance Code 10-012](#). The notification requirement in this SECTION does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of subsection [1-20.5-85\(e\) of the Ordinance Code 10-012](#).
2. Dischargers are exempt from the requirements of subsection (1), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
3. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the control authority, the EPA Regional Waste Management Waste Ordinance Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
4. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
5. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Code, a permit issued thereunder, or any applicable federal or state law.

7.10 Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a permit application or report shall be performed in accordance with the techniques prescribed in 62-625.600(1)(e), F.A.C., unless otherwise specified in an applicable categorical pretreatment standard; or the sampling or analytical techniques for the pollutant in question is not given for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

7.11 Sample collection.

1. Except as indicated in subsection (2), below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the control authority may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
2. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

7.12 Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

7.13 Records.

Any industrial user subject to the reporting requirements in Ordinance Code 10-012 is required to retain for a minimum of five (5) years any records of monitoring activities and results, and shall make records available for inspection or photocopying by the control authority or state or federal officials. Records shall include the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analysis; the analytical techniques or methods used and the results of said analyses. The five-year period shall be automatically extended for the duration of any litigation concerning the user, the control authority or where the user has been specifically notified of a longer retention period by the control authority.

7.14 Report Due Dates & Sampling Requirements

Reports are due on the last day of the month. When a user employs continuous monitoring techniques for pH and maintains such records through use of a chart recorder, the user shall meet the pH prohibitions and limitations specified in Section 2.1 (J) of this regulation and in any categorical standard; except that unintentional and temporary excursions above the upper and lower pH values are allowed so long as:

1. The total time during which values for pH are outside the prohibition or limitation levels does not exceed eight (8) hours in any calendar month;
2. No individual excursion exceeds sixty (60) minutes in length; and
3. No excursion results in or contributes to violations of the prohibition in Section 2.1. In no case shall the discharge have a pH lower than 5.0 except as authorized by SLCU. When SLCU determines that a sixty (60) minute excursion by any user will or may result in a violation, SLCU may establish a shorter allowable duration for that user.

SECTION 8

COMPLIANCE MONITORING, ENFORCEMENT & NOTIFICATION

Section 8: Compliance Monitoring, Enforcement & Notification

8.1 Powers and authority of inspectors

Authorized representatives of the control authority, the DEP, and the EPA bearing proper credentials shall be permitted to enter upon any property without prior notification for the purpose of inspection, observation, measurement, sampling, testing review and/or photocopying of records or investigation as may be necessary in the enforcement Ordinance Code 10-012. Entry shall be made during daylight or operating hours unless abnormal or emergency circumstances require otherwise.

The control authority may seek issuance of a search warrant(s) from any court of competent jurisdiction for the following reasons:

1. Refusal of access to a building, structure or property or any part thereof.
2. If the control authority is able to demonstrate probable cause to believe that there maybe a violation of this Code.
3. If there is a need to inspect and/or sample as part of a routine inspection and sampling program of the control authority.
4. To protect the public health, safety and welfare of the control authority.

8.2 Enforcement actions.

The following escalating enforcement strategy may be used by the control authority when industrial users are out of compliance with Ordinance Code 10-012. The various types of enforcement actions shall be used as determined by the control authority depending on the circumstances of the violation.

1. **Immediate threat to public health.** The control authority may require the immediate halt of a discharge if it is deemed as an immediate threat to public health or the WWF.
2. **Self-monitoring.** The industrial user will review its self-monitoring data to determine whether a violation of this article and/or of its permit limitations has occurred. If a violation has occurred, the industrial user must provide to the control authority:
 - a. Twenty-four-hour notification that a violation has occurred.
 - b. Magnitude and nature of the violation.
 - c. Details regarding analytical quality assurance.

Failure to comply with the twenty-four-hour notification requirement will result in administrative fines to be determined by the control authority.

3. **Re-sampling.** Upon the determination that a violation has occurred, the industrial user must resample the final discharge for the violated parameter. The re-sampling data must be submitted to the control authority within thirty (30) days of violation discovery. Failure to resample and report within thirty (30) days is a violation of this article and Rule 62-625.600(6)(b), F.A.C. If the IU fails to resample and submit the report within thirty (30) days, the control authority will issue a notice of violation (NOV). Failure to comply with the NOV will result in a single administrative fine to be determined by the control authority per violation. Continued failure to comply within sixty (60) days from original violation thereafter will result in a monthly fine to be determined control authority. (See Appendix H Notice of Violation)

4. **WWF monitoring.** The control authority will conduct periodic, independent compliance monitoring of industrial users as appropriate. If the violation is not significant, as defined in this Code, the control authority will issue a NOV and a forty-five-day compliance schedule including the requirement to resample in order to determine whether a violation is significant. The results of the re-sampling must be submitted to the control authority within thirty (30) days of receipt of the compliance schedule. Failure to comply will result in a single fine to be determined by the control authority per violation. Continued failure to comply sixty (60) days after issuance of the NOV will result in a monthly fine to be determined by the control authority.
5. **Significant noncompliance.** The control authority will review sampling data obtained to determine whether significant noncompliance as defined in this Code has occurred; in which case a single fine to be determined by the control authority will be assessed per violation and a Notice of Significant Noncompliance will be sent to industrial user in violation. (See **Appendix I Notice of Significant Noncompliance**)
6. **Formal notice.** If significant noncompliance is determined to have occurred, the control authority will issue a notice of significant violation (See **Appendix J Notice of Significant Violation**), requiring the industrial user to submit within fifteen (15) days of the receipt of the notice, a ninety-day compliance schedule to determine the need to install or construct pretreatment facilities. Failure to respond within fifteen (15) days will result in a single fine to be determined by the control authority per violation. Upon receipt of the draft compliance schedule, the control authority will issue the compliance schedule as a condition of continued operation. A demonstration of compliance (DOC) will be included as the final item in the compliance schedule. If at any time during the ninety-day schedule, the industrial user determines that pretreatment facilities are required, the industrial user will inform the control authority of such and submit a draft construction schedule.
7. **DOC.** Upon completion of the ninety-day compliance schedule, the control authority will review the DOC data to determine whether compliance has been achieved. Failure to demonstrate compliance during the ninety-day schedule will result in the control authority issuing another NOSV requiring the industrial user to submit within fifteen (15) days of receipt of the NOSV a draft compliance schedule for the construction of new pretreatment facilities or the improvement, modification or expansion of existing facilities. Failure to respond within fifteen (15) days will result in a single fine to be determined by the control authority per violation. Continued failure to comply within sixty (60) days of the NOSV thereafter will result in a monthly fine to be determined by the control authority. Upon receipt of the draft compliance schedule, the control authority will issue the compliance schedule as a condition of continued operation. Approval of the facility design engineer by the control authority is required prior to design of the pretreatment facility. A DOC will be included as the final item in the compliance schedule. Upon completion of the construction compliance schedule, the control authority will review the DOC data to determine whether compliance has been achieved.
8. **Final schedule of compliance.** If the construction of pretreatment facilities does not achieve compliance, the control authority will assess a fine to be determined by the control authority, and will issue a notice of monthly fine (NMF). Fines of the same amount will continue to be assessed on a monthly basis until compliance is achieved or service is terminated. The NMF will require that the industrial user submit a draft final compliance schedule within fifteen (15) days of receipt of the NMF. Upon receipt of the draft compliance schedule, the control authority will issue the final schedule of compliance as a condition of continued operation. A DOC period will be included as the final item in the compliance schedule. Upon completion of the compliance schedule, the control authority will review the DOC data to determine whether compliance has been achieved.
9. **Show cause hearing.** If the final compliance schedule does not achieve compliance, the control authority will issue a notice to show cause (NSC) why the discharge permit should not be revoked and service terminated, in accordance with law. (See **Appendix K Show Cause Order**) The NSC will be served on the industrial user specifying the time and place of the hearing, the proposed facts of the action, the reasons for such actions and a request that the industrial user show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing on the industrial user or posted at the location where the alleged violation is occurring or has occurred. Whether or not the industrial user appears as notified, immediate enforcement action may be pursued following the hearing. The control authority will hold

the show cause hearing to determine whether the permit should be revoked and sewer services terminated.

- a. If the industrial user shows cause for its failure to comply, service shall not be terminated nor the permit revoked. The monthly fine will increase to an amount to be determined by the control authority per day and a new final compliance schedule will be issued.
- b. If the industrial user fails to show cause why its permit should not be revoked and service terminated, the industrial user's permit shall be revoked and its sewer service will be terminated by the control authority. A Cease & Desist Order will be sent out to the Industrial User.
(See Appendix L Cease and Desist Order)

10. **Violations not addressed.** Penalties for violations of this Code and/or the user's permit not addressed in this section will be assessed at the discretion of the control authority.

8.3 Civil and criminal remedies

In addition to the administrative fines provided in sections [1-20.5-88](#) and [1-20.5-89](#), of the Ordinance Code 10-012 to the extent permitted by state law, the control authority is hereby authorized to institute any appropriate action or proceeding, including suit for damages, injunctive relief and civil penalties to be determined by the control authority per day per violation, in order to prevent or abate violations of this Code or to recover damages as provided in [section 1-20.5-86 of the Ordinance Code 10-012](#). The control authority may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any damages incurred by the control authority:

1. **Injunctive relief.** When the control authority finds that a user **has violated, or continues to violate, any provision of this Code, a permit, or order issued hereunder**, or any other pretreatment standard or requirement, the control authority may petition the circuit court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the permit, order, or other requirement imposed by this Code on activities of the user. The control authority 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.
2. **Criminal prosecution.**
 - a. A user who willfully or negligently violates any provision of this Code, a permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than the maximum fine allowed under state law per violation, per day, or imprisonment, or both.
 - b. A user who willfully or negligently introduces any substance into the WWF which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least the maximum fine allowable under state law, or be subject to imprisonment, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
 - c. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Code, permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Code shall, upon conviction, be punished by a fine of not more than the maximum fine allowable under state law per violation, per day, or imprisonment or both.
 - d. In the event of a second conviction, a user shall be punished by a fine of not more than the maximum

fine allowable under state law per violation, per day, or imprisonment, or both.

3. **Remedies nonexclusive.** The remedies provided for in this Code are not exclusive. The control authority may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the control authority's enforcement response plan. However, the control authority may take other action against any user when the when the circumstances warrant. Further, the control authority is empowered to take more than one enforcement action against any noncompliant user.

8.4 Notification requirements.

1. **Accidental discharge of prohibited discharge standards.** A user shall have an affirmative defense to the imposition of penalties (but not to recovery of damages caused to the WWF) in an enforcement action brought against it for noncompliance with the general prohibitions or the specific prohibitions in subsection [1-20.5-82\(1\)](#) of the Ordinance Code 10-012 if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:
 - a. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
 - b. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the WWF was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.
2. **Upset.** If there occurs an unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user, and the industrial user wishes to establish an affirmative defense to the imposition of penalties (but not to recovery of damages caused to the WWF) of an upset, the user must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:
 3.
 - a. An upset occurred and the industrial user can identify the cause of the Upset; and
 - b. The industrial user's facility was, at the time of the upset, being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
 - c. The industrial user properly notified the control authority of the upset in accordance with the procedures set forth in subsection (d) below.

In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset has the burden of proof. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. The industrial user shall control production or all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

4. **Bypass.**
 - a. An industrial user may allow bypass to occur which does not cause pretreatment standards or requirements to be violated and does not cause damage to or interference with the WWF, but only if it is for essential maintenance to assure efficient operation.
 - b. If an industrial user knows in advance of the need for a bypass, it shall submit a notice to the control authority at least ten (10) days before the date of the bypass.

- c. Bypass that exceeds applicable pretreatment standards is prohibited, and the control authority shall take enforcement action against an industrial user for a bypass, unless.
 - i. The bypass was unavoidable to prevent loss of life, personal injury, or sever property damage.
 - ii. There were no technically feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.
 - iii. The industrial user properly notifies the control authority of the bypass in accordance with the procedures set forth in subsection (5) below.

5. **Notification of accidental discharge, upset or bypass.**

- a. Immediate notification via telephone: In the event of an accidental discharge, slug load, upset or bypass, (including a violation of the prohibited discharge standards in [section 1-20.5-82 of the Ordinance Code 10-012](#)) the User shall take the necessary measures to stop, limit, or control the discharge. The discharger shall immediately notify the control authority within twenty-four (24) hours about the incident by telephone. The notification shall include:
 - i. Address of the discharge
 - ii. Type of discharge
 - iii. Concentration of pollutants in the discharge
 - iv. Volume of discharge
 - v. Corrective measures taken

6. **Written notification:** Within five (5) days of the accidental discharge, upset or bypass, the discharger shall submit a written report to the control authority. The report shall include, but not be limited to, type of discharge, concentrations, volume, cause of the event, duration of the event, corrective measures taken and measures to be employed to prevent future incidents. In the event further information is requested, the discharger shall provide the information within forty-eight (48) hours of the request. If the event occurs during a holiday period or weekend, the written notification shall be the first working day following the holiday period or weekend. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Code or other applicable law.

7. **Notice to employees:** A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge, upset or bypass. Employers shall insure that all employees who could cause or suffer such an accidental discharges, upset or bypasses to occur are advised of the emergency notification procedures. Failure to notify the control authority of potential problem discharges, upset or bypasses shall be deemed a separate violation of this Code.

8.5 Emergency Notification

SLCU may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. SLCU may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of SLCU WWF, or which presents, or may present, an endangerment to the environment.

- a. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, SLCU may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to SLCU WWF, its receiving stream, or endangerment to any individuals. SLCU may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of SLCU that the period of endangerment has passed, unless the termination proceedings in Section 11.6 of this regulation are initiated against the user.
- b. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to SLCU prior to resuming discharge, and prior to the date of any Show Cause Hearing under Section 7.1 (9) of this regulation.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. However, a Show Cause Hearing, conducted as provided in Section 11.3, shall be provided after the emergency suspension, as soon as practicable.

8.6 Consent Orders

SLCU shall develop and implement procedures to ensure consistent enforcement of violations when SLCU finds that a user has violated, or continues to violate, any provision of this regulation, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement. These procedures shall be developed in accordance with 62-625.500 (2)(d) FAC. (See Appendix M Consent Order)

8.7 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

SLCU shall publish annually, in the largest daily newspaper published in the municipality where SLCU WWF is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.

8.8 Confidentiality.

Information and data concerning individual industrial users obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public to the extent permitted by Florida law, upon written request without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the control authority that such release would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Wastewater constituents and characteristics will not be recognized as confidential information.

APPENDIX A

NON-RESIDENTIAL WASTEWATER DISCHARGE SURVEY

**ST. LUCIE COUNTY UTILITIES DISTRICT
NON-RESIDENTIAL WASTEWATER DISCHARGE SURVEY**

Name/Address/Phone of person to contact regarding wastewater:

Phone: _____

Location of business (if different):

Approximate number of employees: full-time: _____ Part-time: _____

Principal business activities and products produced (examples: Circuit board manufacturer, restaurant, frozen food (peas & carrots) producer, etc.). Please be specific:

Wastewater Discharged (Please circle and fill in all that applies to your business)

	<u>Frequency</u>	<u>Type (describe)</u>
a.	Periodic	a. Domestic _____
b.	Weekly only	b. Industrial _____
c.	None	c. Combined _____
d.	Other (list below)	d. Floor drain/wash down _____
e.	_____	e. Cooling water _____
f.	_____	f. Other _____
g.	_____	g. Other _____

Wastewater characteristics (other than domestic), circle all that applies to your business:

- | | | |
|-------------|-------------------|----------------------|
| a. Acid | d. Toxic organics | g. Other (describe): |
| b. Alkaline | e. Color dyes | _____ |
| c. Metallic | f. Oil and grease | _____ |

Please describe any pretreatment facilities installed at or practices used by your business to remove pollutants or protect the SLCUD wastewater treatment facility.

Is there anything else the SLCUD should know about the waste stream from your business?

CERTIFICATION: I certify that to the best of my knowledge, the above information is true and correct.

_____ Name	_____ Title	_____ Date
---------------	----------------	---------------

APPENDIX B

SPILL / SLUG DISCHARGE CONTROL PLAN

SPILL/SLUG DISCHARGE CONTROL PLAN

1. General Information

Industrial User Name:

Industrial User Address:

Industrial User Discharge Permit Number:

Primary facility contact with 24 hour phone numbers:

Secondary facility contact with 24 hour phone numbers:

2. Facility Description

Nature of Business:

Operating Hours:

Number of Employees:

Provide detailed drawings of facility to include:

- Location of all raw materials
- Location of all chemicals
- Location of all waste
- Location of all floor drains
- Location of all other discharge points
- Location of all outside exits
- Location of all posted notices of emergency contacts
- Location of all stormwater drains

3. Characteristics of Wastewater (see item 1 of the directions)

Quantity of wastewater discharged per month:

Concentrations of wastewater discharged:

4. Characteristics of Raw Materials

Inventory of all raw materials (see separate page)

Inventory of all chemicals (see separate page)

Inventory of all waste (see separate page)

5. Spill/Slug Control

Type of containment used for all chemicals, raw materials, and waste:

Do you have warning devices prior to any slug releases? GYes GNo

If yes, describe

6. Do you have emergency response equipment available? GYes GNo

If yes, describe

7. Notification of Slug Discharge

In the event of a slug release:

Do you have a procedure to immediately notify the City of _____'s Industrial Pretreatment Program at _____? GYes GNo

Do you have notices posted of appropriate contact persons with phone numbers? GYes GNo

If yes, please attach copy.

8. The wastewater is discharged to the following Wastewater Treatment Facility:

9. Provide a synopsis of your training program dealing with spill/slug control.

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 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 known violations. I also understand that applicable civil and criminal penalties may apply for any violations of pretreatment standards, requirements and/or compliance schedules.

Name & Title of Representative:

Signature of Representative:

Date of Signature:

Directions for Completing Spill/Slug Control Plan

1. To assist you in completing the Plan, the following is a list of classes of pollutants that may result in slug loadings.

Biological Wastes (e.g., whey solids or antibiotics)

Chemical Feedstocks (e.g., nitrobenzene, aniline, phenol, cumene phthalic anhydride, cyclohexane, etc.)

Corrosives: Strong Acids (e.g., hydrochloric acid, sulfuric acid, nitric acid, chromic acid, etc.)

Strong Bases (e.g., caustic soda, lye, ammonia, etc.)

Detergents

Explosive Chemicals (e.g., TNT, nitroglycerin, metallic sodium, ammonium nitrate, picric acid, lead azide, etc.)

Flammable Chemicals (e.g., phosphorous pentasulfide, acetone, naphtha, methyl, isobutyl ketone, sodium sulfide, hexane, cyclohexane, etc.)

Halogenated Solvents (e.g., freon, perchloroethylene, trichloroethane, etc.)

Metal Sludges (e.g., metal hydroxide sludges from pretreatment operations)

Nonhalogenated Solvents (e.g., alcohols, methyl ethyl ketone, benzene, etc.)

Noxious/Fuming Chemicals (e.g., phosphorous pentachloride or oxychloride, hydrofluoric acid, cyanide, chloroform, etc.)

Oils and Fuels (e.g., diesel oil, bunker fuel oil, gasoline, cottonseed oil, linseed oil, etc.)

Oxidants (e.g., chlorine dioxide, phosphorous pentoxide, potassium permanganate, sodium chlorate, etc.)

Paints, Pigments, Dyes, Inks and Thinners

Pesticides

Plating Baths and Pickling Liquors

Radioactive Materials

Reductants (e.g., sodium borohydride, phosphine, methyl hydrazine, etc.)

Resins (e.g., ABS resins, phenolic resins, vinyl resins, etc.)

Tars, Creosotes, and Pitch

Varnishes, Lacquers, and Waxes

2. For purposes of reporting a slug release to the City of _____ Industrial Pretreatment Program. The following guidelines should be used.
 - 10 lbs or more heavy metals (including arsenic, cadmium, chromium, copper, lead, mercury, nickel, silver, zinc, cyanide) in solution.
 - 1 gallon or more of any toxic organic substances listed in the Ordinance (which includes 46 base/neutral extractables, 10 acid extractables, 28 volatile organics and 25 pesticides)
 - All flammable liquids above one gallon
 - Any other liquid material determined to have adverse effects on the sewerage system and wastewater treatment plants (including alkalis or alkaline substances, oils, foam generating wastes, highly colored wastes, pesticides and solvents not listed previously.)
3. Complete spill/slug control discharge plan as directed by the form. PLEASE NOTE:

Your procedure for immediately notifying the control authority i.e. the Industrial Pretreatment Program and the Wastewater Treatment Facility of slug discharges, including any discharge that would violate a prohibition under Rule 62-625.400(2), F.A.C., should include follow-up written notification within five days and if necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organics (including solvents), or measures and equipment for emergency response.

Example letter to Permittees

Certified Mail
Return Receipt Requested

Re: Spill/Slug Control Plan

Dear :

On July 24, 1990, the United States Environmental Protection Department promulgated amendments to the general pretreatment and NPDES regulations to enhance control of toxic pollutants and hazardous waste discharges to POTW's. One of these amendments, 40 CFR 403.8(f)(2)(v), specifically addresses slug discharges. The state equivalent of this provision is Rule 62-625.500(2)(b)(6), F.A.C. For purposes of this provision, a slug discharge is any discharge of non-routine, episodic nature, including but not limited to an accidental spill or a non-customary discharge.

Within 45-days of receipt of this letter your industry is required to fill out the attached Slug Discharge Control Plan Form, and submit it to the City of _____ Industrial Pretreatment Program for review and approval.

Please call me or _____ if you have any questions at _____.

Sincerely,

Industrial Pretreatment Coordinator

cc: _____,

APPENDIX C

TOXIC ORGANIC MANAGEMENT PLAN

**Toxic Organic Management Plan
ABC Refrigeration Corporation
Low Point Plant**

I. Description of Facilities and Solvent Use

A. Process Description

The ABC Refrigeration Corporation, Low Point Plant manufactures automotive radiators, condensers, and compressors from metal coils and metal castings manufactured by other suppliers. The forming and assembly processes include metal forming, degreasing, chromating, and brazing in preparation for painting and final assembly. The metal castings are machined, washed, assembled, and degreased prior to final assembly.

Wastewater types and volumes and the current wastewater treatment system are depicted in Figure 1. The primary sources of process wastewater are the degreasing, chromating, flushing, and parts washing operations. Other sources of wastewater are cooling tower blowdown and boiler blowdown. Wastewater from the degreasing operations is treated by dispersed air floatation for oil and grease removal and then discharged to a combined wastestream containing the wastewater from all other sources. The combined wastestream is then treated by coagulation/flocculation with chemical and polymer addition for solids and metals reduction. The treated effluent is discharged to the city sewer system.

B. Identification of Toxic Organic Chemicals Entering the Plan Wastewater

1. Chemical Analysis of treated Wastewaters Samples were taken of the plant's treated wastewaters for analysis for the 110 toxic organics regulated under the metal finishing categorical pretreatment standards. Samples collected were 24-hour flow proportioned composite samples for acid extractible and base/neutral compounds. Grab samples for volatile organics were taken every four hours and were composited before analysis. Samples were taken over a period when all production lines were operating at peak production rates. Samples were analyzed by gas chromatography with compound identification and quantification by mass spectrophotometer (GC/MS). EPA procedures 624 and 625 were followed for GC/MS analysis. Toxic organic compounds detected at concentrations greater than 0.01 mg/l are listed in Table 1.

Compound	Concentration (mg/l)
1,1,1-Trichloroethane	1.32
Naphthalene	0.21
Chloroethane	0.131
Benzene	0.532
Phenol	0.681

Table 1

2. Identification of Solvents Used in Manufacturing Operations
 - a. Greasefree is a degreasing solvent used in the forming process. Greasefree's principle ingredient is 1,1,1-Trichloroethane. We have contacted the manufacturer of Greasefree, Doubt Chemical Corporation, who informs us that their analysis of Greasefree indicates that no other priority toxic pollutants are contained in Greasefree. Doubt's letter confirming its analysis is enclosed as Attachment 1.
 - b. Rinsewash is a degreasing solvent used in the metal castings process. Rinsewash is a multicomponent solvent we purchase from Pound Chemical Corporation. At our request Pound has analyzed Rinsewash and found it contains naphthalene, benzene, and phenol. Pound represents that no other toxic organic pollutants were identified in its analysis of Rinsewash. Pound's letter documenting its analysis is enclosed as Attachment 2.

- c. Rustaway is a corrosion inhibitor used during the metal castings washing process to prevent rust formation. We buy Rustaway from the Exit Chemicals Corporation. The primary ingredient of Rustaway is carbon disulfide. Exit refused our request for a chemical analysis of Rustaway. We, therefore, submitted an aliquot of Rustaway to Whatsinit Laboratories, Inc., for analysis. Whatsinit's report is enclosed as Attachment 3 and documents that Rustaway contains chloroethane. No other toxic organics were detected.
3. Identification of Other Potential Sources of Toxic Organic Pollutant Introduction to the Wastewater Treatment System
 - a. Durable Paints are used to finish the forming process items. Although not detected in the wastewater analysis. Durable Paints are known to contain toluene. The floor drains in the forming process painting area discharge to the wastewater treatment system. Therefore, any spilled paint would enter the process wastewater treatment system.
 - b. Degreasing Areas - Floor drains in both degreasing areas, similarly are connected to the main wastewater system. Therefore, spills of degreasing agents could enter the treatment system.
 - c. Solvent Storage Areas - Solvents, paints, and corrosion inhibitors are stored in bulk quantities in four different areas of the plant -- the two degreasing areas, the washing area, and the painting area. Spills could occur by accidental dumping, spillage during routine transfer, etc. Such spills would enter the wastewater treatment system through the floor drains.

II. Description of Control Options Explored

A. Solvent Substitution

For the degreasing, corrosion inhibitor, and painting sources of toxic organics, ABC explored the feasibility of substituting another product that does not contain toxic organic materials. Obviously, this would be the most effective manner of eliminating toxic organic discharges both from process operations and from potential spillage into floor drains. ABC obtained samples of degreasing agents, corrosion inhibitors, and paints that do not contain toxic organics from vendors and conducted pilot tests of their effectiveness. ABC concluded after these tests that the alternative degreasing agents and paints could not be used without adversely affecting the process and final products. The alternative degreasing agents were not nearly as effective as the ones currently used and, therefore, would impair the effectiveness of subsequent operations. Alternative paints could not be applied evenly to our products. One alternative corrosion inhibitor, Chromasorb, appears to be an acceptable alternative to the Rustaway and contains the toxic metals zinc and chromium. Thus, the option of eliminating chloroethane discharges by substituting Chromasorb for Rustaway as a corrosion inhibitor was considered.

B. Process Modification

The major alternative to the substitution of degreasing agents is to institute changes in the degreasing process that do not result in wastewater discharge. This would be accomplished by wiping parts rather than rinsing them. After a thorough wipedown, parts would be air dried in an area under a vacuum hood. The vacuum hood is integrated with the facility's air pollution control devices. Any material used for wiping would, of course, be treated as a hazardous material. It would be transferred to drums and disposed of to a licensed disposer or reclaimer. Thus, process changes could be made that would eliminate discharge of process wastewaters containing 1,1,1-trichloroethane, naphthalene, benzene, and phenol. Solid waste generation would, of course, increase.

C. Segregated Drain System

Spills of toxic organics could be eliminated from the process wastewater stream if a segregated floor drain system were constructed. ABC investigated this option and found that, because of the location of some existing drain pipes, such modification would require a major disruption of the plant and would cost far more than routine TTO monitoring. Moreover, such an option would create a significant additional wastewater treatment problem for those cases in which drained water is not contaminated by spilled material.

D. Sealing Floor Drains

Introduction of toxic organics to wastewaters through floor drains could be eliminated if floor drains were sealed. In the process areas this option is not feasible because State safety requirements. In storage areas, however, such an option may be practical.

E. Installing Sumps in the Floor Drains

Under this option sumps would be installed such that prior to entering the drain, floor waters would pass through a sump or holding tank. The sump would be as large as the largest spill of solvent reasonably expected plus a 10 percent freeboard allowance. Thus, if a solvent spilled, the discharge to the drain would be turned off. The solvent could, then, collect in the sump and be recovered.

III. Toxic Organic Management Plan

As a result of the above analyses, ABC believes that all of its toxic organic pollutant discharges can be controlled by a toxic organic management plan in lieu of routine toxic organic monitoring.

A. Solvent Substitution

Discharge of chloroethane will be eliminated by use of a substitute rust inhibitor. ABC will discontinue use of Rustaway as a rust inhibitor. Instead, ABC will use Chromasorb to prevent rust formation in its metal casting line. Chromasorb is a zinc-chromate rust inhibitor that can be used to prevent rust formation in place of Rustaway. Chromasorb contains the toxic metals chromium and zinc. The existing wastewater treatment system, however, is designed to remove metallic pollutants. By adjustment of the chemical and polymer feed, ABC anticipates that it can maintain current levels of metals discharge while eliminating chloroethane discharges.

B. Process Changes

ABC will eliminate discharge of process wastewaters containing 1,1,1-trichloroethane, naphthalene, benzene, and phenol by instituting changes in the degreasing process. Solvent cleaning will be accomplished by immersion and manual wipedown. Parts will be allowed to air dry in an area covered by a vacuum hood prior to any water washing. Materials used for wipedown will be collected in drums, sealed, stored in a secure area and transferred to Usitagin Reclamation Company. Usitagin is a licensed hazardous waste disposer.

C. Solvent Storage Procedures

Storage procedures for all solvents containing toxic organic compounds will be changed. Storage will be in a central location for all such materials, including paints. The storage area will be diked to contain a volume equal to the largest container stored, 55 gallons, plus 50 percent. There will be no floor drains in this area.

All incoming containers of solvents or paints will be labeled upon receipt with the following information:

Material Contains Regulated Organic Solvents

1. Use only in designated areas
2. Do not permit this material to enter plan wastewater stream
3. Dispose of only in designated and identified containers.

All in-plant usage containers will also be marked with the above information.

D. Installation of Sumps in Process Areas

In all process areas where materials containing toxic organic compounds are used, sumps will be installed prior to any floor drains. The sumps will be designed to allow rapid shut-off of flow to the drain and to

hold a volume equal to the largest container of solvent used in that area plus ten percent.

E. Spent Solvent Disposal Practices

Spent solvents are collected in 55 gallon drums, sealed, and stored in an existing, secured storage area. The storage area contains no floor drains. ABC sells spent solvent to the Usitagin Reclamation Company.

F. Training

All personnel involved in degreasing, chromating, painting, and clean-up activities will receive instruction in the proper handling and disposal of solvents and clean-up materials in order to keep regulated toxic organics out of industrial wastewater. New employees will be trained in these procedures immediately. All personnel working in these activities are familiar with this toxic organic management plan and will follow the procedure established in that standard to eliminate regulated organics from entering the water wash system.

Training consists of classroom instruction which reviews the following:

1. The organic solvents and cleaners known to be in use at the plant and the areas in which they are used.
2. The location of lift stations and drains with emphasis upon the location of pretreatment sewer systems for each area in the plant.
3. The Toxic Organic Management Plan and the proper procedures for handling and disposing of the respective solvents.

G. Inspections

1. Degreasers, spray booths, and cleaning operations will be inspected routinely by the area supervisor to verify cleaning procedures and adherence to this Toxic Organic Management Plan to insure that TTO does not spill or leak into plant sewers.
2. Centrally located cleaning and solvent handling, reuse, and collection areas, as well as raw material and waste solvent storage areas, will be inspected weekly by a designated environmental representative to verify proper solvent storage, handling, and collection. A log of inspections and sign-off will be maintained by the designated environmental representative.

H. Implementation

All provisions of this plan will be fully implemented by April 1, 1984.

IV. Certification

"Based on my inquiry of the person or persons directly responsible for managing compliance with the TTO limitations, I certify that, to the best of knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last report. I further certify that this facility is implementing this toxic organic management plan submitted to the Control Authority on January 2, 1984."

John Smith
Plant Manager
High Point Plant
(617) 617-6176

APPENDIX D

PERMIT APPLICATION / WASTEWATER SURVEY

Permit Application / Wastewater Survey

Company Name:					
Name of responsible person on site at the facility authorized to represent the company in official dealings with the Sewer Authority and/or the City.			Name of alternative on site person familiar with the day to day operations, environmental permitting requirements, monitoring, record keeping, and data management.		
Title		Years with firm	Title		Years with firm
Phone #		Fax #	Phone #		Fax #
Physical street address of facility			Official mailing address, if different. Note if same.		
City		State	Zip	City	

The information provided by you on this questionnaire serves two functions:

1. The information is used to determine if your facility needs an Industrial User Pretreatment Permit (IUP) for the discharge of wastewater to the local sewer.
2. If an Industrial User Pretreatment Permit (IUP) is required, this survey serves as the application for an Industrial User Pretreatment Permit (IUP).

Requests for confidential treatment of information provided on this form shall be governed by procedures specified in 40 CFR Part 2. In accordance with Title 40 of the Code of Federal Regulations Part 403, Section 403.14 and the Local Sewer Use Ordinance (SUO), information and data provided in this questionnaire which identifies the content, volume and frequency of discharge shall be available to the public without restriction.

This is to be signed by an authorized official of your firm, as defined in the Local Sewer Use Ordinance or the _____ after completion of this form.

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 upon 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/or imprisonment for knowing violations.

Signature of Authorized Representative
listed above (seal if applicable)

Date

PART 1 Facility Information

1. Provide a brief narrative description of the type of business, manufacturing processes, or service activities your firm conducts at this site.

2. List the primary products produced at this facility:

3. List raw materials and process additives used:

4. Are biocides added to any water discharged to the POTW, if yes describe:

Yes	<input type="text"/>
No	<input type="text"/>

5. Describe weekly production schedule, including shifts worked per day, employees per shift, and primary operation during shift.

6. Production process is:

Check, if all continuous

Check, if all batch

If both please enter, % continuous = % % Batch = %

<input type="text"/>
<input type="text"/>
<input type="text"/>

7. Does production vary significantly (+- 20 %) by season? Describe.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

8. Are any significant (+- 20 %) changes in production that will affect wastewater discharge expected in the next 5 years? If yes, please describe.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

9. List all current waste haulers. Give name, address, phone numbers, volume and materials hauled off.

10. Attach a copy of laboratory analyses performed in the last year on the wastewater discharge(s) from your facilities. Summarize data on the attached Data Summary Form.

11. Attach sketch or schematic showing sampling points and all connections to the sewer.

12. Complete the Wastewater Pollutants Checklist attached to this Survey.

13. Do you have, or have you ever applied for, been issued, or been denied an NPDES permit to discharge to the surface waters or storm sewers of North Carolina? If yes, list all other NPDES permits, permit numbers, dates, and names used to apply for them, or reason denied.

If yes: Permit , #, date, applicant name	Yes	<input type="text"/>
If yes: Permit , #, date, applicant name	No	<input type="text"/>

14. Do you have, or have you ever applied for or been issued an Industrial User Pretreatment Permit (IUP) to discharge wastewater to the sewer collection system. If yes, list all other IUP permits, permit numbers, dates, and names used to apply for them.

If yes: Permit , #, date, applicant name	Yes	<input type="text"/>
If yes: Permit , #, date, applicant name	No	<input type="text"/>

15. Do you have, or have you ever applied for or been issued any other Environmental Permits (for example; air, RCRA, groundwater, stormwater, general, Non-Discharge, septic tank, etc.). If yes, list all other permits, permit numbers, dates, and names used to apply for them.

If yes: Permit type, #, date, applicant name	Yes	<input type="text"/>
If yes: Permit type, #, date, applicant name	No	<input type="text"/>
If yes: Permit type, #, date, applicant name		<input type="text"/>

16. Is a Spill Prevention Control and Countermeasure (SPCC) Plan prepared for this facility?

Yes	<input type="text"/>
No	<input type="text"/>

17. Is a Spill /Slug Control Plan required by the POTW, prepared for this facility?

Yes	<input type="text"/>
No	<input type="text"/>

18. Do you have any underground storage tanks at your facility? If yes, list contents and volume of each tank.

Yes	<input type="text"/>
No	<input type="text"/>

19. Do you have any above ground storage tanks at your facility? If yes, for each tank, list the contents, volume, whether the tank has any spill prevention or containment devices, such as dikes, and procedures for draining any containment devices.

Yes	<input type="text"/>	# of Tanks	<input type="text"/>
No			<input type="text"/>

PART III Pretreatment Facilities:

Are there any pretreatment devices or processes used for treating wastewater before being discharged to the sewer? Check all that are present, and describe.

No pretreatment facilities =>

1. Flow equalization

Aerated equalization =>

NON-Aerated equalization =>

Total volume of equalization (million gal.) =>

2. Activated Carbon	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
3. Activated Sludge	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4. Air Stripping	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
5. Centrifugation	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
6. Chemical Precipitation	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
7. Chlorination	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
8. Cyanide Destruction	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
9. Cyclone	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
10. Dissolved Air Floatation	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
11. Filtration	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
12. Flocculation	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
13. Grease Trap	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
14. Grit Removal	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
15. Ion Exchange	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
16. Neutralize, pH adjust	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
17. Other Biological Treatment	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
18. Ozonation	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
19. Reverse Osmosis	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
20. Screening	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
21. Sedimentation	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
22. Septic Tank	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
23. Silver Recovery	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
24. Solvent Separation	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
25. Spill protection	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Describe any, if present.

List any others.

PART IV Categorical Information:

1. When were operations started at this facility Facility start up date

2. Is this site leased or rented
 Yes
 No

(If yes, please provide the name and address of the owner)

3. List all Standard Industrial Classification (SIC) codes for your facility. These may be found on State Unemployment forms, tax forms, accounting records, or from the Chamber of Commerce.

4. Has this facility ever been considered a Categorical Industrial User (CIU) as described by the Code of Federal Regulations (40 CFR)?
 If yes, give complete 40 CFR number =>
 No

5. Are any other facilities owned and/or operated by your company permitted as Categorical Industrial Users (CIUs) as described by the Code of Federal Regulations (40 CFR)?
 If yes please give name(s), location, and 40 CFR number. Yes
 No

5. Check any activities listed below that are performed at your facility:

Check below	40 CFR#	Industrial Activity	Check below	40 CFR#	Industrial Activity
	467	Aluminum Forming		425	Leather Tanning & Finishing
	427	Asbestos Manufacturing		432	Meat products
	461	Battery Manufacturing		433	Metal finishing
	431	Builders paper & board mills		464	Metal molding and casting
	407	Canned & preserved fruits & veg.		436	Mineral mining and processing
	408	Canned & preserved seafood		471	Nonferrous Metal, Form & Powders
	458	Carbon black Manufacturing		421	Nonferrous Metals Manufacturing
	411	Cement Manufacturing		414	OCPSF, Organic Chemicals, Plastics, & Synthetic Fiber Manufacturing
	437	Centralized Waste Treatment		435	Oil & gas extraction
	434	Coal Mining		440	Ore mining and dressing
	465	Coil Coating		446	Paint formulating
	444	Commercial Hazardous Waste Combustion		443	Paving and roofing materials Mfg.
	468	Copper Forming		455	Pesticide Manufacturing
	405	Dairy products processing		419	Petroleum Refining
	469	Electrical, electronic components		439	Pharmaceutical Manufacturing
	413	Electroplating		422	Phosphate Manufacturing
	457	Explosives Manufacturing		459	Photographic supplies
	412	Feedlots		463	Plastics molding and forming
	424	Ferro alloy Manufacturing		466	Porcelain enameling
	418	Fertilizer Manufacturing		430	Pulp, paper, and paperboard
	464	Foundries, Metal Mold & Casting		428	Rubber Manufacturing
	426	Glass Manufacturing		417	Soap & Detergent Manufacturing
	406	Grain mills		423	Steam Electric power Generation
	454	Gum & Wood Chemicals Mfg.		409	Sugar processing
	460	Hospitals		410	Textile Mills
	447	Ink formulating		429	Timber products processing
	415	Inorganic chemical Manufacturing		442	Transportation Equipment Cleaning
	420	Iron & Steel Manufacturing			Others
	445	Landfill			

Wastewater Pollutant Checklist

Chemical Name	EPA Storet Code	Check if Present at Facility	Check if Absent at Facility	Check if Present in Discharge	Check if Absent in Discharge	Concentration in Discharge, if Known (mg/l)
---------------	-----------------------	------------------------------------	-----------------------------------	-------------------------------------	------------------------------------	--

Acid Extractable Organics

2-Chlorophenol	34586					
2,4-Dichlorophenol	34601					
2,4-Dimethylphenol	34606					
2,4-Dinitrophenol	34616					
2-Methyl-4,6-dinitrophenol	34657					
4-Chloro-3-methylphenol	34452					
2-Nitrophenol	34591					
4-Nitrophenol	34646					
Pentachlorophenol	39032					
Phenol	34694					
2,4,6-Trichlorophenol	34621					

Base Neutral Organics

1,2,4-Trichlorobenzene	34551					
1,2-Dichlorobenzene	34536					
1,2-Diphenylhydrazine	34346					
1,3-Dichlorobenzene	34566					
1,4-Dichlorobenzene	34571					
2,4-Dinitrotoluene	34611					
2,6-Dinitrotoluene	34626					
2-Chloronaphthalene	34581					
3,3-Dichlorobenzidine	34631					
4-Bromophenyl phenyl ether	34636					
4-Chlorophenyl phenyl ether	34641					
Acenaphthene	03405					
Acenaphthylene	34200					
Anthracene	34220					
Benzidine	39120					
Benzo (a) anthracene	34526					
Benzo (a) pyrene	34247					
Benzo (b) fluoranthene	34230					
Benzo (ghi) perylene	34521					
Benzo (k) fluoranthene	34242					
Bis(2-chloroethoxy) methane	34278					
Bis(2-chloroethyl) ether	34273					
Bis(2-chloroisopropyl) ether	34283					
Bis(2-ethylhexyl) phthalate	39100					
Butyl benzyl phthalate	34292					
Chrysene	34320					
Di-n-butyl phthalate	39110					

Wastewater Pollutant Checklist

Chemical Name	EPA Storet Code	Check if Present at Facility	Check if Absent at Facility	Check if Present in Discharge	Check if Absent in Discharge	Concentration in Discharge, if Known (mg/l)
---------------	-----------------------	------------------------------------	-----------------------------------	-------------------------------------	------------------------------------	--

Base Neutral Organics (continued)

Di-n-octyl phthalate	34596					
Dibenzo (a,h) anthracene	34556					
Diethyl phthalate	34336					
Dimethyl phthalate	34341					
Fluoranthene	34376					
Fluorene	34381					
Hexachlorobenzene	39700					
Hexachlorobutadiene	34391					
Hexachlorocyclopentadiene	34386					
Hexachloroethane	34396					
Indeno(1,2,3-cd) pyrene	34403					
Isophorone	34408					
N-nitroso-di-n-propylamine	34428					
N-nitrosodimethylamine	34438					
N-nitrosodiphenylamine	34433					
Naphthalene	34696					
Nitrobenzene	34447					
Phenanthrene	34461					
Pyrene	34469					

Metals

Aluminum	01104					
Antimony	01097					
Arsenic	01002					
Beryllium	01012					
Cadmium	01027					
Chromium	01034					
Copper	01042					
Lead	01051					
Mercury	71900					
Molybdenum	01062					
Nickel	01067					
Selenium	01147					
Silver	01077					
Thalium	00982					
Zinc	01092					

Wastewater Pollutant Checklist

Chemical Name	EPA Storet Code	Check if Present at Facility	Check if Absent at Facility	Check if Present in Discharge	Check if Absent in Discharge	Concentration in Discharge, if Known (mg/l)
---------------	-----------------------	------------------------------------	-----------------------------------	-------------------------------------	------------------------------------	--

Other Inorganics

Barium	01007					
Chloride	00940					
Cyanide	00720					
Fluoride	00951					

Purgeable Volatile Organics

1,1,1-Trichloroethane	34506					
1,1,2,2-Tetrachloroethane	34516					
1,1,2-Trichloroethane	34511					
1,1-Dichloroethane	34496					
1,1-Dichloroethylene	34501					
1,2-Dichloroethane	34531					
1,2-Dichloropropane	34541					
2-Chloroethyl vinyl ether	34576					
Acrolein	34210					
Acrylonitrile	34215					
Benzene	34030					
Bromodichloromethane	32101					
Bromoform	32104					
Bromomethane	34413					
Carbon tetrachloride	32102					
Chlorobenzene	34301					
Chloroethane	34311					
Chloroform	32106					
Chloromethane	34418					
cis 1,3-Dichloropropene	34704					
Dibromochloromethane	32105					
Ethylbenzene	34371					
Methylene chloride	34423					
Tetrachloroethylene	34475					
Toluene	34010					
trans 1,3-Dichloropropene	34699					
trans-1,2-Dichloroethylene	34546					
Trichloroethylene	39180					
Trichlorofluoromethane	34488					
Vinyl chloride	39175					

Others

Xylene						

Data Summary Form

	<= Receiving POTW
	<= Receiving NPDES #
	<= Specific Sample Location! i.e., Give IU Name, IUP#, and/or pipe#

Lab => _____ Laboratory performing analysis => _____
 MDL => _____ Laboratory Method Detection Limits => _____
 Notes => _____ Notes => _____

Sample ID, or Count	Date Sample Collected	Notes about Sample	Q = Flow		BOD	TSS	Ammonia
			M = Metered E = Estimated		Conc. Results from Lab	Conc. Results from Lab	Conc. Results from Lab
				mgd gal/day	<?	mg/l	<?
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
etc							

TNS =>	Total number of samples =>	<input style="width: 90%;" type="text"/>	<input style="width: 90%;" type="text"/>	<input style="width: 90%;" type="text"/>
Max. value =>	Maximum data value (mg/l) =>	<input style="width: 90%;" type="text"/>	<input style="width: 90%;" type="text"/>	<input style="width: 90%;" type="text"/>
Avg. (use 1/2 BDL) =>	Avg. data value, Include BDL values as 1/2 detection limit =>	<input style="width: 90%;" type="text"/>	<input style="width: 90%;" type="text"/>	<input style="width: 90%;" type="text"/>

Data Summary Form

	<= Receiving POTW
	<= Receiving NPDES #
	<= Specific Sample Location! i.e., Give IU Name, IUP#, and/or pipe #

Sample ID or Count	Date Sample Collected	Arsenic	Copper	Chromium	Cadmium	COD	Copper
		Conc. Results from Lab					
		<? mg/l					
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
etc							

TNS =>						
Max. Value =>						
Avg. (use 1/2 BDL) =>						

Data Summary Form

	<= Receiving POTW
	<= Receiving NPDES #
	<= Specific Sample Location! i.e., Give IU Name, IUP#, and/or pipe #

		Cyanide		Lead		Mercury		Nickel		Silver		Zinc	
		Conc. Results from Lab		Conc. Results from Lab		Conc. Results from Lab		Conc. Results from Lab		Conc. Results from Lab		Conc. Results from Lab	
Sample ID or Count	Date Sample Collected	<?	mg/l										
1													
2													
3													
4													
5													
6													
7													
8													
9													
10													
11													
12													
etc													

TNS =>	<input style="width: 95%;" type="text"/>					
Max. Value =>	<input style="width: 95%;" type="text"/>					
Avg. (use 1/2 BDL) =>	<input style="width: 95%;" type="text"/>					

Data Summary Form

	<= Receiving POTW
	<= Receiving NPDES #
	<= Specific Sample Location! i.e., Give IU Name, IUP#, and/or pipe #

Sample ID or Count	Date Sample Collected	Other									
			Conc. Results from Lab mg/l								
		<?		<?		<?		<?		<?	
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
etc											

TNS =>						
Max. Value =>						
Avg. (use 1/2 BDL) =>						

Part V Waste Reduction Information :

Inventory current and projected waste reduction (pollution prevention) activities. The codes listed are standard EPA codes found on Toxic Release Inventory and other environmental forms. Please check all applicable codes for your facility related to wastewater discharge.

Current	Projected	Code	Description
		W13	Improved maintenance scheduling recordkeeping, or procedures
		W14	Changed production schedule to minimize equipment and feedstock changeovers
		W19	Other changes in operating practices (explain briefly in comments)
		W21	Instituted procedures to ensure that materials do not stay in inventory beyond shelf-life
		W22	Began to test outdated material-continue to use if still effective
		W23	Eliminated shelf-life requirements for stable materials
		W24	Instituted better labeling procedures
		W25	Instituted clearinghouse to exchange materials that would otherwise be discarded
		W29	Other changes in Inventory control (explain briefly in comments)
		W31	Improved storage or stacking procedures
		W32	Improved procedures for loading, unloading and transfer operations
		W33	Installed overflow alarms or automatic shutoff valves
		W34	Installed secondary containment
		W35	Installed vapor recovery systems
		W36	Implemented inspection or monitoring program of potential spill or leak sources
		W39	Other spill and leak prevention (explain briefly in comments)
		W41	Increased purity of raw materials
		W42	Substituted raw materials
		W49	Other raw material modifications (explain briefly in comments)
		W51	Instituted recirculation within a process

Current	Projected	Code	Description
		W52	Modified equipment, layout, or piping
		W53	Use of a different process catalyst
		W54	Instituted better controls on operating bulk containers to minimize discarding of empty containers
		W55	Changed from small volume containers to bulk containers to minimize discarding of empty containers
		W58	Other process modifications (explain briefly in comments)
		W59	Modified stripping / cleaning equipment
		W60	Changed to mechanical stripping / cleaning devices (from solvents or other materials)
		W61	Changed to aqueous cleaners (from solvents or other materials)
		W62	Reduced the number of solvents used to make waste more amenable to recycling
		W63	Modified containment procedures for cleaning units
		W64	Improved draining procedures
		W65	Redesigned parts racks to reduce dragout
		W66	Modified or installed rinse systems
		W67	Improved rinse equipment design
		W68	Improved rinse equipment operation
		W71	Other cleaning and degreasing operation (explain briefly in comments)
		W72	Modified spray systems or equipment
		W73	Substituted coating materials used
		W74	Improved application techniques
		W75	Changed from spray to other system
		W78	Other surface preparation and finishing (explain briefly in comments)
		W81	Changed product specifications
		W82	Modified design or composition of product
		W83	Modified packaging
		W89	Other product modifications (explain briefly in comments)
		W99	Other (specify in comments)

Comments (Please list corresponding code)

APPENDIX E

INDUSTRIAL WASTEWATER DISCHARGE PERMIT

[LETTER HEAD]

INDUSTRIAL WASTEWATER DISCHARGE PERMIT
WASTEWATER DISCHARGE PERMIT #EXAMPLE CIU

issued by the

County OF _____

FLORIDA

to

COMPANY NAME

ADDRESS

CITY, FL ZIP CODE

COVER PAGE**INDUSTRIAL WASTEWATER DISCHARGE PERMIT**

In accordance with the provisions St Lucie County Utilities of the County of _____ ordinance, The COMPANY NAME, located at Address, CITY, FL _____ is hereby authorized to discharge a total of _____ gallons of treated industrial process wastewater per day from the above identified facility only through the outfalls identified herein into the County of St Lucies sewer system in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in Section 1 (specific) and Section 2 (general) attached hereto and incorporated by reference herein as part of this permit.

Compliance with this permit does not relieve the permittee of its obligation to comply with all pretreatment regulations, standards or requirements under local, State and Federal laws, including any such laws, regulations, standards, or requirements that may become effective during the term of this permit.

Noncompliance with the terms and conditions of this permit shall constitute a violation of the St Lucie County Utilities Industrial Pretreatment Ordinance.

This permit shall become effective on DATE and shall expire at midnight on DATE

The permittee shall not discharge after the date of expiration. If the permittee wishes to continue to discharge after this expiration date an application must be filed for reissue of this permit in accordance with the requirements of Section _____ of the St Lucie County Pretreatment Industrial ordinance, a minimum of 90 days prior to the expiration date.

Director,
St Lucie County Utilities Department

SECTION 1. SPECIFIC CONDITIONS

PART 1. OPERATION AND EFFLUENT ORIGINS

A. Description and Regulation of Operation

COMPANY NAME, operating at ADDRESS, CITY, FL. ZIP is identified for the purposes of this industrial wastewater discharge permit (WDP) as an electroplating facility. This facility is identified as a categorical industrial user subject to Federal electroplating regulations contained in 40 CFR Part 433, Subpart A - Metal Finishing Subcategory. Wastewaters produced by all operations associated processes are regulated at the end of process by 40 CFR Part 433. The facility discharges on average 12,000 gallons of regulated wastewater per calendar day and is therefore subject to Federal pretreatment standards for existing sources 40 CFR 433.15 (PSES) pertaining to this type of facility.

B. Origins of Regulated Wastewater and Pretreatment Requirements

Process wastewater is produced from the rinse areas of all electroplating process lines. Process streams not containing cyanide are discharged into the trench drain which discharges into a waste pipe which connects directly to the pH adjustment pretreatment system.

Wastewaters from all process streams containing cyanide are discharged to a separate piped collection system which connects directly to the cyanide destruct system in the pretreatment room. The discharge from the cyanide destruct system is connected to the influent side of the rinse water system entering the pH adjustment pretreatment system.

All other wastestreams including domestic wastestreams are considered dilute wastestreams and shall not enter the pretreatment system. The discharge from these non-regulated wastestreams shall combine with the regulated wastestreams prior to the final sampling point.

Any significant change (i.e. a change greater than 20%) in the operation, construction or treatment process of the pretreatment system must be approved by the director at least 30 days prior to the change taking place.

PART 2. EFFLUENT LIMITATIONS

A. Outfall

During the period from _____ to _____ the permittee is authorized to discharge treated process wastewater to the City of CITY NAME's sanitary sewer system from the pipeline connected to the effluent discharge side of the pretreatment system at Outfall 001 as shown in Section I., Part 3.E. of this WDP.

The permittee shall apply in writing to the director for permission to discharge processed wastewater to any other outfall than those indicated above. Reasons for the change and detailed plans and drawings of the proposed new outfall must accompany the request.

During the period from _____ to _____ the discharge from the outfall listed above shall not exceed the following effluent limitations. Effluent from this outfall consists of processed wastewater discharged at "end of process" from the pretreatment system. National categorical standards apply directly at this point, as no combined wastes are included.

B. Effluent Limitations

<u>Parameter</u>	<u>Units</u>	<u>Local</u>	<u>Federal(e)</u>		<u>Applicable</u>		<u>F/L(c)</u>
		<u>Daily</u>	<u>Daily</u>	<u>Monthly</u>	<u>Limitations</u>	<u>Limitations</u>	
		<u>Maximum</u>	<u>Max(a)</u>	<u>Average(b)</u>	<u>Daily</u>	<u>Monthly</u>	
Flow	Gall/day	25,000.0 (d)			25,000	---	L
pH (Composite)	Std. units	5.5 - 9.5			5.5 -9.5	---	L
Biochem. Oxyg. Demand	mg/l	10,000.0			10,000	---	L
Chem. Oxyg. Demand	mg/l	10,000.0			10,000	---	L
Cadmium (Total Cd)	ug/l	20	331	125	20	20	L
Chromium (Total Cr)	ug/l	2300	1330	821	1330	821	F
Copper (Total Cu)	ug/l	640	1622	994	640	640	L
Cyanide (Total)	ug/l	110	576	312	110	110	L
Lead (Total Pb)	ug/l	150	331	206	150	150	L
Nickel (Total Ni)	ug/l	280	1910	1142	280	280	L
Silver (Total Ag)	ug/l	320	206	115	206	115	F
Zinc (Total Zn)	ug/l	1500	1253	710	1253	710	F
Total Toxic Organics	ug/l	N/A	1022(f)	N/A	1022	N/A	F

- a. Limit for all values for a parameter obtained on one calendar day.
- b. Limit for the sum of all daily values divided by the number of daily values.
- c. Limit basis derived from Federal or Local discharge regulations. Federal limitations shall be from Categorical Pretreatment Standards and apply to the "end of process". If the categorical limits have been calculated using the CWF or FWA, then the limitation shall apply at "end of pipe". Careful notation shall be included to indicate which limit applies in each case.
- d. Flow of 25,000 gallons per day is a total allowable flow for the outfall.

- e. Federal limitation applies at "end of process". The limits listed in this table have been revised from "end of process" to "end of pipe" limits using the Flow Weighted Averaging Method (FWA). Calculation can be found in Table 1 at the end of this WDP on Page 15.
- f. Total toxic organics, (TTO), shall include the volatile compounds, acid compounds, base/neutral compounds and pesticides identified by the EPA in 40 CFR Part 433 and listed on Page 16 of this WDP in Table 2.

PART 3. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

A. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms of this WDP. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the WDP.

B. Duty to Halt or Reduce Activity

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with this WDP, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the WDP.

C. Bypass of Treatment Facilities

- 1) Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury or severe property damage or no feasible alternatives exist.
- 2) Bypass not exceeding limitations. The permittee may allow bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation.

D. Notification of Bypass:

- 1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to the director.
- 2) Unanticipated bypass. The permittee shall immediately notify the director and submit a written notice to the POTW within 5 days. This report shall specify:
 - (i) A description of the bypass, and its cause and duration;
 - (ii) Whether the bypass has been corrected; and
 - (iii) The steps being taken or to be taken to reduce, eliminate or prevent a reoccurrence of the bypass.

E. Facility Site Maps and Sewer Layouts

PART 4. SAMPLING AND MONITORING REQUIREMENTS

A. Sample Points

During the period from _____ to _____, the permittee shall collect samples and monitor the treated process wastewater discharge from the following sample points:

- 1. Outfall 001 located outside the facility prior to the connection into the City's sewer system as shown on [Page 8](#) of this WDP.

This is the only sampling point that is approved by the director for the permittee's collection of process wastewater samples.

B. Sampling and Analysis

The samples collected by the permittee or its' authorized representative shall be analyzed for the following parameters. Frequency and types of samples to be taken are indicated below:

<u>Parameter</u>	<u>Sample Location</u>	<u>Measurement Frequency(b)</u>	<u>Sample Type(a)</u>
Flow	Outfall 001	Quarterly	Flow meter reading
pH	Outfall 001	Quarterly	Grab Sample(c)

<u>Parameter</u>	<u>Sample Location</u>	<u>Measurement Frequency(b)</u>	<u>Sample Type(a)</u>
Biochem. Oxyg. Demand	Outfall 001	Quarterly	Flow Composite(d)
Chem. Oxygen Demand	Outfall 001	Quarterly	Flow Composite
Cadmium (Total Cd)	Outfall 001	Quarterly	Flow Composite
Chromium (Total Cr)	Outfall 001	Quarterly	Flow Composite
Copper (Total Cu)	Outfall 001	Quarterly	Flow Composite
Cyanide (Total CN)	Outfall 001	Quarterly	Grab Sample
Lead (Total Pb)	Outfall 001	Quarterly	Flow Composite
Nickel (Total Ni)	Outfall 001	Quarterly	Flow Composite
Silver (Total Ag)	Outfall 001	Quarterly	Flow Composite
Zinc (Total Zn)	Outfall 001	Quarterly	Flow Composite
EPA Method 608	Outfall 001	Semi-annually	Flow Composite
EPA Method 624	Outfall 001	Semi-annually	Grab Sample
EPA Method 625	Outfall 001	Semi-annually	Flow Composite

- Types of samples collected by the permittee or its' authorized representative shall be as representative as possible of the volume and nature of the permittee's wastewater discharge throughout the daily period of facility operation. All handling and preservation of collected samples shall be performed in accordance with 40 CFR Part 136 and The Florida Department of Environmental Protection's manual entitled "Standard Operating Procedures for Laboratory Operations and Sample Collection Activities. DEP - QA-001/92" and amendments thereto. The City reserves the right to spot check sampling procedures by the permittee's contract laboratory at any time (see Section 2, Part 3A, c, of this WDP).
- Quarterly samples shall be taken and analyzed in January, April, July and October of each year. EPA Method 608, 624 and 625 scans are required in January and July of each year.
- Discrete grab samples shall be taken for pH, cyanide and volatile organics (EPA Method 624).
- Aliquots of equal volumes of wastewater shall be taken on a flow proportional basis throughout the daily discharge period of the permittee. A minimum of 12 aliquots shall be composited to generate the final sample. All equipment used for sampling and analysis must be routinely calibrated, inspected and maintained to ensure its accuracy.

C. Permittee's Analytical Laboratory

The permittee shall utilize a State of Florida Department of Health and Rehabilitative Services certified laboratory of its choosing for the purposes of complying with the requirements of this WDP. Certification must be current during the performance of a required analysis for each parameter measured. The permittee is directly responsible for ensuring the validity of all analytical measurements received from its laboratory as required by this WDP.

The City will only accept analytical results that are performed by a laboratory certified by the State of Florida Department of Health and Rehabilitative Services for environmental analysis. Analytical measurements submitted by non certified laboratories or resulting from the analysis of samples during periods of non certification for the analyte will be considered null and void and the facility will be considered as not having monitored for these parameters.

Prior to performing any analysis regulated by this WDP, the permittee shall instruct its laboratory to submit a copy of its current Environmental Water Certification Analytes List and Environmental Certificate to the City. The laboratory(ies) shall also submit a copy of the latest FDEP approval correspondence containing the FDEP assigned Comprehensive Quality Assurance Plan number to the City. As soon as these three documents are renewed or revised in any way, the laboratory shall send updated copies of these documents to the City as appropriate.

The City will not accept analytical results from any certified laboratory until the above requirements have been complied with.

D. Sampling Procedures

All sampling procedures shall comply with the requirements contained in the Department of Environmental Protection's manual entitled "Standard Operating Procedures for Laboratory Operations and Sample Collection Activities - DEP - QA-001/92.

If the permittee performs its own sampling, the permittee shall prepare a written description of its procedure entitled "Standard Operating Procedure (SOP) for Environmental Sampling for Industrial Pretreatment Requirements". This document shall be submitted to the City for approval within 90 days after the issuance of this WDP. The City may, at its option, observe the collection of the required samples by the permittee to ensure that FDEP approved sampling methods are complied with in full. Failure to follow FDEP sampling procedures will result in the City's rejection of the sample and any resulting analytical results that may be submitted by the permittee.

If the permittee's chosen laboratory performs the sampling for the permittee, the City may, at its option, observe the collection of the required samples to ensure that FDEP approved sampling methods are complied with in full by the laboratory concerned. Failure to follow FDEP sampling procedures will result in the City's rejection of the sample and any resulting analytical results that may be submitted by the permittee or its laboratory.

PART 5. REPORTING REQUIREMENTS

A. Periodic Compliance Reports

Analytical results obtained shall be summarized and reported on a copy of the attached industrial user periodic compliance report form. Each periodic compliance report shall indicate the nature and concentration of all required pollutants in the effluent for which sampling and analyses were performed, including measured wastewater flows or potable water consumption.

The due date for submission of periodic compliance reports is thirty days after the last day of the month in which the samples are required to be taken (see Section 1, Part 3 B, footnote b of this WDP). Reports will be considered to be late and a late fee of \$50 will be levied if a report is submitted after the due date. If a report is submitted more than 30 days after the due date, the facility will be deemed to be in significant noncompliance and appropriate enforcement proceedings will be initiated by the City according to the Industrial Pretreatment Program's "Enforcement Response Plan".

The next periodic compliance report must be submitted before May 30, 1997, (i.e. 30 days after the end of April 1997). This, and all subsequent reports should consist of:

1. A completed copy of the attached Sampling and analysis form.
2. A completed copy of the attached Periodic compliance report form.
3. A completed copy of the attached Certification statement.
4. A copy of the original contracting laboratory's analysis, including all chain of custody forms.

A report shall be considered incomplete and in violation of reporting requirements if it does not contain all of the above required forms and information. Incomplete reports will be returned to sender.

B. Extra Monitoring

If the permittee monitors its discharge for any pollutant more frequently than required by this WDP, using test procedures prescribed in 40 CFR Part 136 or DEP's QA-001/92 manual or approved amendments thereto, or otherwise approved by EPA or as specified in this WDP, the results of such monitoring shall be included in the calculation and results shall be reported in the quarterly reports and submitted to the director. Such increased monitoring frequency shall also be indicated on the quarterly report.

C. Automatic Resampling

If the results of the permittee's wastewater analysis indicate a violation has occurred, the permittee must:

- a. Inform the director within 24 hours of becoming aware of the violation; and
- b. Repeat the sampling and pollutant analysis for the parameter in violation and submit the results of the second analysis in writing to the City within 30 days after becoming aware of the violation.

D. Accidental Discharge Report

The permittee shall notify the director immediately upon the occurrence of an accidental discharge of substances prohibited by CITE LEGAL SECTION of the CITE LEGAL AUTHORITY or any slug loads or spills that may enter the public sewer. During normal business hours the director should be notified by telephone at (____)____-____. At all other times, the director should be notified by telephone at ____-____ after 4.30 p.m. Monday - Friday or weekends and holidays. The permittee shall inform the director that it is an industrial discharge facility and shall include location of discharge, date and time thereof type of waste, including concentration and volume, and corrective actions taken. The permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements that arise under local, State, or Federal laws. Within five (5) days following an accidental discharge, the permittee shall submit to the director a detailed written report. The report shall specify:

- a. Description and cause of the upset, slug or accidental discharge, the cause thereof and the impact on the permittee's compliance status. The description should also include location of discharge, type, concentration and volume of waste.
- b. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.
- c. All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an upset, slug, accidental discharge, or other conditions of noncompliance.

E. Report Submission

The permittee shall submit all reports required by this WDP to the director at the following address:

Industrial Pretreatment Coordinator
CITY NAME
ADDRESS
CITY, STATE, ZIP

PART 6. DEMAND MONITORING COSTS

Any required demand monitoring, inspections and surveillance deemed to be necessary as a result of a violation will be carried out by the City and charged directly to the permittee at the rates included in CITE LEGAL AUTHORITY AND SECTION or at the City's cost.

PART 7. SPECIAL CONDITIONS

The director reserves the right at any time throughout the duration of this WDP to require the permittee to review its discharge/slug control plan which shall be re-evaluated at least once every two (2) years. Accidental discharge/ slug control plans should address at a minimum, the following:

- a. Description of discharge practices, including nonroutine batch discharges.
- b. Description of stored chemicals.
- c. Procedures for immediately notifying the WWF of any accidental or slug discharge.
- d. Procedures to prevent adverse impact from any accidental or slug discharges. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

SECTION 2. GENERAL REQUIREMENTS AND CONDITIONS**PART 1. COMPLIANCE WITH THE CITY _____ CODE**

Wastewater discharge permits shall be expressly subject to all provisions of _____ of the _____ Code, as amended and all other applicable codes and regulations.

PART 2. DUTY TO REAPPLY

The User shall apply for permit reissuance at least ninety (90) days, but no more than one hundred and eighty (180) days prior to the expiration of the User's permit. The User shall be informed of any proposed changes to his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

PART 3. CONTINUATION OF EXPIRED WDPS

An expired WDP will continue to be effective and enforceable until the WDP is reissued if:

- a. The permittee has submitted a complete WDP application at least ninety (90) days prior to the expiration date of the user's existing WDP.
- b. The failure to reissue the WDP, prior to expiration of the previous WDP, is not due to any act or failure to act on the part of the permittee.

PART 4. SIGNATORY REQUIREMENTS

All reports required by this permit shall contain the name/title of a principal executive officer of the User, and shall be signed by the principal executive officer or his authorized representative.

PART 5. RIGHT OF ENTRY

The Permittee shall allow the City or its representatives exhibiting proper credentials and identification, to enter upon the premises of the User, at all reasonable hours for the purposes of inspection, sampling, or records inspection and duplication. Reasonable hours in the context of inspection and sampling includes any time the Permittee is operating any process which results in a process wastewater discharge to the City's POTW. In the event that City employees fail or neglect to observe appropriate safety procedures or engage in any act of misconduct while performing the necessary work on private property, the Permittee may request that said employees cease the work and vacate the premises. In the event of such an incident, the Director shall be notified.

PART 6. LIMITATION ON PERMIT TRANSFER

Wastewater discharge permits are issued to a specific User for a specific operation. They shall not be reassigned, or transferred, or sold to a new owner, new significant Permittee, or transferred to a different premises without City approval.

PART 7. CHANGED CONDITIONS

The Permittee shall report to the City prior to the introduction of new wastewater or pollutants or any substantial change in the volume or characteristics of the wastewater being discharged into the POTW from the User's industrial processes, in accordance with Section 102-50.

PART 8. RECORDS RETENTION

- (A) The Permittee shall retain and preserve for no less than three (3) years, any records, books, and documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of the User in connection with its discharge.
- (B) All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the City shall be retained and preserved by the Permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

PART 9. SAMPLE TYPE

All samples shall be 24-hour (flow-proportioned or time-proportioned) composite samples where feasible, except cyanide, total phenols, oil and grease, pH, volatile organics, and temperature, which are grab samples.

PART 10. MEASUREMENTS FOR DISCHARGE LIMITATIONS

A. Six Month Average:

The six (6) month average is a rolling average, equal to the arithmetic mean of the samples collected during consecutive reporting periods which comprise six (6) months. For parameters that are measured at least once per month, the six (6) month average shall be computed at the end of each month and is equal to the arithmetic mean of the monthly average of the month being reported and monthly average of each of the previous five (5) months.

B. Monthly Average:

The monthly average concentration is the sum of the concentrations of all daily discharges sampled and/or measured during a calendar month, divided by the number of daily discharges sampled and/or measured during such month (arithmetic mean of the daily concentration values). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all the samples collected during that calendar day.

C. Daily Maximum:

The daily maximum concentration is the highest value recorded during the reporting period.

PART 11. RECORDING OF RESULTS

For each measurement or sample taken pursuant to the requirements of this permit, the following information shall be recorded:

- A. The exact place, date and time of sampling;
- B. The dates the analyses were performed;
- C. The person responsible for performing the sampling or measurement;
- D. The person(s) who performed the analyses;
- E. The analytical techniques or methods used, and
- F. The results of all required analyses.

PART 12. VIOLATION NOTIFICATION AND RESAMPLE REQUIREMENT

If sampling performed by Permittee indicates a violation of any part of this Permit or CITE LEGAL SECTION, as amended, the Permittee shall notify the control authority (City of Lakeland) within 24 hours of becoming aware of the violation. The Permittee shall repeat the sampling and analysis and submit both results of the analysis to the control authority within 30 days after becoming aware of the violation.

PART 13. HAZARDOUS WASTE NOTIFICATION

The Permittee shall notify the Control Authority and the Department of Environmental Protection Hazardous Waste and Pretreatment Authorities in writing of any discharge to the sanitary sewer system of any substance, which, if otherwise disposed of would be a hazardous waste under Rule 62-730, F.A.C. Such notification shall include the name of the hazardous waste, the EPA hazardous waste number, the type of the discharge (continuous, batch or other). If the Permittee discharges more than 100 kilograms (220 pounds) 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 Permittee: an identification of the hazardous constituents in the waste, an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharge during the following 12 months. If the Permittee commences discharge after the effective date of this provision shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this section needs to be submitted only once for each hazardous waste discharged. However, notification of a changed discharge must comply with Section 3, Part 6 of this WDP.

PART 14. DILUTION

No Permittee shall increase the use of potable or process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the permit.

PART 15. PROPER DISPOSAL OF PRETREATMENT SLUDGES AND SPENT CHEMICALS

The disposal of any sludges and/or spent chemicals by the Permittee shall be done in accordance with Section 405 of the Clean Water Act, Subtitles C and D of the Resource Conservation and Recovery Act and CITE CITY CODE as amended.

PART 16. FLOW MEASUREMENTS

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitoring discharges. The devices shall be installed, calibrated, and maintained by the Permittee to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than +/- 10% from the true discharge rates throughout the range of expected discharge volumes.

PART 17. SUSPENSION OF SERVICE AND/OR PERMIT

The City may suspend wastewater treatment service and/or the wastewater discharge permit when such suspension is necessary to stop an actual or threatened discharge which would endanger the health or welfare of persons or the environment, cause interference with POTW operations, cause sludge quality degradation, or cause the City to violate any conditions of its FDEP operating permit and/or its NPDES permit.

PART 18. FAILING TO COMPLY WITH PERMIT CONDITIONS, FALSIFYING INFORMATION OR TAMPERING WITH MONITORING EQUIPMENT

Any User who willfully or negligently fails to comply with provisions of this permit shall be subject to the imposition of penalties and appropriate recovery of costs by the City. Any person who knowingly makes any false statements, representation or correction in any record, report, plan or other document filed pursuant to this permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this permit shall, upon conviction, be subject to the imposition of penalties prescribed by CITE CITY CODE or any other applicable local, State or Federal law.

PART 19. MODIFICATION OR REVISION OF THE PERMIT

The Director may modify a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons;

- A. To incorporate any new or revised Federal, State or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the Permittee's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance;
- C. A change in the WWF that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the City's WWF, personnel, or the receiving waters;
- E. Violation of any term or condition of the permit
- F. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards;
- H. To correct typographical or other errors in the permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

PART 20. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

SECTION 3. ENFORCEMENT**PART 1. NOTICE OF VIOLATION (NOV):**

- A. Any violation of pretreatment requirements, including but not limited to discharge limits, sampling, analysis, reporting, and meeting compliance schedules, and regulatory deadlines, shall be considered as noncompliance for which the Permittee is liable for enforcement, including penalties.
- B. The Permittee shall respond to any NOV in writing within 30 days of the notice. This written notification shall include the reason for the violation(s), the actions taken to correct the violation(s) and what steps will be taken to prevent the violation(s) from occurring in the future.

PART 2. SIGNIFICANT NONCOMPLIANCE (SNC):

- A. Violations shall be identified as those violations or patterns of violations by the Permittee that are instances of Significant Noncompliance (SNC). The determination of SNC is patterned after criteria used in the NPDES program (40 CFR 123.45). Instances of SNC are Permittee violations which meet one or more of the following criteria:
 1. Violation of Wastewater Discharge limits:
 - A. **Chronic Violations:** 66 percent or more of the measurements exceed the permit limits in a 6 month period. (Any magnitude of exceedance.)
 - B. **Technical Review Criteria (TRC) Violation:** 33 percent or more of the measurements exceed the permit limits by more than the TRC in a 6 month period. There are two (2) groups of TRCs: Group I for conventional pollutants (BOD, TSS, fats, oils, and Grease) TRC equals 1.4 times the limit value. Group II for all other pollutants. TRC equals 1.2 times the limit value. For detailed explanation and determination of SNC, refer to US EPA publication "Pretreatment Compliance Monitoring and Enforcement Guidance" manual.
 - C. Any other violation(s) of an effluent limit (average or daily maximum) that the City believes has caused, alone, or in combination with other discharges, interference (e.g. slug loads or pass through) or endangered the health of the wastewater treatment plant personnel or the public.
 - D. Any discharge of a pollutant that has caused imminent endangerment to human/welfare, or to the environment, and has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge.
 2. Violations of compliance schedule milestones contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the scheduled date.
 3. Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports and periodic reports) within thirty (30) days from the due date.
 4. Failure to accurately report non-compliance.
 5. Any other violations or group of violations that the City considers to be significant.
- B. As part of its enforcement action, the City shall notify the Permittee of each incidence of a SNC, and each notice shall include an order for the User to come into compliance immediately, or to enter into a compliance agreement with the City. The City shall annually publish a newspaper list of Permittees that were identified as being in SNC during the previous twelve (12) months. The notice shall also summarize any enforcement action taken against the Permittee in accordance with CITE CITY CODE.

PART 3. CIVIL PENALTIES

A Permittee who has violated or continues to violate any provision of CITE CITY CODE, a wastewater discharge permit or other order issued, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$1,000.00 per violation, per day.

The City may recover reasonable attorney's fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses and the cost of actual damage incurred by the City.

In determining the amount of the civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, any economic benefit gained through the Permittee's violation, corrective actions by the Permittee, the compliance history of the Permittee and any other factor as justice requires.

Filing a suit for civil penalties shall not be a bar against or a prerequisite for taking any other action against the Permittee.

PART 4. CRIMINAL PROSECUTION

A Permittee who willfully or negligently violates any provision of CITE CITY CODE, a wastewater discharge permit or order issued, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 per violation, per day or imprisonment for not more than six (6) months, or both.

A Permittee who willfully or negligently introduces any substance into the WWF which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 per violation, per day or imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

A Permittee who knowingly make any false statements, representations or certification in any application, record, report, plan or other documentation filed or required to be maintained, pursuant to CITE CITY CODE, a wastewater discharge permit or order issued, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than \$500.00 per violation, per day or imprisonment for not more than six (6) months, or both.

In the event of a second conviction, a Permittee shall be punished by a fine of not more than \$1,000.00 per violation, per day or imprisonment for not more than one year, or both.

PART 5. EMERGENCY ACTIONS

The control authority shall have authority and procedures to immediately and effectively halt any discharge to the WWF which endangers public health or welfare. The control authority shall also have the authority and procedures to prevent any discharge to the WWF which endangers the environment or which threatens to interfere with the operations of the WWF. Notice shall be provided to the user prior to such action. If public health or welfare are not endangered, the user shall be given an opportunity to respond to the notice.

PART 6. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this WDP, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncompliant discharge.

PART 7. RECOVERY OF COSTS INCURRED

In addition to civil and criminal liability, the permittee violating any of the provisions of this WDP, of _____ of the City Ordinance or causing damage to or otherwise inhibiting the City of _____ wastewater disposal system shall be liable to the City of _____ for any expense, or damage caused by such violation or discharge. The director shall bill the permittee for the costs incurred by the City of _____ for any demand monitoring, analysis, cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a separate violation of _____ of the City Ordinance.

TABLE 1 - REVISED FEDERAL LIMITATIONS WORKSHEET

FLOW WEIGHTED AVERAGE - Formula used to adjust applicable pretreatment standards where regulated, unregulated and dilution flows combine after pretreatment but prior to sampling, as follows:

$$(F) = \frac{\sum_{i=1}^N C_i Q_i}{\sum_{i=1}^N Q_i}$$

(F) = Adjusted concentration limit for combined flow of regulated wastestream plus other wastestream (unregulated and dilute wastestreams) added after pretreatment.

= Applicable regulated flow concentration limit.

= Regulated Flow

= Concentration of Unregulated Flow

= Unregulated Flow

= Total Flow (regulated, unregulated and dilute)

N = Total number of unregulated streams

Regulated Flow: 12,000 gpd
 Non-regulated Flow: 8,000 gpd
 Domestic: 5,000 gpd
 Canteen 3,000 gpd

	UNIT	LOCAL DAILY	FEDERAL DAILY	FEDERAL MONTHLY	REVISED	
					FEDERAL DAILY	FEDERAL MONTHLY
Cadmium	ug/l	20	690	260	331	125
Chromium	ug/l	2300	2700	1710	1330	821
Copper	ug/l	640	3380	2070	1622	994
Cyanide	ug/l	110	1200	650	576	312
Lead	ug/l	150	690	430	331	206
Nickel	ug/l	280	3980	2380	1910	1142
Silver	ug/l	320	430	240	206	115
Zinc	ug/l	1500	2610	1480	1253	710
TTO	ug/l	N/A	2,130	N/A	1022	N/A

Bolded numbers indicate Permit Limitations

TABLE 2 - PART 433 PRIORITY POLLUTANTS

Acenaphthene	3,4-Benzofluoranthene (benzo(b) fluoranthene)
Acrolein	11,12-benzofluoranthene (benzo(b) fluoranthene)
Acrylonitrile	Chrysene
Benzene	Acenaphthylene
Benzidine	Anthracene
Carbon tetrachloride (tetrachloromethane)	1,12-benzoperylene (benzo(ghi) perylene)
Chlorobenzene	Fluorene
1,2,4-trichlorobenzene	Phenanthrene
Hexachlorobenzene	1,2,5,6-dibenzanthracene (dibenzo(,h) anthracene)
1,2-dichloroethane	Indeno (,1,2,-cd) pyrene (2,3-o-phenylene pyrene)
1,1,1-trichloroethane	Pyrene
Hexachloroethane	Tetrachloroethylene
1,1 dichloroethane	Toluene
1,1,2 trichloroethane	Trichloroethylene
1,1,2,2-tetrachloroethane	Vinyl chloride (chloroethylene)
Chloroethane	Aldrin
Bis(2-chloroethyl) ether	Dieldrin
2-chloroethyl vinyl ether (mixed)	Chlordane (technical mixture and metabolites)
2-chloronaphthalene	4,4-DDT
2,4,6 trichlorophenol	4,4-DDE (p,p-DDX)
Parachlorometa cresol	4 4,-DDD (p,p-TDE)
Chloroform (trichloromethane)	Alpha-endosulfan
2-chlorophenol	Beta-endosulfan
1,2-dichlorobenzene	Endosulfan sulfate
1,3-dichlorobenzene	Endrin
1,4-dichlorobenzene	Endrin aldehyde
3,3-dichlorobenzidine	Heptachlor
1,1-dichloroethylene	Heptachlor epoxide (BHC-hexachlorocyclohexane)
1,2-trans-dichloroethylene	Alpha-BHC
2,4-dichlorophenol	Beta-BHC
1,2-dichloropropane	Gamma-BHC (lindane)
1,2-dichloropropylene (dichloropropene)	Delta-BHC (PCB-polychlorinated biphenyls)
2,4-dimethylphenol	PCB-1242 (Arochlor 1242)
2,4-dinitrotoluene	PCB-1254 (Arochlor 1254)
2,6-dinitrotoluene	PCB-1221 (Arochlor 1221)
1,2-diphenylhydrazine	PCB-1232 (Arochlor 1232)
Ethylbenzene	PCB-1248 (Arochlor 1248)
Fluoranthene	PCB-1260 (Arochlor 1260)
4-chlorophenyl phenyl ether	PCB-1016 (Arochlor 1016)
4-bromophenyl phenyl ether	Toxaphene
Bis(2-chloroisopropyl) ether	Antimony
Bis(2-chloroethoxy) methane	Arsenic
Methylene chloride (dichloromethane)	Asbestos
Methyl chloride (dichloromethene)	Beryllium
Methyl bromide (bromomethane)	Cadmium
Bromoform (tribromomethane)	Chromium
Dichlorobromomethane	Copper
Chlorodibromomethane	Cyanide, Total
Hexachlorobutadiene	Lead
Hexachlorocyclopentadiene	Mercury
Isophorone	Nickel
Naphthalene	Selenium
Nitrobenzene	Silver
2-nitrophenol	Thallium
4-nitrophenol	Zinc
2,4-dinitrophenol	2,3,7-tetrachloro-dibenzo-p-dioxin (TCDD)
4,6-dinitro-o-cresol	
N-nitrosodimethylamine	
N-nitrosodiphenylamine	
N-nitrosodi-n-propylamine	
Phenol	
Bis(ethylhexyl) phthalate	
Butyl benzyl phthalate	
Di-N-Butyl Phthalate	
Di-n-octyl phthalate	
Diethyl Phthalate	
Dimethyl phthalate	
1,2-benzanthracene (benzo(a) anthracene)	
Benzo(a)pyrene (3,4-benzo-pyrene)	

APPENDIX F

BASELINE MONITORING REPORT

GENERAL INSTRUCTIONS

INDUSTRIAL USER INITIAL BASELINE MONITORING REPORT (BMR)

1. The Information requested in the enclosed form is mandated under County of _____ Wastewater Regulations and/or Federal and State Regulations.

GENERAL INSTRUCTIONS

2. Please complete the attached form and return it within 30 days to the following address:
[Pretreatment Program Contact and Address]

If you have any Questions, please contact the following Person(s):

[Pretreatment Program Contact(s) and Phone Number(s)]

SPECIFIC INSTRUCTIONS

Item 1. A.-N. Provide all requested information about the facility.

Item 2. A.-B. Provide a listing of all raw materials and chemicals used in the facility's operations. Avoid use of trade names of chemicals. If trade names are used, provide information regarding the active ingredients including the MSDS.

C. Please describe each process in sufficient detail: Use additional sheets if necessary.

D. List each component process, the production rate (i.e., (product name) #/year), as well as the SIC code for each process.

Item 3. A. Provide the total plant flow rate (average and maximum) to the sanitary sewer in gallons per day (GPD). If accurate flow measurements are unavailable, provide the best estimate. Mark "estimated" if this method is used.

B. Provide a breakdown of the sources of the total plant flow to the sanitary sewer including process flows, sanitary wastewater, cooling water, etc. Also indicate the flow rate (GPD) and the type of discharge (batch, continuous or none) .

C. In order to provide City with a complete understanding of the facility's processes, location of pretreatment facilities and sampling points, the discharger is required to submit a schematic of each process and a schematic of wastewater flows. Flow rates may be estimated. Be sure to indicate sample locations on the flow or process schematic.

Item 4. A. The facility must provide information on or sample, analyze and report the concentration of all pollutants. Include results from any sampling performed by the Water Department. All samples must be representative of normal operations and be of sufficient number to allow process evaluation. Samples should be collected immediately after the named process (after treatment, if applicable. Or "end of pipe") before being combined with other wastestreams. Type of sample (i.e., grab, composite), sample location, number of samples and methods of analysis should be adequately described. See 40 CFR 136 for applicable methods. If analytical data is provided for more than one sampling point, identify the location of all sampling points in the schematic diagram required in Question 3D above.

B. If the facility is unable to sample the wastewater before being mixed with other wastewater flows, the facility may sample the total plant flow and calculate an equivalent concentration limit using the combined wastestream formula. The combined wastestream formula will be applied by the Water Department in instances where the samples taken include wastewater from diluting streams (i.e. sanitary flow).

Item 5&6. Self-explanatory. If pretreatment of wastewater is performed, provide full details. If no pretreatment is used, this should also be clearly indicated.

Item 7. This report must be signed by an authorized representative, which may include a principal executive officer of at least the level of vice president; a general partner or proprietor; or a duly authorized representative that is responsible for the overall operation of the facility.

INDUSTRIAL USER INITIAL BASELINE MONITORING REPORT (BMR)

Instructions: Please complete this Form in as much detail as possible. Use additional sheets as necessary. Refer to General Instructions. Return the Form to the address shown in the instructions.

1. COMPANY INFORMATION

A. Legal Name: _____ B. Facility Name: _____
 Mailing Address: _____ Location: _____
 _____ Zip _____

C. Name or Owner(s): _____ D. Name of Operators _____

E. Phone Number _____ F. Fax Number _____

G. Facility Contact (provide the name, title, phone number, and e-mail address of a designated person to contact if additional information is necessary.)

H. Number of Employees _____

I. Number of Shifts _____

J. Number of Days of Operation Per Week _____

K. Hours of operation of plant _____

L. Hours of operation of pretreatment _____

M. Operating At This Location Since _____ (mm/dd/yy)

N. Provide the name of the publicly owned treatment works (sewage authority, municipality, etc.) that receives the wastewater discharge from this facility. (If this facility is not connected to a sewage system, describe where wastewater is discharged.)

2. NATURE OF OPERATION

A. List Raw Materials Used. Include Average & Maximum Used per Day: (Include MSDS)

B. List of Chemicals Used: (Include MSDS)

C. Fully Describe Manufacturing or Service Activities and Processes Conducted and the Final products. Use additional sheets to elaborate, if necessary.

D. Summarize Each Component Process:

<i>Process Description</i>	<i>Production Rates</i>	<i>Sic Code & Sub Part if Applicable</i>

E. List all environmental permits held. _____

3. WASTEWATER FLOW (Estimated? Yes ___ No ___)

A. Total Plant Flow In Gallons Per day (GPD) Average _____ Maximum _____

B. Individual Process Flows In Gallons Per day (GPD)

Component Process	Average Flow Rate (GPD)	Maximum Flow Rate (GPD)	Type of Discharge (Batch, Continuous, None) Time & Duration	Peak Flow Rate (30 Minute Duration)
Cooling Water				
Sanitary Wastewater				

List any daily, monthly and/or seasonal variations in flow if any _____

C. List All Water and/or Sewer Account numbers. (Provide a copy of a recent water/sewer bill.)

D. Provide on a separate sheet(s):

- 1) a schematic drawing or flow chart of each regulated process.
- 2) a schematic drawing showing all wastewater flows (regulated and unregulated), location of any treatment system and sampling locations.
- 3) a water balance indicating amount of intake water, discharges to sewer, losses, and water retained in products.
- 4) site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.

4. NATURE AND CONCENTRATION OF POLLUTANTS

The industrial user must perform sampling and analysis of the effluent (after treatment if applicable). Provide the analytical data in the space provided below. Units should be indicated in mg/l *. Attach additional sheets.

Component Process: _____

Pollutant					
Max.*					
Avg.*					

Sample Location(s): _____

Sample Type (composite samples are required except where not feasible or appropriate): _____

Number of Samples and Frequency Collected: _____

Analytical Methods Used: _____

Does sample include wastewater from other non-process streams (such as sanitary wastewater, non contact cooling water), if so, what streams from those listed in Item #3 are included?

Provide a list of all materials which are or could be discharged _____

5. WASTEWATER TREATMENT

Fully describe any and all pretreatment utilized (show treatment system location in relation to process flows on schematic drawing required by Question 3.D) _____

6. COMPLIANCE CERTIFICATION

A. Is the facility meeting applicable categorical pretreatment standards on a consistent basis? YES _____ NO _____

B. If No, do you require:

- 1) additional operation and maintenance (O&M) to achieve compliance? YES _____ NO _____
- 2) new or additional pretreatment equipment facilities to achieve compliance? YES _____ NO _____

Where additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, on a consistent basis, attach a schedule on a separate sheet. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- (2) No increment referred to in paragraph (1) shall exceed 9 months.
- (3) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Department including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Department.

7. SIGNATORY REQUIREMENT

All applications, reports or information submitted to the city as required by this Permit shall be signed and certified by an authorized representative as specified at 62-625.600(11), F.A.C.

Any person signing a document shall make the following certification: -

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

NAME - AUTHORIZED REPRESENTATIVE

SIGNATURE

OFFICIAL TITLE

DATE

APPENDIX G

PERIODIC COMPLIANCE REPORT

PERIODIC COMPLIANCE REPORT (PCR) AND CERTIFICATION STATEMENT

Permit #: _____

Industrial User: _____

Reporting Period: _____

Sample Date(s) During this Period: _____

(attach laboratory reports)

Monitoring Event Type(s): self-monitoring compliance monitoring

consent order compliance order

other:

Violations During this Period: [] None.

Explanation of Cause(s) and Remedy(ies) for each violation:

The St Lucie County Utilities was notified of the violation(s) detailed above on ____/____/____ via _____ (e.g. phone, voice mail, fax, etc.).

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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violation.

Signed: _____ Date:

Title:

This statement must be signed by the **Authorized Representative** of the discharging company.

PERIODIC COMPLIANCE REPORT (PCR) Data Sheet

Permit #:

Industrial User:

Date Sample Collected*:

Sampling Location:

Parameter	Units	Discharge Daily Max.	Standard Monthly Avg.	Analytical Value	Results Method
Flow	g.p.d.				
pH	S.U.				
Biochemical Oxygen Demand	mg/l				
Suspended Solids	mg/l				
Cadmium	mg/l				
Chromium	mg/l				
Copper	mg/l				
Lead	mg/l				
Nickel	mg/l				
Silver	mg/l				
Zinc	mg/l				
Cyanide	mg/l				
Oil & Grease	mg/l				
Phenols	mg/l				
TTO	ug/l				

(List parameters as necessary)

*Submit a separate sheet for each sample collected.

APPENDIX H

NOTICE OF VIOLATION

CERTIFIED MAIL

NOTICE OF VIOLATION

ST LUCIE COUNTY UTILITIES
INDUSTRIAL PRETREATMENT
2300 VIRGINIA AVE, FT PIERCE, FL. 34982
772-462-1150

DATE: _____ NO: _____

RESPONSIBLE PARTY (COMPANY/PERSON): _____

MAILING ADDRESS: _____

PHONE NUMBER: _____

LOCATION OF VIOLATION: _____

DATE AND TIME OF VIOLATION: _____

VIOLATION PURSUANT TO:

ST LUCIE COUNTY UTILITY INDUSTRIAL DISCHARGE PERMIT # _____

ORDINANCE # 10-012
 CHAPTER 62-625, "FLORIDA ADMINISTRATIVE CODE"
PRETREATMENT REQUIREMENTS FOR EXISTING
AND NEW SOURCES OF POLLUTION

OTHER:

FACTS CONSTITUTING VIOLATION: _____

BY COPY OF THIS NOTICE, THE RESPONSIBLE PARTY IS INFORMED THAT A VIOLATION HAS OCCURRED AND WILL RESULT IN APPROPRIATE ADMINISTRATIVE OR LEGAL ACTION TO ASSURE COMPLIANCE WITH THE STATE PRETREATMENT REQUIREMENTS FOR MUNICIPALITY NAME: LOCAL ORDINANCE REQUIREMENTS, AND INDUSTRIAL DISCHARGE PERMIT REQUIREMENTS. BECAUSE CONTINUATION OF A VIOLATION SUBSEQUENT TO THIS NOTICE IS CONSIDERED TO BE AN INTENTIONAL VIOLATION, IT IS RECOMMENDED THAT UNTIL THE MATTER IS RESOLVED YOU:

Cease discharge of non-domestic wastewater
 Other: _____

COMPLIANCE SAMPLING REQUIREMENTS CONDUCTED BY EXISTING INDUSTRIAL DISCHARGE PERMITTEES MAY BE USED IN SATISFACTION OF THE RESPECTIVE SELF MONITORING REQUIREMENTS AND ARE TO BE SUBMITTED WITH EACH MONTHLY SELF MONITORING REPORT DURING THE COMPLIANCE PERIOD.

AGENT: _____

RECEIVED BY:

APPENDIX I

NOTICE OF SIGNIFICANT NONCOMPLIANCE

**ST LUCIE COUNTY UTILITIES
NOTICE OF SIGNIFICANT NONCOMPLIANCE**

IN THE MATTER OF

Date _____

_____, Inc.

**Street
City, Fl Zip**

LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Director of Utilities, under Industrial Pretreatment Ordinance 10-012 of the St Lucie County Wastewater Collection and Treatment Plant. This order is based on findings of violation of the conditions of the Industrial Wastewater Discharge Permit # _____ issued under Section 1-20.5-84 of the St Lucie County Industrial Pretreatment Ordinance 10-012.

FINDINGS

1. The County of _____ is charged with construction, maintenance, and control of the sanitary sewer system and four water reclamation facilities.
2. To protect the sanitary sewer system and the four water reclamation facilities, the City of _____ administers an industrial pretreatment program.
3. Under this program, _____, Inc. was issued an Industrial Wastewater Discharge Permit # _____.
4. The Industrial Wastewater Discharge Permit # _____ contained numerical limits of the quality of pollutants, which _____, Inc. could discharge and self monitoring requirements.
5. On _____

NOTICE

THEREFORE, BASED ON THE ABOVE FINDINGS, _____, Inc. IS HEREBY NOTIFIED THAT:

It is in significant noncompliance with its Industrial Wastewater Discharge Permit # _____ and the Industrial Pretreatment Ordinance 10-012 of the County of _____.

Signed: _____
Laurie Waldie
Utility Director
2300 Virginia Ave
Fort Pierce, Fl. 34982

APPENDIX J

NOTICE OF SIGNIFICANT

NOTICE OF SIGNIFICANT VIOLATION

DIVISION OF WATER AND WASTEWATER SERVICES

(NAME OF MUNICIPALITY)

IN THE MATTER OF

*
*

[NAME OF INDUSTRY]
[ADDRESS]

*
*
*
*
*

**ADMINISTRATIVE
COMPLIANCE ORDER**

LEGAL AUTHORITY

The following findings are made and order issued pursuant to the authority vested in the Director of Utilities, under Section _____ Of the St Lucie County Utilities Industrial Pretreatment Ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under Section _____ of the St Lucie County Utilities Industrial Pretreatment Ordinance.

FINDINGS

1. **(Industry)** discharges non-domestic wastewater containing pollutants into the sanitary sewer system of the St Lucie County Utilities (Hereafter, St Lucie County Utilities).
2. **(Industry)** is a "significant industrial user" as defined by Section _____ of the St Lucie County Utilities Industrial Pretreatment Ordinance.
3. **(Industry)** was issued a wastewater discharge permit on _____, which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
4. Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of **(Industry)**.
5. This data shows that **(Industry)** has violated its wastewater discharge permit in the following manner:
 - a. **(Industry)** has violated its permit limits for copper and zinc in each sample collected between and _____, for a total of _____ separate violations of the permit.
 - b. **(Industry)** has failed to submit all periodic compliance reports due since _____.
 - c. All of these violations satisfy the Municipality's definition of significant violation.

ORDER**THEREFORE, BASED ON THE ABOVE FINDINGS, (INDUSTRY) IS HEREBY ORDERED TO:**

1. Within 180 days, install pretreatment technology which will adequately treat **(Industry)**'s wastewater to a level which will comply with its wastewater discharge permit.
2. Within 5 days, submit all periodic compliance reports due since _____.
3. Within 10 days, pay to the cashier's office of the St Lucie County Utilities, a fine of \$_____ for the above-described violations in accordance with Section _____ Of the St Lucie County Utilities Industrial Pretreatment Ordinance.
4. Report, on a monthly basis, the wastewater quality and the corresponding flow and production information as described on page 9 of the wastewater discharge permit for a period of one year from the effective date of this order.
5. All reports and notices required by this order shall be sent, in writing, to the following address:

**St Lucie County Utilities
2300 Virginia Ave
Fort Pierce, Florida 34982**

6. This order does not constitute a waiver of the wastewater discharge permit which remains in full force and effect. The St Lucie County Utilities reserves the right to seek any and all remedies available to it under Section _____ of the St Lucie County Utilities Industrial Pretreatment Ordinance for any violation cited by this order.
7. Failure to comply with the requirements of this order shall constitute a further violation of the sewer use ordinance and may subject **(Industry)** to civil or criminal penalties or such other appropriate enforcement responses as may be appropriate.
8. This order, entered this _____ Day of _____, 199__ shall be effective upon receipt by **(Industry)**.

Signed:

Laurie Waldie
Director of Utilities
2300 Virginia Ave
Fort Pierce, Florida 34982

APPENDIX K

SHOW CAUSE ORDER

SHOW CAUSE ORDER**St Lucie County Utilities**

IN THE MATTER OF

[NAME OF INDUSTRY]
[ADDRESS]*
*
*
*
*
*

ADMINISTRATIVE

SHOW CAUSE ORDER

LEGAL AUTHORITY

The following findings are made and order issued pursuant to the authority vested in the Director of Wastewater Services, under Section 1-20.5-88 of the SLCU Industrial Pretreatment Ordinance 10-012. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under Section _____ of the SLCU Industrial Pretreatment Ordinance 10-012.

FINDINGS

1. **[Industry]** discharges non-domestic wastewater containing pollutants into the sanitary sewer system of the St Lucie County Utilities (hereafter, "St Lucie County Utilities").
2. **[Industry]** is a "significant industrial user" as defined in Section _____ of the SLCU Industrial Pretreatment Ordinance 10-012.
3. **[Industry]** was issued a wastewater discharge permit on Date , which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
4. Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of **[Industry]**.
5. This data shows that **[Industry]** has violated its wastewater discharge permit in the following manner:
 - a. **[Industry]** has violated its permit limits for copper and zinc in each sample collected between Date and Date , for a total of 24 separate violations of the permit.
 - b. **[Industry]** has failed to submit a periodic compliance report due Date .
 - c. All of these violations satisfy the St Lucie County Utilities definition of significant violation.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, [INDUSTRY] IS HEREBY ORDERED TO:

1. Appear at a meeting with the Director of Utilities to be held on _____ at _____ of the BOCC Building.
2. At this meeting, **[Industry]** must demonstrate why the St Lucie County Utilities should not pursue a judicial enforcement action against **[Industry]** at this time.
3. This meeting will be closed to the public.
4. Representatives of **[Industry]** may be accompanied by legal counsel if they so choose.

5. Failure to comply with this order shall also constitute a further violation of the SLCU Industrial Pretreatment Ordinance 10-012 and may subject **[Industry]** to civil or criminal penalties or such other appropriate enforcement response as may be appropriate.
6. This order, entered this Date , shall be effective upon receipt by **[Industry]**.

Signed: _____

Laurie Waldie
Utilities Director

APPENDIX L

CEASE & DESIST

CEASE AND DESIST ORDER

ST LUCIE COUNTY UTILITIES

IN THE MATTER OF

**[NAME OF INDUSTRY]
[ADDRESS]**

*
*
*
*
*
*

CEASE AND DESIST ORDER

LEGAL AUTHORITY

The following findings are made and order issued pursuant to the authority vested in the Director of Utilities, under Section 1-20.5-88(l)(2) of the SLCU Industrial Pretreatment Ordinance 10-012. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under Section 1-20.5-84 of the SLCU Industrial Pretreatment Ordinance 10-012.

FINDINGS

1. **(Industry)** discharges non-domestic wastewater containing pollutants into the sanitary sewer system of the St Lucie County Utilities.
2. **(Industry)** is a "significant industrial user" as defined by Section _____ of the SLCU Industrial Pretreatment Ordinance 10-012
3. **(Industry)** was issued a wastewater discharge permit on _____, which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
4. Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of **(Industry)**.
5. This data shows that **(Industry)** has violated the Sewer Use Ordinance in the following manner:
 - a. **(Industry)** has continuously violated its permit limits for copper and zinc in each sample collected between _____ and _____.
 - b. **(Industry)** has also failed to comply with an administrative compliance order requiring the installation of a pretreatment system and the achievement of compliance with its permit limits by .
 - c. **(Industry)** has also failed to appear at a show cause hearing pursuant to an order requiring said attendance.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, (INDUSTRY) IS HEREBY ORDERED TO:

1. Within 24 hours of receiving this order, cease all non-domestic discharges into the St Lucie County Utilities sanitary sewer. Such discharges shall not recommence until such time as (Industry) is able to demonstrate that it will comply with its current permit limits.
2. Failure to comply with this order may subject (Industry) to having its connection to the sanitary sewer sealed by the St Lucie County Utilities, and assessed the costs therefor.
3. Failure to comply with this order shall also constitute a further violation of the sewer use ordinance and may subject (Industry) to civil or criminal penalties or such other enforcement response as may be appropriate.
4. This order, entered this _____ day of _____, 199___, shall be effective upon receipt by (Industry).

Signed: _____
Laurie Waldie
Utility Director
2300 Virginia Ave
Fort Pierce, Fl. 34982

APPENDIX M

CONSENT ORDER

CONSENT ORDER

ST LUCIE COUNTY UTILITIES

IN THE MATTER OF

**[NAME OF INDUSTRY]
[ADDRESS]**

*
*
*
*
*
*
*

**DIRECTOR OF UTILITIES
2300 VIRGINIA AVE
FORT PIERCE, FL. 34982**

CONSENT ORDER

WHEREAS, the St Lucie County Utilities pursuant to the powers, duties and responsibilities vested in and imposed upon the by provisions of the SLCU Industrial Pretreatment Ordinance 10-012, have conducted an ongoing investigation of **(Industry)**, and have determined that:

1. The SLCU Utilities owns and operates a wastewater treatment plant which is adversely impacted by discharges from industrial users, including **(Industry)**, and has a pretreatment program to control such discharges.
2. **(Industry)** has consistently violated the pollutant limits in its wastewater discharge permit as set forth in Exhibit I, attached hereto.
3. Therefore, to ensure that **(Industry)** is brought into compliance with its permit limits at the earliest possible date, **IT IS HEREBY AGREED AND ORDERED, BETWEEN (Industry) AND THE DIRECTOR OF UTILITIES FOR THE ST LUCIE COUNTY, THAT [INDUSTRY] SHALL:**
 - a. By _____, obtain the services of a licensed professional engineer specializing in wastewater treatment for the purpose of designing a pretreatment system which will bring **(Industry)** into compliance with its wastewater discharge permit.
 - b. By _____, submit plans and specifications for the proposed pretreatment system to the Municipality for review.
 - c. By _____, install the pretreatment system in accordance with the plans and specifications submitted in item b above.
 - d. By _____, achieve compliance with the limits set forth in Exhibit I.
 - e. **(Industry)** shall pay \$1,000 per day for each and every day it fails to comply with the schedule set out in items a-d above. The \$1,000 per day penalty shall be paid to St Lucie County Utilities within 5 days of being demanded by the Municipality.
4. In the event **(Industry)** fails to comply with any of the deadlines set forth, **(Industry)** shall, within one (1) working day after expiration of the deadline, notify the SLCU in writing. This notice shall describe the reasons for **(Industry)**'s failure to comply, the additional amount of time needed to complete the remaining work, and the steps to be taken to avoid future delays. This notification in no way excuses **(Industry)** from its responsibility to meet any later milestones required by this Consent Order.
5. Compliance with the terms and conditions of this Consent Order shall not be construed to relieve **(Industry)** of its obligation to comply with its wastewater discharge permit which remains in full force and effect. The SLCU reserves the right to seek any and all remedies available to it under Section 1-20.50-90(C) of the SLCU Industrial Pretreatment Ordinance 10-012 for any violation cited by this order.

- 6. Violation of the Consent Order shall constitute a further violation of the SLCU Industrial Pretreatment Ordinance 10-012 and subjects **(Industry)** to all penalties described by Section 1-20.5-90 of the SLCU Industrial Pretreatment Ordinance 10-012.
- 7. Nothing in this Consent Order shall be construed to limit any authority of the SLCU Utilities to issue any other orders or take any other action which it deems necessary to protect the wastewater treatment plant, the environment or the public health and safety.

SIGNATORIES

FOR (INDUSTRY)

Date

Name (Industry)

FOR (SLCU)

Date

Laurie Waldie
Director of Utilities
2300 Virginia Ave
Fort Pierce, Fl. 34982

APPENDIX N

ST LUCIE COUNTY INDUSTRIAL PRETREATMENT ORDINANCE

ORDINANCE NO. 10-012

AN ORDINANCE AMENDING CHAPTER 1-20.5 "WATER AND SEWER" OF THE ST. LUCIE COUNTY CODE AND COMPILED LAWS BY CREATING ARTICLE VI "PRETREATMENT OF WASTEWATER"; PROVIDING A PURPOSE AND POLICY; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR PROHIBITED DISCHARGE STANDARDS; PROVIDING FOR PRETREATMENT; PROVIDING FOR INDUSTRIAL WASTEWATER DISCHARGE PERMIT; PROVIDING FOR REPORTING REQUIREMENTS; PROVIDING FOR PROTECTION FROM DAMAGE; PROVIDING FOR POWERS AND AUTHORITY OF INSPECTORS; PROVIDING FOR ENFORCEMENT ACTIONS; PROVIDING FOR PENALTIES; PROVIDING FOR NOTIFICATION REQUIREMENTS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING, ADOPTION, AN EFFECTIVE DATE AND CODIFICATION

JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT
SAINT LUCIE COUNTY
FILE # 3470158 05/05/2010 at 09:19 AM
CIR BOOK 3193 PAGE 610 - 652 Doc Type: ORDIN
RECORDING: \$367.00

WHEREAS, the St. Lucie County Water and Sewer District ("District") owns, operates and controls wastewater treatment and disposal systems for the collection, transmission, treatment and disposal of wastewater and wastewater residuals ("WWTFs"); and

WHEREAS, the District also owns, operates and controls a wastewater collection and transmission system which delivers wastewater to South Hutchinson Island Water Reclamation Facility ("IWRWF") owned, operated and controlled by the Fort Pierce Utilities Authority ("FPUA") for treatment and disposal, pursuant to the Agreement between Fort Pierce Utilities Authority and St. Lucie County, Florida, for Provisions of Bulk Water, Wastewater and Reclaimed Water Service ("Bulk Service Agreement"); and

WHEREAS, the District desires to comply with its State of Florida Department of Environmental Protection ("DEP") operating permits for its WWTFs and to comply with requirements of the Bulk Service Agreement with FPUA, and regulations issued by the DEP and the United States Environmental Protection Agency ("EPA") relating to industrial discharges and wastewater pretreatment; and

WHEREAS, the District deems this Ordinance necessary for the health, safety and welfare of the public and for the protection of the environment.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida, acting for and on behalf of the St. Lucie County Water and Sewer District:

ARTICLE VI
PRETREATMENT OF WASTEWATER

PART A. CHAPTER 1-20.5 "WATER AND SEWER" IS HEREBY AMENDED BY CREATING ARTICLE VI "INDUSTRIAL PRETREATMENT" AS FOLLOWS:

Sec. 1-20.5-79 Purpose and Policy

The purpose of this Ordinance is to set forth uniform requirements for wastewater customers of the District and enables the District to comply with all industrial pretreatment programs ("IPP") requirements set forth in applicable State and Federal laws, including the Clean Water Act and Rule 62-625, F.A.C. (Pretreatment Requirements for Existing and Other Sources of Pollution) and the IPP Ordinance of the FPUA. The objectives of this Ordinance are:

A. To prevent the introduction of pollutants into the WWTFs and IWRf that will interfere with their operation;

B. To prevent the introduction of pollutants into the WWTFs and IWRf that will pass through the WWTFs and IWRf without adequate treatment and into receiving waters, or otherwise be incompatible with the WWTFs and IWRf;

C. To protect WWTF personnel who may be affected by the Wastewater in the course of their employment;

D. To promote reuse and recycle of biosolids from WWTFs;

E. To provide for the equitable distribution of the IPP costs and impacts to and on the WWTFs and IWRf; and

F. To enable the District to comply with its DEP permits and NPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the WWTFs are subject, to comply with the terms of the Bulk Services Agreement, and to comply with the terms of any other bulk wastewater treatment and disposal agreements entered into from time to time by the District with third party wastewater treatment and disposal providers ("Other Bulk Service Providers") for delivery of wastewater

to the Other Bulk Service Providers wastewater treatment and disposal systems ("Bulk WWTFs").

Sec. 1-20.5-80 Definitions.

The following definitions shall apply to the provisions of this Ordinance:

A. Act ("the Act"). The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

B. Approval Authority. The DEP or its successor agencies.

C. Authorized Representative of the User. Either:

1. The president, vice-president, secretary, or treasurer, or any other person who performs similar policy or decision-making functions for the User if the User is a corporation; or

2. A general partner, manager, or proprietor if the User is a partnership, limited liability company or sole proprietorship, respectively; or

3. The highest administrative official appointed or designated by a User to oversee the operation and performance of the activities of the User, or his designee, if the User is a Federal, State or local governmental entity; or

4. A duly authorized representative of the person designated in Sections (1), (2), or (3) above if such authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facilities from which the Discharge originates, and the written authorization is submitted to the Control Authority.

D. Biochemical Oxygen Demand ("BOD"). The quantity of oxygen utilized in the biochemical oxidation of organic matter.

E. Bypass. The intentional diversion of wastewater streams from any portion of an Industrial User's treatment facility.

F. Categorical Industrial User. An Industrial User subject to Categorical Pretreatment Standards.

G. Categorical Pretreatment Standard. Any regulation containing Pollutant Discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act

(33 U.S.C. 1317) which applies to a specific category of Industrial Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471, as amended.

H. CFR. Code of Federal Regulations, as amended.

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

J. Control Authority. The District and/or the FPUA or other Bulk Service Providers, as applicable.

K. Department of Environmental Protection ("DEP"). The Department of Environmental Protection of the State of Florida.

L. Discharge. To deposit, place, emit, unload, release, or cause or allow to be disposed of, deposited, placed, emitted, unloaded, or released.

M. Domestic Waste. Any superfluous solid, liquid, or gaseous material derived principally from the use of sanitary conveniences of residences (including apartments); wastewater produced from a noncommercial or nonindustrial source.

N. District. The St. Lucie County Water and Sewer District.

O. Environmental Protection Agency ("EPA"). The United States Environmental Protection Agency.

P. Existing Source. Any source of Discharge, the construction or operation which commenced prior to the publication by EPA of proposed Categorical Pretreatment Standards.

Q. F.A.C. Florida Administrative Code, as amended.

R. FPUA. The Fort Pierce Utilities Authority.

S. Grab Samples. A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

T. Indirect Discharge. The introduction of Pollutants into the WWTFs, IWRF or other Bulk WWTFs from any non-domestic source regulated under sections 307 (b), (c), and (d) of the Act and Chapter 403, Florida Statutes.

U. Industrial User ("IU"). Any User discharging industrial wastewater into the WWTFs, IWFR or Bulk WWTFs.

V. Industrial Wastewater. Food waste, other waste, or any superfluous solid, liquid, or gaseous material resulting from manufacturing, industrial, or commercial processes, or from natural resource development, recovery, or processing.

W. Industrial Wastewater Surcharge. An additional service charge assessed against Industrial Users whose wastewater characteristics exceed established surcharge limits.

X. Industrial Wastewater Discharge Permit ("Permit"). Written authorization from the Control Authority to discharge industrial wastewater to the WWTFs, IWFR or Bulk WWTFs, setting certain conditions and/or restrictions on such Discharge.

Y. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a Pollutant allowed to be discharged at any time, determined from analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Z. Interceptors (separators, grease traps). Any device designed and installed to separate and retain floatable deleterious, hazardous, and/or undesirable matter from sewage or liquid wastes, and to discharge into a WWF by gravity.

AA. Interference. A Discharge which, alone or in conjunction with a Discharge or Discharges from other sources, both:

1. Inhibits or disrupts the WWTFs, IWFR or Bulk WWTFs, their treatment processes or operations, or its domestic wastewater residuals processes, use or disposal; and

2. Is a cause of a violation of any requirement of the NPDES permit held by the Control Authority (including an increase in the magnitude or duration of a violation) or prevents use or disposal of domestic wastewater residuals in compliance with local regulations or rules of DEP, Chapter 403, Florida Statutes, and all applicable Federal laws.

BB. Medical Waste. Wastes including, but not limited to, isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

CC. New Source.

1. Any building, structure, facility, or installation from which there is or may be a Discharge of Pollutants, the construction of which is commenced after the publication of proposed Pretreatment Standards prescribed under Section 307(c) (33 U.S.C. 1317) of the Act which will be applicable to such source, if the standards are thereafter promulgated in accordance with that Section, provided that:

a. The building, structure, facility or installation is constructed at a site at which no other source is located; 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, will 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 paragraph (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 onsite 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.

DD. Non-Contact Cooling Water. Water usage for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product, to which the only Pollutant added is heat.

EE. NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

FF. Pass Through. A Discharge which exits the WWTFs, IWFR or Bulk WWTFs into the waters of the State or 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 regulatory requirement of the WWF's NPDES permit (including an increase in the magnitude or duration of a violation).

GG. Person. Individual, corporation, firm, company, joint venture, partnership, sole proprietorship, association, or any other legal business entity, any state or political subordinate thereof, any municipality, any interstate body and any department, agency, or instrumentality of the United States and any officer, agent, or employee thereof, and any organized group of persons whether incorporated or not.

HH. pH. The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter (g/L) of solution.

II. Pollutant. Any dredged spoil, medical waste, solid waste, incinerator residue, garbage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

JJ. Pretreatment. The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such Pollutants into the WWTFs, IWRF or Bulk WWTFs. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Rule 62-625.410(5), F.A.C. Appropriate Pretreatment technology includes control equipment, such as equalization tanks or facilities for protection against surges or Slug Discharges that might interfere with

or otherwise be incompatible with the wastewater facilities. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted Pretreatment limit calculated in accordance with Rule 62-625.410(6), F.A.C.

KK. Pretreatment Requirement. Any substantive or procedural requirement related to Pretreatment, other than a Pretreatment Standard, imposed on an Industrial User.

LL. Pretreatment Standard. For any specified Pollutant, the prohibitive Discharge Standards as set forth in this article, the State of Florida's Pretreatment Standards, or the National Categorical Pretreatment Standards, whichever standard is the most stringent.

MM. Prohibited Discharges. Absolute prohibitions against the discharge of certain substances.

NN. RCRA. Resource Conservation and Recovery Act.

OO. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

PP. Sewer. Means a pipe or conduit designed for carrying or transmitting wastewater, including, but not limited to, gravity sewers, force mains and low pressure mains.

QQ. Significant Industrial User. Except as provided in (3) below, means the following:

(1) An Industrial User subject to Categorical Pretreatment Standards under Rule 62-625.410, F.A.C. and 40 CFR Chapter I, Subchapter N which has been adopted by reference in Chapter 62-660, F.A.C.; or

(2) An Industrial User that:

(a) Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of process Wastewater to the WWTFs, IWRF, Bulk WWTFs, (excluding domestic wastewater, Non-Contact Cooling, and boiler blowdown Wastewater); or

(b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the WWTFs, IWRF or Bulk WWTFs; or

(c) Is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the WWTFs, IWRF or Bulk WWTFs' operation or for violating any Pretreatment Standard or Requirement in accordance with Rule 62-625.500(2)(e), F.A.C.

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

RR. Significant Noncompliance ("SNC"). Any one or more of the following:

1. Violations of wastewater Discharge limits:

a. Chronic violations. Sixty-six (66) percent or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period (any magnitude of excess).

b. Technical review criteria (TRC) violations. Thirty-three (33) percent or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six-month period.

There are two groups of TRCS:

Group I for conventional Pollutants (BOD, TSS, fats, oil, and grease) TRC = 1.4

Group II for all other Pollutants TRC = 1.2

c. Any other violation(s) of an effluent limit (average or daily maximum) than the Control Authority believes has caused, alone or in combination with other Discharges, Interference (e.g., Slug loads) or pass-through; or endangered the health of the sewage treatment personnel or the public.

d. Any discharge of a Pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the Control Authority exercising its emergency authority to halt or prevent such a Discharge.

2. Violations of compliance schedule milestones, contained in a permit or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.

3. Failure to provide reports for compliance schedules, self-monitoring data, or Categorical Standards (baseline monitoring reports, ninety-day compliance reports, and periodic reports) within thirty (30) days from the due date.

4. Failure to accurately report non-compliance within thirty (30) days of its occurrence.

5. Any other violation or group of violations that the Control Authority considers to be significant.

SS. Sludge. Any solid or semisolid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

TT. Slug. Any non-routine discharge of water, wastewater or industrial waste at a flow rate or concentration which could cause interference with the WWF and a violation of the Prohibited Discharge Standards in Section 1-20.5-82 of the Code.

UU. Standard Industrial Classification ("SIC") Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

VV. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting from such precipitation.

WW. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

XX. Upset. An exception incident in which there is unintentional and temporary noncompliance with Pretreatment Standards because of factors beyond the reasonable control of the Industrial User.

YY. User. A wastewater utility customer of the District.

ZZ. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial, medical and manufacturing facilities, and institutions, whether treated or untreated, which are discharged into a WWF.

AAA. Wastewater Facility ("WWF"). Collectively, the District's structures, sewers, equipment, and processes required to collect, carry away, and transmit wastewater and the WWTFs, IWRP and Bulk WWTFs, as applicable.

Sec. 1-20.5-81 Applicability.

This Ordinance shall apply within the boundaries of the District, and the use of or discharge into the WWTFs, IWRP or Bulk WWTFs by any User. The delivery of wastewater to District's wastewater collection and transmission system is conclusive proof of acceptance of and submittal to the jurisdiction of the Code.

Sec. 1-20.5-82 Prohibited Discharge Standards.

Users shall not discharge Pollutants into the WWF unless in accordance with the Code.

A. Discharge Prohibitions. No User shall Discharge into the WWF any Pollutant, Wastewater or Septic Tank Waste which may cause Pass Through or Interference with the operation or performance of the WWF.

No User shall discharge into the WWF any of the following:

1. Toxic or poisonous substances, chemical elements or compounds, taste or odor-producing substances, or any other substances which are not amenable to treatment or reduction by the wastewater treatment processes employed by the WWTF, IWRP or Bulk WWTF. Toxic Pollutants shall include, but not be limited to, any Pollutant identified pursuant to 40 CFR Part 116 (4).

2. Noxious, or malodorous solids, liquids, or gases or other wastewater which, either singly, or by interaction with other waste or wastewater (a) are capable of creating public nuisance or hazard to human or animal life (b) are or may be sufficient to prevent entry into a Sewer for its maintenance, inspection, or repair or (c) may create any hazard in the receiving waters of the WWF.

3. Liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or to its operation. Prohibited

materials include but are not limited to, petroleum oil and non-biodegradable cutting oil, Pollutants with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit [sixty (60) degrees Centigrade], using the test method specified in ASTM Standard D-93-79 or D-93-80k or as specified in ASTM Standard D-3278 and Pollutants which cause an excess of ten (10) percent of the lower explosive limit (LEL) at any point in the WWF. Specific products include, but are not limited to: gasoline, kerosene, fuel oil, motor oil, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides or any other substance which the Control Authority, the State of Florida or its subdivisions and agencies, or any federal agency has determined is a fire hazard or a hazard to the WWF.

4. Radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by regulations within the F.A.C. issued by the Florida Department of Health and Rehabilitative Services and which will or may cause damage or hazards to the WWF or its operating personnel.

5. Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool Discharges, uncontaminated cooling water, unpolluted Industrial process waters, air-conditioning condensate, unless specifically authorized by the Control Authority in writing.

6. Domestic Wastes from septic tanks, portable toilets, on-site wastewater systems or other similar facilities, unless approved by the Control Authority in writing. Such Discharges shall only be made at a site approved by the Control Authority.

7. Mineral oil in excess of one hundred (100) mg/L or animal/vegetable fats, wax, grease, or oils in excess of seventh-five (75) mg/L, whether emulsified or not; or substances which may solidify or become viscous at temperatures lower than or equal to one hundred fifty (150) degrees (150 degrees Fahrenheit).

8. All trucked or hauled Pollutants are prohibited except at Discharge points designated by the Control Authority.

9. Inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such concentrations as to Pass Through or cause Interference with the operations of the WWF.

10. Waste or Wastewater having a pH lower than 5 exhibiting any corrosive property which either singly or by interaction with other wastes is capable of causing damage or hazard to structures, processes, equipment, or personnel of the WWF.

11. Waste or Wastewater having a pH higher than 10 which either singly or by interaction with other wastes is capable of causing damage or hazard to structures, processes, equipment or personnel of the WWF.

12. BOD, COD, or chlorine in such concentration and/or flow as to constitute a significant load on or shock to the WWF or cause Interference.

13. Volume of flow or concentrations of wastes constituting "Slugs" as defined herein.

14. Liquid or vapor having a temperature higher than one hundred thirty degrees Fahrenheit (130° F), which will inhibit biological activity in the treatment plant resulting in Interference, or that causes influent temperature to the WWF to exceed one hundred four degrees Fahrenheit (104° F.), except where higher temperatures are required by law.

15. Solid or viscous substances in such quantities or of such size as to be capable of causing obstruction to the flow in a Sewer, or other Interference with the proper operation of any connected system, such as but not limited to: ordinances greater than one-half ($\frac{1}{2}$) inch in any dimension, grease, uncomminuted food wastes, animal entrails or tissues, paunch manure, bones, hair, hides or fleshings, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains or hops, waste paper, wood plastics, rubber stoppers, tar asphalt residues from refining or processing of fuel or lubricating oil, gasoline, naphtha, and similar substances either whole or ground.

16. Excessive discoloration which can not be removed by the treatment process, such as but not limited to dye, printing wastes, and vegetable tanning solutions which imparts color to the WWF effluent thereby violating the NPDES permit held by a Control Authority.

17. Medical Wastes, except as specifically authorized by the Control Authority in writing.

18. Detergents, surface-active agents, or other substances which may cause excessive foaming in the WWF.

19. Any sludges, screenings, or other residuals from the Pretreatment of industrial wastes.

20. Toxic gases, vapors, or fumes in a quantity that may cause acute worker health and safety problems.

21. Waste or wastewater that contains more than two thousand (2,000) ppm total solids.

22. Water or wastewater that contains substances in excess of the standard strength for wastewater as defined:

	<u>Standard strength</u>	<u>Maximum allowable</u>
<u>B.O.D.</u>	<u>250 mg/l</u>	<u>1,000 mg/l</u>
<u>Suspended solids (SS)</u>	<u>250 mg/l</u>	<u>1,000 mg/l</u>

B. Compliance With National and Local Standards. It shall be unlawful for any person to Discharge any Pollutant into the WWF except when the such Discharge is in compliance with federal standards promulgated pursuant to the Act, and any other more stringent state and local standards. Wastes containing concentrations in excess of the National Categorical Pretreatment Standards are prohibited.

C. Local Pretreatment Standards. Any wastes containing concentrations in excess of the following Local Pretreatment Standards are prohibited:

<u>PARAMETER</u>	<u>MAXIMUM ALLOWABLE CONCENTRATION DURING A 24-HOUR PERIOD (mg/L)</u>
<u>Aluminum</u>	<u>16.0</u>
<u>Ammonia</u>	<u>50.0</u>
<u>Antimony</u>	<u>0.2</u>
<u>Arsenic</u>	<u>0.34</u>
<u>Barium</u>	<u>3.0</u>
<u>Beryllium</u>	<u>8.8</u>
<u>Biochemical Oxygen Demand (BOD₅)</u>	<u>250.0</u>
<u>Bismuth</u>	<u>0.05</u>
<u>Cadmium</u>	<u>0.32</u>
<u>Carbonaceous Biochemical Oxygen Demand (CBOD)_s</u>	<u>400.0</u>
<u>Chloride</u>	<u>600.0</u>

<u>Chemical Oxygen Demand (COD)</u>	<u>12.7</u>
<u>Chromium</u>	<u>30.00</u>
<u>Cobalt</u>	<u>1.0</u>
<u>Copper</u>	<u>3.110</u>
<u>Cyanide</u>	<u>0.58</u>
<u>Cyanide Amendable to Chlorination</u>	<u>0.5</u>
<u>Hydrogen Sulfide</u>	<u>10.0</u>
<u>Iron</u>	<u>10.0</u>
<u>Lead</u>	<u>0.74</u>
<u>Manganese</u>	<u>1.0</u>
<u>Mercury</u>	<u>0.06</u>
<u>Molybdenum</u>	<u>0.80</u>
<u>Nickel</u>	<u>2.57</u>
<u>Oil, and Grease</u>	<u>75.0</u>
<u>Petroleum Hydrocarbons</u>	<u>15.0</u>
<u>pH (Standard Units)</u>	<u>5.0 - 10.0</u>
<u>Phenol</u>	<u>5.0</u>
<u>Phenolic Compound</u>	<u>0.5</u>
<u>Selenium</u>	<u>1.99</u>
<u>Silver</u>	<u>3.17</u>
<u>Strontium</u>	<u>0.2</u>
<u>Temperature (F)</u>	<u>130.0</u>
<u>Tin</u>	<u>0.6</u>
<u>Total Suspended Solids</u>	<u>250.0</u>
<u>Zinc</u>	<u>2.67</u>

The above limits apply at the point where the Wastewater is discharged to the WWF. The Control Authority may impose mass limitations, instantaneous maximum limitations, maximum monthly average values, or maximum four (4) day average values, in addition to, or in place of, the limitations listed above.

D. Right of Revision. The District authorizes FPUA and each Other Bulk Service Provider to establish, by Ordinance or in Permits, more stringent limitations or requirements on Discharges to the WWF if deemed necessary, and such more stringent limitation or requirements shall be automatically incorporated into and made a part of the Code.

E. Dilution. No User shall ever increase the use of process water, or in any way attempt to dilute a Discharge, as a partial or complete substitute for adequate treatment to achieve compliance with the limitations unless expressly authorized by an applicable Federal Categorical Pretreatment Standard, or in any other Pollutant-specific limitation developed by

the State. The Control Authority may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

F. Septic Tank Waste Hauling.

1. Septic Tank Waste may be introduced into the WWF only at an approved septic receiving station located at a WWF as provided below.

2. Any Septage Hauler shall have a Discharge permit issued under conditions specified in Section 1-20.5-84 of the Code.

3. No hauled load may be discharged without prior written consent from the Control Authority. Samples may be collected from each load to ensure compliance with applicable standards. The Septage Hauler may be required to provide waste analysis of any load prior to discharge.

4. Septage Haulers must provide a waste tracking form for every load. The form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, volume and characteristics of waste. This form shall identify the type of industry known or suspected waste constituents and whether any wastes are RCRA hazardous wastes.

G. Control of discharge. If any Wastes or Wastewaters are discharged, or are proposed to be discharged, to the WWF which contain the substances or possess the characteristics enumerated in Section 1-205-82 as prohibited by the Code, does not meet applicable Pretreatment Standards and Requirements, and/or which may have a deleterious effect upon the WWF, its processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Control Authority may:

1. Reject the wastes or deny or condition the introduction of New Sources of Wastewater to the WWF; or

2. Require the User to demonstrate that in-plant improvements will modify the Discharge to such a degree as to be acceptable; and/or

3. Require Pretreatment of the User's Discharge to ensure compliance with this Ordinance; and/or

4. Require payment of an industrial waste surcharge to cover the added cost of handling and treating excess loads imposed on the WWF by such Discharge. Approval of industrial waste surcharges for the recovery of treatment costs does not replace or supersede the requirements for Pretreatment facilities, should they be found necessary by the Control Authority.

Sec. 1-20.5-83 Pretreatment.

A. Pretreatment Facilities. Users shall provide Wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all Categorical Pretreatment Standards, local limits, and the prohibitions set out in this Ordinance within the time limitations specified by EPA, or the State of Florida, whichever is more stringent. Any Pretreatment facility shall be provided, operated, and maintained at the User's sole cost and expense. Detailed plans prepared by a registered engineer in the State of Florida describing such facilities and operating procedures must be approved in writing by the Control Authority before such facilities are constructed. The review and approval of such plans and operating procedures shall not relieve the User from the responsibility of modifying such facilities as necessary to produce a Discharge in compliance with the Code.

B. Additional Pretreatment Measures.

1. Whenever deemed necessary, the Control Authority may require Users to restrict their Discharge during peak flow periods, designate that certain wastewater be discharged only into specific Sewers, relocate and/or consolidate points of discharge, separate Sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the WWF and determine the User's compliance with the requirements of the Code.

2. The Control Authority may require any person discharging into the WWF to install and maintain, on their property and at their sole cost and expense, a suitable storage and flow-control facility to ensure equalization of flow. A Permit may be issued solely for flow equalization.

3. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Control Authority, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential Users. All interception units shall be of type and capacity approved in writing by the Control Authority and shall be installed at a location on the premises to be easily accessible for cleaning and inspection. Such interceptors shall be

inspected, cleaned, and repaired regularly, as needed, by the User at their expense. Users shall provide all reports of interceptor maintenance as required by the Control Authority.

4. Users with the potential to discharge flammable substances shall be required to install and maintain an approved combustible gas detection meter.

C. Accidental Discharge/Slug Control Plans. At least once every two (2) years, the Control Authority shall evaluate whether to require each User to adopt an accidental Discharge/Slug control plan. Alternatively, the Control Authority may develop such a plan for any User. An accidental Discharge/Slug control plan shall address, at a minimum, the following:

1. Description of Discharge practices, including non-routine batch Discharges;

2. Description of all stored chemicals;

3. Procedures for immediately notifying the Control Authority of any accidental or Slug Discharge in accordance with Section 1-20.5-85 of the Code; and

4. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants, including solvents, and/or measures and equipment for emergency response.

Sec. 1-20.5-84 Industrial Wastewater Discharge Permit.

A. Application for Discharge Permit.

1. No Industrial User shall discharge wastewater into the wastewater facility without first applying for a Discharge Permit. The Control Authority may require all other Users to obtain Permits as necessary to carry out the purposes of this Ordinance. Any violation of the terms and conditions of a Permit shall be deemed a violation of the Code and shall subject the permittee to sanctions set out in Sections 1-20.5-88 and 1-20.5-89 of the Code. Obtaining a Permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

2. All prospective Industrial Users must submit to the Control Authority the application fee and information on the nature and characteristics of their wastewater by completing a Permit application / wastewater survey at least one hundred and ninety (190) days prior to the date upon which any Discharge will begin. The Control Authority is authorized to prepare a form for this purpose and may periodically require Users to update the survey. Information to be provided with the survey may include description of the industrial activity, specifications of the constituents inherent to the processes and wastes, identification of the wastewater characteristics, plumbing diagrams, location of sampling points, number of employees and hours of operation, and any other information deemed necessary by the Control Authority to evaluate the permit application. Failure to complete this survey shall be reasonable grounds for terminating service to the User and shall be considered a violation of the Code.

3. Within sixty (60) days of receipt of a complete Permit application, the Control Authority will determine whether or not to issue a Permit. The Control Authority may deny any application for a Permit.

B. Application Signatories and Certification. All Permit applications and User reporting must be signed by an authorized representative of the User 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."

All Categorical Industrial Users must comply with the signatory requirements of Rule 62-625.600(11) F.A.C.

C. Permit Issuance Process.

1. Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations. The cost of said permit shall be incurred by the User in accordance with the fee schedule as set forth in Section 1-20.5-89 of the Code.

2. Permit duration shall not exceed five (5) years from the date of issuance and upon expiration of same, a renewal permit may be issued which shall be effective for an additional five (5) years provided that the conditions of the existing permit have not changed and the appropriate renewal fees have been paid. The permit shall be displayed by the User in a location at the permitted facility so as to be seen and read by the general public.

3. Permits shall contain at a minimum, the following conditions:

a. A statement that indicates Permit duration;

b. A statement of non-transferability;

c. Pretreatment Standards and effluent limits applicable to the User based on applicable standards in Federal, State, and local law;

d. Self monitoring, sampling, reporting, notification, and record keeping requirements to include identification of Pollutant(s) to be monitored, sample location(s), sample frequency, and sample type;

e. Statement of applicable civil, criminal, and administrative penalties for violation of Pretreatment Standards and Requirements.

4. Permits may contain the following additional conditions:

a. The unit charge or schedule of User charges and fees for management of the wastewater to be discharged to the WWF;

b. Limits on the instantaneous, daily, monthly average and/or four (4) day maximum concentration, mass, or other measure of identified wastewater constituents and characteristics;

c. Limits on the average and/or maximum rate and time of discharge and/or requirements for flow regulations and equalization;

d. Requirements for installation and maintenance of inspection facilities, and flow metering and sampling equipment;

e. Requirements for the installation of Pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of Pollutants into the WWF;

f. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine Discharges;

g. Development and implementation of waste minimization plans to reduce the amount of Pollutants discharged to the WWF;

h. A statement that compliance with the Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the Permit;

i. Other conditions as deemed appropriate by the Control Authority to ensure compliance with the Code, and Federal and State laws, rules, and regulations.

D. Compliance Schedules. If additional Pretreatment and/or operation and maintenance will be required to meet the Pretreatment Standards, the User shall submit to the Control Authority for approval and incorporation in the permit the shortest schedule by which the User is to provide additional Pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standards. The compliance schedule shall meet the requirements set out in Section 1-20.5-85 of the Code.

E. Permit Transfer. Permits are issued to a specific User for a specific operation. A Permit may not be reassigned, transferred or sold to a new owner or new User unless the permittee gives at least ninety (90) days advance written notice to the Control Authority and the Control Authority approves the Permit transfer. The notice to the Control Authority shall include a written certification by the new owner and/or User that:

1. States that the new owner and/or User has no immediate intent to change the facility's operations and processes;

2. Identifies the specific date on which the transfer is to occur;

3. Acknowledges full responsibility for complying with the terms and conditions of the existing permit.

Failure to provide advance notice of a transfer renders the Permit voidable on the date of facility transfer.

F. Permit Modification. Permits may be modified by the Control Authority for good cause including, but not limited to the following:

1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of Permit issuance;

3. A change in the WWF that requires either a temporary or permanent reduction or elimination of the authorized Discharge;

4. Information indicating that the permitted Discharge poses a threat to the WWF, the Control Authority's personnel, or the receiving waters;

5. Violations of any terms or conditions of the Permit;

6. Misrepresentations or failure to fully disclose all relevant facts in the Permit application or in any required reporting;

7. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13 and Rule 62-625.700, F.A.C.;

8. To correct typographical or other errors in the Permit;

9. To reflect a transfer of the facility ownership and/or operation to a new owner/operator if approved by the Control Authority; or

10. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

User requests for permit modifications shall be made in writing and include facts or reasons which support the request. When modifying a permit, the Control Authority shall allow a reasonable time frame for the User to comply with the new or changed conditions if

the User cannot meet them at the time of the modification and if permitted by law. If the new or changed conditions are the result of new or changed Pretreatment regulations, those regulations will stipulate the compliance period. The filing of a request by the permittee for a Permit modification does not stay any Permit condition.

G. Permit Revocation. Permits may be revoked for the following reasons:

1. Failure to notify the Control Authority of significant changes to the wastewater prior to the changed Discharge.
2. Failure to provide prior notification to the Control Authority of changed condition pursuant to Section 1-20.5-85 of the Code.
3. Misrepresentation or failure to fully disclose all relevant facts in the Permit application.
4. Falsifying self monitoring reports.
5. Tampering with monitoring equipment.
6. Refusing to allow the Control Authority timely access to the facility premises and records.
7. Failure to meet effluent limitations.
8. Failure to pay penalties.
9. Failure to pay Sewer charges.
10. Failure to meet compliance schedules.
11. Failure to provide advance notice of the transfer of a permitted facility.
12. Violation of any Pretreatment Standard or Requirement, or any terms of the Permit or the Code.
13. Indication that the Discharge presents a threat to the environment or threatens to interfere with the operation of the WWF.

Permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership (except as addressed herein). All Permits are void upon the issuance of a new Permit.

H. Appeal of Permit Revocation.

1. Authorization to discharge industrial waste into the WWF shall continue in effect unless or until rescinded by the Control Authority in writing. In the event that the Control Authority revokes the authorization of any User to discharge wastes into the WWF, notification of such revocation shall be delivered to the User by certified mail or by hand delivery.

2. Any system User whose authorization to discharge has been revoked may appeal the decision of the Control Authority. The appeal shall be sent in writing by certified mail, return receipt requested, to the Control Authority's code enforcement department within fifteen (15) days of receipt of the Control Authority's notification to cease discharge.

3. The code enforcement department may affirm, reverse, or modify the order of the Control Authority and shall issue its decision in writing. The Control Authority's order to cease discharge of wastes into the WWF shall not become effective until the period for appeal has expired, or in the event that an appeal has been filed, until the code enforcement department has rendered a decision, unless the Control Authority has made a finding that continued discharge by the User into the WWF constitutes a clear and present danger to the operations of the WWF or to the health of the public, or to the environment. Any such finding shall be included in the Control Authority's notification to cease discharge, and in such event, the revocation of authorization to discharge wastes shall become effective immediately.

J. Permit Renewal. All permittees must apply for a permit renewal a minimum of ninety (90) days prior to the expiration of the existing permit. The reapplication for a permit shall consist of a written request for reissuance of the permit. The request shall state if all terms and conditions of the existing permit and Code are complied with and must be signed by an authorized representative of the User.

K. Special Agreements. The District reserves the right to enter into special agreements with the FPUA and Other Bulk Service Providers setting out special terms under which they may discharge to the WWF. In no case will a special agreement waive compliance with a Categorical Pretreatment Standard or Requirement.

L. Regulation of Discharge from Other Jurisdictions. In the event another jurisdiction or municipality contributes all or a portion of its wastewater to another Bulk Service Provider to discharge to the WWF, the Control Authority to whom the other jurisdiction or municipality contributes wastewater shall require the jurisdiction or municipality to enter into a multi-jurisdictional agreement with the Control Authority. Prior to entering into a multi-jurisdictional agreement, the Control Authority may request the contributing jurisdiction provide the following information:

1. A description of the quality and volume of the wastewater(s) at the point where it enters the WWF from the contributing jurisdiction.
2. An inventory of all Industrial Users within the contributing jurisdiction.
3. Such information as may be required by the other jurisdiction.

A multi-jurisdictional agreement as required above, shall contain the following conditions:

1. A requirement for the contributing jurisdiction to adopt an Ordinance which is at least as stringent as the Code and local limits which are at least as stringent as those set out in Section 4 for those Users that discharge to the WWF. The requirement shall specify that the Ordinance and limits must be revised as necessary to reflect changes made to this Code.
2. A requirement for the contributing jurisdiction to submit a revised Industrial User inventory on at least an annual basis.
3. A requirement for the contributing jurisdiction to:
 - a. Conduct Pretreatment implementation activities including Industrial User permit issuance, inspection and sampling, and enforcement; or
 - b. Authorize the Control Authority to take or conduct the activities on its behalf.
4. A requirement for the contributing jurisdiction to provide the Control Authority with access to all information that the contributing jurisdiction User or municipal User obtains as part of its Pretreatment activities associated with the WWF.

5. Limits on the nature, quality, and volume of the contributing jurisdiction wastewater at the point where it discharges to the WWF.

6. Requirements for monitoring the Discharge.

7. A provision ensuring the Control Authority access to the facilities of Users located within the contributing jurisdiction's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Control Authority.

8. A provision specifying remedies available for breach of the terms of the multi-jurisdictional agreement.

Sec. 1-20.5-85 Reporting Requirements.

A. Baseline Monitoring Reports. 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 Rule 62-625.410(2)(d), F.A.C., whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the WWF shall submit to the Control Authority a report which contains the information listed numerically below. At least ninety (90) days prior to commencement of their Discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Control Authority a report which contains the information listed numerically below. A New Source shall report the method of Pretreatment it intends to use to meet applicable Categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of Pollutants to be discharged.

1. Identifying Information. The name and address of the facility, including the name of the operator and owner.

2. Environmental Permits. A list of any environmental control permits held by or for the facility.

3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram which indicates points of discharge to the WWF from the regulated processes.

4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the WWF from regulated process streams and

other streams, as necessary to allow use of the combined waste stream formula set out in Rule 62-625.410(6), F.A.C.

5. Measurement of Pollutants.

a. The Categorical Pretreatment Standards applicable to each regulated process.

b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Control Authority, 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 1-20.5-85 of the Code.

c. Sampling must be performed in accordance with procedures set out in Section 1-20.5-85(K) of the Code.

6. Certification. A statement, reviewed by the User's authorized representative and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional Pretreatment is required to meet the Pretreatment Standards and Requirements.

7. Compliance Schedule. If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional Pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 1-20.5-85(B) of the Code.

8. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 1-20.5-84(B) of the Code.

B. Compliance Schedule Progress Reports. The following conditions shall apply to the compliance schedule required by Sections 1-20.5-84 and 1-20.5-85 of the Code.

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment

Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

2. No increment referred to above shall exceed nine (9) months;

3. The User shall submit a progress report to the Control Authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

4. In no event shall more than nine (9) months elapse between such progress reports to the Control Authority.

C. Reports on Compliance with Categorical Pretreatment Standard Deadline.

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of the New Source following commencement of the introduction of wastewater into the WWF, any User subject to such Pretreatment Standards and Requirements shall submit to the Control Authority a report containing the information described in Section 1-20.5-85 of this Code. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Rule 62-625.410(4), F.A.C., this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 1-20.5-84(B) of this Code.

D. Periodic Compliance Reports

1. All Significant Industrial Users shall, at a frequency determined by the Control Authority but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of Pollutants in the Discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 1-20.5-84(B) of this Code.

2. All wastewater samples must be representative of the User's Discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept

clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its Discharge.

3. If a User subject to the reporting requirement in this section monitors any Pollutant more frequently than required by the Control Authority, using the procedures prescribed in Section 1-20.5-85(K) of this Code, the results of this monitoring shall be included in the report.

E. **Reports of Changed Conditions.** Each User must notify the Control Authority of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

1. The Control Authority may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Discharge Permit application under Section 1-20.5-84 of this Code.

2. The Control Authority may issue a Permit under Section 1-20.5-84 of this Code or modify an existing Permit in response to changed conditions or anticipated changed conditions.

3. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty-five percent (25%) or greater, and the discharge of any previously unreported Pollutants.

F. **Reports of Potential Problems**

1. In the case of any Discharge, including, but not limited to, accidental Discharges, Discharges of a non-routine, episodic nature, a non-customary batch Discharge, or a Slug load, that may cause potential problems for the Control Authority, the User shall immediately telephone and notify the Control Authority of the incident. This notification shall include the location of the Discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

2. Within five (5) days following such Discharge, the User shall, unless waived by the Control Authority, submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the WWF, natural resources,

or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.

3. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a Discharge described in Paragraph 1, above. Employers shall ensure that all employees, who may cause such a Discharge to occur, are advised of the emergency notification procedure.

G. Reports from Unpermitted Users. All Users not required to obtain a Permit shall provide appropriate reports to the Control Authority as the Control Authority may require.

H. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a User indicates a violation, the User must notify the Control Authority within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation. The User is not required to resample if the Control Authority monitors at the User's facility at least once a month, or if the Control Authority samples between the User's initial sampling and when the User receives the results of this sampling.

I. Notification of the Discharge of Hazardous Waste

1. Any User who commences the discharge of hazardous waste shall notify the Control Authority, the EPA Regional Waste Management Ordinance Director, and State hazardous waste authorities, in writing, of any Discharge into the WWF of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of Discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the WWF, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph needs be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 1-20.5-85 of this Code. The notification requirement in this section does not apply to Pollutants already reported by

Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Section 1-20.5-85(E) of this Code.

2. Dischargers are exempt from the requirements of Paragraph 1, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

3. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Control Authority, the EPA Regional Waste Management Waste Ordinance Director, and State hazardous waste authorities of the Discharge of such substance within ninety (90) days of the effective date of such regulations.

4. In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

5. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Code, a permit issued thereunder, or any applicable Federal or State law.

J. Analytical Requirements. All Pollutant analyses, including sampling techniques, to be submitted as part of a Permit application or report shall be performed in accordance with the techniques prescribed in 62-625.600(1)(e), F.A.C., unless otherwise specified in an applicable Categorical Pretreatment Standard; or the sampling or analytical techniques for the Pollutant in question is not given for the Pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

K. Sample Collection

1. Except as indicated in Paragraph 2, below, the User must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Control Authority may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the User demonstrates

that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous Discharge limits.

2. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

L. Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

M. Records. Any Industrial User subject to the reporting requirements in this Code is required to retain for a minimum of five (5) years any records of monitoring activities and results, and shall make records available for inspection or photocopying by the Control Authority or state or federal officials. Records shall include the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analysis; the analytical techniques or methods used and the results of said analyses. The five (5) year period shall be automatically extended for the duration of any litigation concerning the User, the Control Authority or where the User has been specifically notified of a longer retention period by the Control Authority.

Sec. 1-20.5-86 Protection from Damage.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the WWF. Costs of any damage to the WWF, costs associated with Interference with the WWF, costs associated with any penalties or enforcement actions imposed on the WWF, and costs for additional treatment or alternative disposal methods required to meet effluent or sludge treatment and disposal requirements (collectively "Damages") resulting from violations of this Code shall be paid by the User responsible for the violations, damages or costs.

The Control Authority will bill the User for the costs incurred by the Control Authority for any cleaning, repair or replacement work caused by the Interference or the violation discharge.

Sec. 1-20.5-87. Powers and Authority of Inspectors.

Authorized representatives of the Control Authority, the DEP, and the EPA bearing proper credentials shall be permitted to enter upon any property without prior notification for the purpose of inspection, observation, measurement, sampling, testing review and/or photocopying of records, or investigation as may be necessary in the enforcement of this

Code. Entry shall be made during daylight or operating hours unless abnormal or emergency circumstances require otherwise.

The Control Authority may seek issuance of a search warrant(s) from any court of competent jurisdiction for the following reasons:

- A. Refusal of access to a building, structure or property or any part thereof.
- B. If the Control Authority is able to demonstrate probable cause to believe that there maybe a violation of this Code.
- C. If there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Control Authority.
- D. To protect the public health, safety and welfare of the Control Authority.

Sec. 1-20.5-88 Enforcement Actions.

The following escalating enforcement strategy may be used by the Control Authority when Industrial Users are out of compliance with this Code. The various types of enforcement actions shall be used as determined by the Control Authority depending on the circumstances of the violation.

A. Immediate Threat to Public Health. The Control Authority may require the immediate halt of a Discharge if it is deemed as an immediate threat to public health or the WWF.

B. Self-Monitoring. The Industrial User will review its self-monitoring data to determine whether a violation of this Ordinance and/or of its permit limitations has occurred. If a violation has occurred, the Industrial User must provide to the Control Authority:

1. 24-hour notification that a violation has occurred.
2. Magnitude and nature of the violation.
3. Details regarding analytical quality assurance.

Failure to comply with the twenty-four-hour notification requirement will result in administrative fines to be determined by the Control Authority.

C. Re-sampling. Upon the determination that a violation has occurred, the Industrial User must resample the final Discharge for the violated parameter. The re-

sampling data must be submitted to the Control Authority within thirty (30) days of violation discovery. Failure to resample and report within thirty (30) days is a violation of this ordinance and Rule 62-625.600(6)(b), F.A.C. If the IU fails to resample and submit the report within thirty (30) days, the Control Authority will issue a Notice of Violation (NOV). Failure to comply with the NOV will result in a single administrative fine to be determined by the Control Authority per violation. Continued failure to comply within sixty (60) days from original violation thereafter will result in a monthly fine to be determined Control Authority.

D. **WWF Monitoring.** The Control Authority will conduct periodic, independent compliance monitoring of Industrial Users as appropriate. If the violation is not significant, as defined in this Code, the Control Authority will issue a NOV and a forty-five day compliance schedule including the requirement to resample in order to determine whether a violation is significant. The results of the re-sampling must be submitted to the Control Authority within thirty (30) days of receipt of the compliance schedule. Failure to comply will result in a single fine to be determined by the Control Authority per violation. Continued failure to comply sixty (60) days after issuance of the NOV will result in a monthly fine to be determined by the Control Authority.

E. **Significant Noncompliance.** The Control Authority will review sampling data obtained to determine whether Significant Noncompliance as defined in this Code has occurred; in which case a single fine to be determined by the Control Authority will be assessed per violation.

F. **Formal Notice.** If Significant Noncompliance is determined to have occurred, the Control Authority will issue a Notice of Significant Violation (NOSV), requiring the Industrial User to submit within fifteen (15) days of the receipt of the notice, a ninety-day compliance schedule to determine the need to install or construct Pretreatment facilities. Failure to respond within fifteen (15) days will result in a single fine to be determined by the Control Authority per violation. Upon receipt of the draft compliance schedule, the Control Authority will issue the compliance schedule as a condition of continued operation. A Demonstration of Compliance (DOC) will be included as the final item in the compliance schedule. If at any time during the ninety-day schedule, the Industrial User determines that Pretreatment facilities are required, the Industrial User will inform the Control Authority of such and submit a draft construction schedule.

G. **DOC.** Upon completion of the ninety-day compliance schedule, the Control Authority will review the DOC data to determine whether compliance has been achieved. Failure to demonstrate compliance during the ninety-day schedule will result in the Control Authority issuing another NOSV requiring the Industrial User to submit within fifteen (15)

days of receipt of the NOSV a draft compliance schedule for the construction of new Pretreatment facilities or the improvement, modification or expansion of existing facilities. Failure to respond within fifteen (15) days will result in a single fine to be determined by the Control Authority per violation. Continued failure to comply within sixty days of the NOSV thereafter will result in a monthly fine to be determined by the Control Authority. Upon receipt of the draft compliance schedule, the Control Authority will issue the compliance schedule as a condition of continued operation. Approval of the facility design engineer by the Control Authority is required prior to design of the Pretreatment facility. A DOC will be included as the final item in the compliance schedule. Upon completion of the construction compliance schedule, the Control Authority will review the DOC data to determine whether compliance has been achieved.

H. Final Schedule of Compliance. If the construction of Pretreatment facilities does not achieve compliance, the Control Authority will assess a fine to be determined by the Control Authority, and will issue a notice of monthly fine (NMF). Fines of the same amount will continue to be assessed on a monthly basis until compliance is achieved or service is terminated. The NMF will require that the Industrial User submit a draft final compliance schedule within fifteen (15) days or receipt of the NMF. Upon receipt of the draft compliance schedule, the Control Authority will issue the final schedule of compliance as a condition of continued operation. A DOC period will be included as the final item in the compliance schedule. Upon completion of the compliance schedule, the Control Authority will review the DOC data to determine whether compliance has been achieved.

I. Show Cause Hearing. If the final compliance schedule does not achieve compliance, the Control Authority will issue a Notice to Show Cause (NSC) why the Discharge permit should not be revoked and service terminated, in accordance with law. The NSC will be served on the Industrial User specifying the time and place of the hearing, the proposed facts of the action, the reasons for such actions and a request that the Industrial User show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing on the Industrial User or posted at the location where the alleged violation is occurring or has occurred. Whether or not the Industrial User appears as notified, immediate enforcement action may be pursued following the hearing. The Control Authority will hold the show cause hearing to determine whether the permit should be revoked and Sewer services terminated.

1. If the Industrial User shows cause for its failure to comply, service shall not be terminated nor the permit revoked. The monthly fine will increase to an amount to be determined by the Control Authority per day and a new final compliance schedule will be issued.

2. If the Industrial User fails to show cause why its permit should not be revoked and service terminated, the Industrial User's permit shall be revoked and its Sewer service will be terminated by the Control Authority.

J. Violations Not Addressed. Penalties for violations of this Code and/or the User's Permit not addressed in this section will be assessed at the discretion of the Control Authority.

Sec. 1-20.5-89 Permit Fees and Penalties.

<u>A. Permit Application and Renewal Fee:</u>	
<u>Initial Permit</u>	<u>\$ 1,100 per year</u>
<u>Renewal Permit</u>	<u>\$ 900 per year</u>
<u>Fine Amount for pH, BOD, TSS Violations</u>	<u>\$ 250 Minimum</u>
<u>Analytical Fees</u>	<u>On a permit by permit basis</u>

Plus applicable Fees by other Control Agencies on a pass through basis.

B. Other Fees and Penalties are listed under Section 1-20.5-88, Enforcement Actions.

C. Industrial waste surcharge rates shall be as listed below:

BOD = \$0.20/lb
TSS = \$0.20/lb
Oil & Grease = \$7.30/lb

Plus applicable Fees by other Control Agencies on a pass through basis

Monthly Surcharges shall be calculated as follows:

$$\text{IWS} = 8.34 (V) (\$0.20x(\text{BOD}-250) + \$0.20y(\text{TSS}-250) + \$7.30z(\text{OG}-75))$$

IWS = Monthly Industrial surcharge rate

V = Volume of industrial flow in million gallons per month based on metered water.

BOD = Biochemical Oxygen Demand in mg/L.

TSS = Total Suspended Solids in mg/L.

OG = Oil and grease in mg/L.

X = Capital and operating costs per pound of BOD greater than 250 mg/L.

Y = Capital and operating costs per pound of TSS greater than 250 mg/L.

Z = Capital and operating costs per pound of oil and grease greater than 75 mg/L.

D. Any person who violates a provision of this Code shall be prosecuted in the name of the State of Florida in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof, and upon conviction shall be punished by a fine to be determined by the Control Authority for each offense or by imprisonment not to exceed sixty (60) days or by both such, fine and imprisonment. If a violation continues, each day of such violation shall constitute a separate offense.

E. Any person who knowingly makes any false statement, representation or certification in any record or other document submitted under this Code shall be subject to fines to be determined by the Control Authority per violation or by imprisonment for not more than sixty (60) days, or both.

F. The Control Authority may revise the permit fees and penalties from time to time by Resolution.

Section 1-20.5-90. Civil and Criminal Remedies.

In addition to the administrative fines provided in Sections 1-20.5-88 and 1-20.5-89, to the extent permitted by State law, the Control Authority is hereby authorized to institute any appropriate action or proceeding, including suit for damages, injunctive relief and civil penalties to be determined by the Control Authority per day per violation, in order to prevent or abate violations of this Code or to recover Damages as provided in Section 1-20.5-86. The Control Authority may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any Damages incurred by the Control Authority.

A. Injunctive Relief. When the Control Authority finds that a User has violated, or continues to violate, any provision of this Code, a Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may petition the Circuit Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Permit, order, or other requirement imposed by this Code on activities of the User. The Control Authority 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.

B. Criminal Prosecution.

1. A User who willfully or negligently violates any provision of this Code, a Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than the maximum fine allowed under State law per violation, per day, or imprisonment, or both.

2. A User who willfully or negligently introduces any substance into the WWF which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least the maximum fine allowable under State law, or be subject to imprisonment, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

3. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Code, Permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Code shall, upon conviction, be punished by a fine of not more than the maximum fine allowable under State law per violation, per day, or imprisonment or both.

4. In the event of a second conviction, a User shall be punished by a fine of not more than the maximum fine allowable under State law per violation, per day, or imprisonment, or both.

C. Remedies Nonexclusive. The remedies provided for in this Code are not exclusive. The Control Authority may take any, all, or any combination of these actions against a noncompliant User. Enforcement of Pretreatment violations will generally be in accordance with the Control Authority's enforcement response plan. However, the Control Authority may take other action against any User when the when the circumstances warrant. Further, the Control Authority is empowered to take more than one enforcement action against any noncompliant User.

Sec. 1-20.5-91 Notification Requirements.

A. Accidental Discharge of Prohibited Discharge Standards. A User shall have an affirmative defense to the imposition of penalties (but not to recovery of damages caused to the WWF) in an enforcement action brought against it for noncompliance with the general prohibitions or the specific prohibitions in Section 1-20.5-82(A) of this Code if it can prove that it did not know, or have reason to know, that its Discharge, alone or in conjunction with Discharges from other sources, would cause Pass Through or Interference and that either:

1. A local limit exists for each Pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference;
or

2. No local limit exists, but the Discharge did not change substantially in nature or constituents from the User's prior Discharge when the WWF was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

B. Upset. If there occurs an unintentional and temporary noncompliance with Pretreatment Standards because of factors beyond the reasonable control of the Industrial User, and the Industrial User wishes to establish an affirmative defense to the imposition of penalties (but not to recovery of damages caused to the WWF) of an Upset, the User must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

1. An Upset occurred and the Industrial User can identify the cause of the Upset; and

2. The Industrial User's facility was, at the time of the Upset, being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

3. The Industrial User properly notified the Control Authority of the Upset in accordance with the procedures set forth in Paragraph (D) below.

In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an Upset has the burden of proof. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. The Industrial User shall control production or all Discharges to the extent necessary to maintain compliance with Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

C. Bypass.

1. An Industrial User may allow Bypass to occur which does not cause Pretreatment Standards or Requirements to be violated and does not cause damage to or

Interference with the WWF, but only if it is for essential maintenance to assure efficient operation.

2. If an Industrial User knows in advance of the need for a Bypass, it shall submit a notice to the Control Authority at least ten (10) days before the date of the Bypass.

3. Bypass that exceeds applicable Pretreatment Standards is prohibited, and the Control Authority shall take enforcement action against an Industrial User for a Bypass, unless:

a. The Bypass was unavoidable to prevent loss of life, personal injury, or sever property damage.

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

c. The Industrial User properly notifies the Control Authority of the Bypass in accordance with the procedures set forth in Paragraph (D) below.

D. Notification of Accidental Discharge, Upset or Bypass.

1. Immediate Notification via Telephone: In the event of an accidental Discharge, Slug load, Upset or Bypass, (including a violation of the Prohibited Discharge Standards in Section 1-20.5-82 of this Code) the User shall take the necessary measures to stop, limit, or control the Discharge. The discharger shall immediately notify the Control Authority within twenty-four (24) hours about the incident by telephone. The notification shall include:

- a. Address of the Discharge
- b. Type of Discharge
- c. Concentration of Pollutants in the Discharge
- d. Volume of Discharge
- e. Corrective measures taken

2. Written Notification: Within five (5) days of the accidental Discharge, Upset or Bypass, the discharger shall submit a written report to the Control Authority. The

report shall include, but not be limited to, type of Discharge, concentrations, volume, cause of the event, duration of the event, corrective measures taken and measures to be employed to prevent future incidents. In the event further information is requested, the discharger shall provide the information within forty-eight (48) hours of the request. If the event occurs during a holiday period or weekend, the written notification shall be the first working day following the holiday period or weekend. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Code or other applicable law.

3. *Notice to Employees:* A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of an accidental Discharge, Upset or Bypass. Employers shall insure that all employees who could cause or suffer such an accidental Discharges, Upset or Bypasses to occur are advised of the emergency notification procedures. Failure to notify the Control Authority of potential problem Discharges, Upset or Bypasses shall be deemed a separate violation of this Code.

Sec. 1-20.5-92 Confidentiality.

Information and data concerning individual Industrial Users obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public to the extent permitted by Florida law, upon written request without restriction unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the Control Authority that such release would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Wastewater constituents and characteristics will not be recognized as confidential information.

PART B. CONFLICT.

This Ordinance repeals all other District actions to the extent in conflict with this Ordinance.

PART C. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the District that the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the

invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

PART D. FILING WITH THE DEPARTMENT OF STATE.

The Clerk be and is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

PART E. EFFECTIVE DATE.

This Ordinance shall be in full force and effect upon adoption by the District.

PART F. ADOPTION.

After motion and second, the vote on this ordinance was as follows:

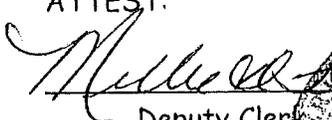
Charles Grande, Chairman	AYE
Doug Coward, Vice Chairman	AYE
Commissioner Chris Craft	AYE
Commissioner Chris Dzadoovsky	AYE
Commissioner Paula A. Lewis	AYE

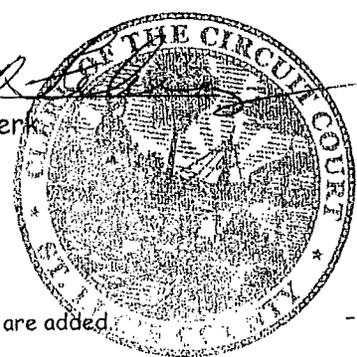
PART G. CODIFICATION.

Provisions of this ordinance shall be incorporated in the St. Lucie County Code and Compiled Laws, and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that parts B through G shall not be codified.

PASSED AND DULY ADOPTED this 20th day of April, 2010.

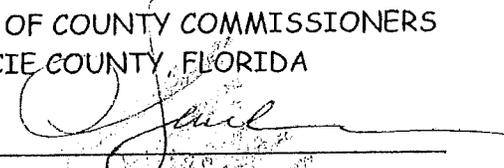
ATTEST:


 Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA

BY: _____

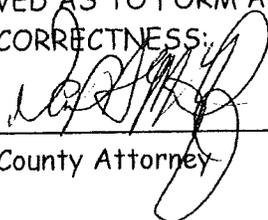

Chair

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APPROVED AS TO FORM AND
CORRECTNESS:

BY:



County Attorney

APPENDIX O

ST LUCIE COUNTY GREASE TRAP ORDINANCE

ORDINANCE NO. 90-45

AN ORDINANCE AMENDING CHAPTER 1-20.5 (WATER AND SEWER) OF THE CODE OF ORDINANCES OF ST. LUCIE COUNTY BY ADDING ARTICLE IV (UNIFORM WATER AND SEWER SERVICE POLICY); PROVIDING FOR READOPTION BY ORDINANCE OF CERTAIN PROVISIONS OF THE UNIFORM WATER AND SEWER SERVICE POLICY OF ST. LUCIE COUNTY (DISTRICT NO. 1) FOR PURPOSES OF ENFORCEMENT; PROHIBITING UNAUTHORIZED CONNECTIONS - SEWER; PROHIBITING UNAUTHORIZED CONNECTIONS - WATER; PROHIBITING THE DISCHARGE OF INDUSTRIAL WASTEWATER; REQUIRING GREASE TRAPS, OIL SEPARATORS; PROHIBITING THE DISCHARGE OF HAZARDOUS WASTES; REQUIRING THAT ALL WATER SHALL PASS THROUGH THE METER; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR ADOPTION AND PROVIDING FOR CODIFICATION

Rec Fee \$ 28.50 DOUGLAS DIXON
Add Fee \$ _____ St. Lucie County
Doc Tax \$ _____ Clerk of Circuit Court
Int Tax \$ _____ By JFK
Total \$ 28.50 Deputy Clerk
Rep. County Attn. Cherry

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, has made the following determinations:

1. On June 12, 1990, the Board of County Commissioners of St. Lucie County, Florida, adopted Resolution No. 90-178 which adopted a Uniform Water and Sewer Service Policy for the St. Lucie County Water and Sewer District No. 1; and,

2. The Board of County Commissioners desires to readopt certain provisions of the Uniform Water and Sewer Service Policy for the St. Lucie county Water and Sewer District No. 1 previously adopted by Resolution 90-178 in ordinance form to provide additional enforcement powers for said provisions.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida:

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PART A. AMENDMENT OF CHAPTER 1-20.5 (WATER AND SEWER) OF THE CODE OF ORDINANCES OF ST. LUCIE COUNTY BY ADDING ARTICLE IV (UNIFORM WATER AND SEWER SERVICE POLICY)

Chapter 1-20.5 of the Code of Ordinances of St. Lucie County, Florida, is hereby amended by adding Article IV (Uniform Water and Sewer Service Policy) to read as follows:

ARTICLE IV. UNIFORM WATER AND SEWER SERVICE POLICY

Section 1-20.5-52 Definition.

For the purpose of this article, District is the St. Lucie County Water and Sewer District No. 1.

Section 1-20.5-53. Unauthorized Connections - Sewer

Connections to the District's sewer system for any purpose whatsoever are to be made only by employees of the District or under direct supervision of the District's authorized employee. Unauthorized connections render the service subject to immediate discontinuance without notice and sewer service will not be restored until such unauthorized connections have been removed and unless settlement is made in full and for all penalties, damages and sewer service established by the District to have been used by reason of such unauthorized connection.

Section 1-20.5-54. Unauthorized Connections - Water

Connections to the District's water system for any purpose whatsoever are to be made only by employees of the District or under direct supervision of the District's authorized employee. Unauthorized connections render the service subject to immediate discontinuance without notice and water service will not be restored until such unauthorized connections have been removed

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and unless settlement is made in full and for all penalties, damages and water service established by the District to have been used by reason of such unauthorized connection.

Section 1-20.5-55. Industrial Wastewater

The District will accept only domestic wastewater in its sewer system. No industrial wastewater or the like, including septage, shall be discharged into District's sewer system unless proper pretreatment facilities are provided on customer's premises by customer, properly operated and approved in writing by District and all applicable regulatory agencies.

Section 1-20.5-56. Grease Traps, Oil Separators

All commercial food preparation facilities and all other facilities generating wastewater with high grease and/or oil concentrations must have a grease trap to intercept these wastes prior to discharge into the District's sanitary sewer system. Location and type of grease trap used must be approved, in writing, by District and all applicable regulatory agencies. Grease traps must be properly maintained by customer or owner. Design and maintenance of grease traps shall be in accordance with St. Lucie County rules, regulations and codes, and shall conform to the specifications and requirements of the District. If grease and/or oil in excess of allowable amounts, in accordance with District's and regulatory agency requirements, is discharged, District shall inform operator and/or owner of premises to properly repair and maintain or replace, if necessary, said grease traps. Failure to cease discharging

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wastewater with high grease and/or oil concentrations shall be cause for discontinuance of water and sewer service.

Section 1-20.5-57. Hazardous Wastes

No hazardous wastes of any kind shall be discharged into District's sewer system under any circumstances without prior written authorization from District. Failure to comply with this rule shall be cause for discontinuance of water and sewer service and violator(s) will be subject to criminal prosecution.

Section 1-20.5-58. All Water Through Meter

That portion of the customer's installation for water service shall be so arranged that all water service shall pass through the meter. No temporary pipes, nipples, or spacers are permitted and under no circumstances are connections allowed which may permit water to by-pass the meter or metering equipment.

PART B. CONFLICTING PROVISIONS.

Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, and adopted prior to January 1, 1969, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART C. SEVERABILITY AND APPLICABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be

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held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

PART D. FILING WITH THE DEPARTMENT OF STATE.

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code, Department of State, The Capitol, Tallahassee, Florida, 32304.

PART E. EFFECTIVE DATE.

This ordinance shall take effect immediately upon adoption.

PART F. ADOPTION.

After motion and second, the vote on this ordinance was as follows:

Chairman R. Dale Trefelner	AYE
Vice-Chairman Havert L. Fenn	AYE
Commissioner Judy Culpepper	AYE
Commissioner Jim Minix	AYE
Commissioner Jack Krieger	AYE

PART G. CODIFICATION.

Provisions of this ordinance shall be incorporated in the Code of Ordinances of St. Lucie County, Florida, and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that Parts B through G shall not be codified.

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PASSED AND DULY ADOPTED this 9th day of October, 1990.

ATTEST:

C. Millie White
Dep. (CLERK)

BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA

BY: R. D. [Signature]
CHAIRMAN

APPROVED AS TO FORM AND
CORRECTNESS:

[Signature]
COUNTY ATTORNEY

'90 OCT 22 P1:33
1074582 SD

FILED AND RECORDED
DOUGLAS DIXON CLERK
ST. LUCIE COUNTY, FL.

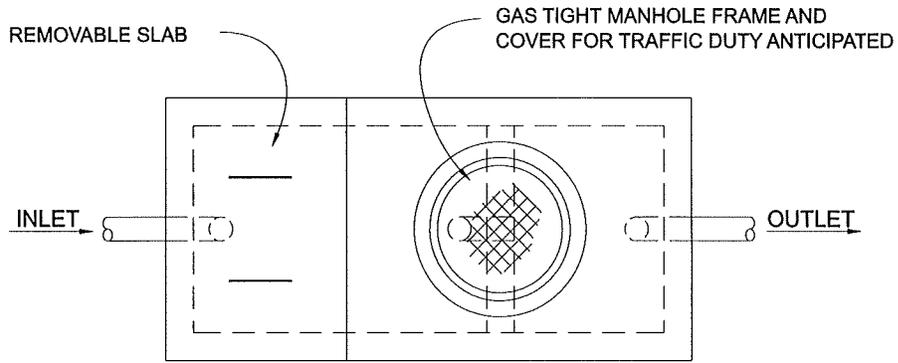
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St Lucie County Utilities

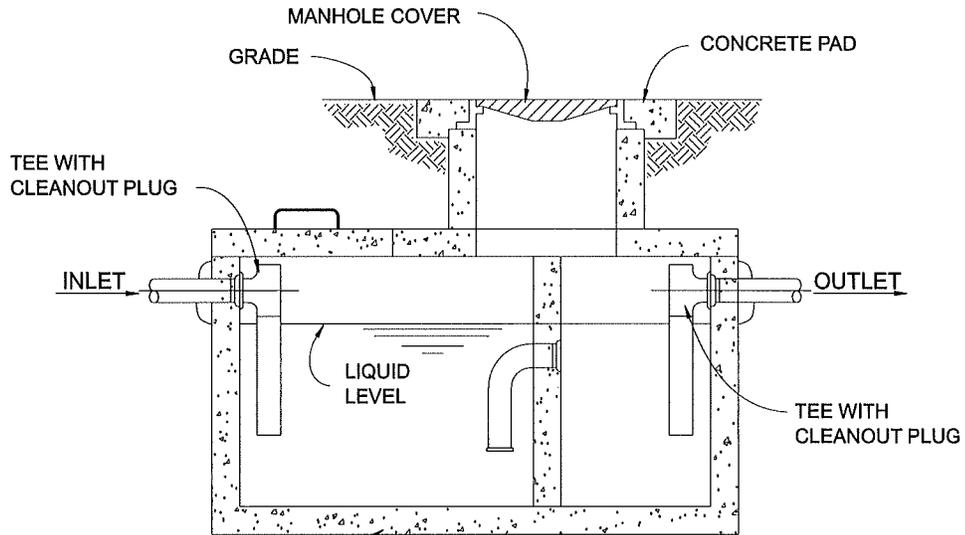
Grease traps, oil separators

All commercial food preparation facilities and all other facilities generating wastewater with high grease and/or oil concentrations must have a grease trap to intercept these wastes prior to discharge into the district's sanitary sewer system. Location and type of grease trap used must be approved, in writing, by the district and all applicable regulatory agencies. Grease traps must be properly maintained by customer or owner. Design and maintenance of grease traps shall be in accordance with county rules, regulation and codes and shall conform to the specification and requirements of the district. If grease and/or oil in excess of allowable amounts, in accordance with the district's and /or owner of premises to properly repair and maintain or replace, if necessary, the grease traps. Failure to cease discharging of wastewater with high grease and/or oil concentrations shall be cause for discontinuance of water and sewer service.

Reference: Ordinance No. 90-45 Pt. A, 10-9-90



TOP VIEW



SECTION

LBPH INC. - CADD FILE NAME: L:\CAD-DRAWINGS\CONSTRUCTION\WW-31.DWG



ST. LUCIE COUNTY
WATER & WASTEWATER
CONSTRUCTION STANDARDS

DOUBLE-COMPARTMENT
GREASE TRAP AND
OIL SEPARATOR

DRAWING NUMBER: WW-31

APPENDIX P

PRETREATMENT REQUIREMENTS FOR EXISTING & NEW SOURCES OF POLLUTION

CHAPTER 62-625
PRETREATMENT REQUIREMENTS FOR EXISTING
AND NEW SOURCES OF POLLUTION

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Effective 5-10-10

62-625.100 Scope/Intent/Purpose.

(1) This chapter implements the pretreatment requirement of Section 403.0885 of the Florida Statutes (F.S.). Section 403.0885, F.S., empowers the Department of Environmental Protection (Department) to establish a State National Pollutant Discharge Elimination System (NPDES) permit program in accordance with section 402 of the Clean Water Act of 1987 (CWA), specifically including the pretreatment program under 40 CFR part 403. In implementing this pretreatment program, the Department will be in conformance with sections 204(b)(1)(B), 208(b)(2)(C)(iii), 301(b)(1)(A)(ii), 301(b)(2)(A)(ii), 301(h)(5) and 301(i)(2), 304(e) and (g), 307, 308, 309, 402(b), 405, and 501(a) of the Federal Water Pollution Control Act as amended by the Water Quality Act of 1987 (Public Law 100-4). This chapter establishes responsibilities of State and local government, industry, and the public to implement pretreatment standards to control pollutants which pass through or interfere with treatment processes in domestic wastewater facilities (WWFs) or which may contaminate domestic wastewater residuals as defined in Chapter 62-640 of the Florida Administrative Code (F.A.C.).

(2) By establishing the responsibilities of government and industry to implement pretreatment standards this chapter fulfills three objectives:

(a) To prevent discharges to WWFs which will interfere with the operation of the facility, including interference with its use or disposal of domestic wastewater residuals;

(b) To prevent discharges to WWFs which will pass through or otherwise be incompatible with WWFs; and

(c) To improve opportunities to reuse reclaimed water, residuals, and industrial wastewaters and sludges.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History—New 11-29-94, Amended 5-10-10.

62-625.110 Applicability.

(1) This chapter applies:

(a) To the discharge of pollutants from nondomestic sources covered by pretreatment standards which are discharged into, transported by truck or rail, or otherwise introduced into WWFs as defined in subsection 62-625.200(29), F.A.C.;

(b) To public utilities which receive wastewater from sources subject to pretreatment standards and that discharge to surface waters of the State, or public utilities required to implement a pretreatment program in accordance with Chapter 62-610, F.A.C., or 40 CFR parts 146.15 and 146.16, as of July 1, 2009, hereby adopted and incorporated by reference; and

(c) To any new or existing source subject to pretreatment standards.

(2) This chapter does not apply to industrial wastewater facilities that accept wastewater from another facility for co-treatment, reuse or disposal, unless such facility discharges to a public utility.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History—New 11-29-94, Amended 5-10-10.

62-625.200 Definitions.

Terms used in this chapter shall have the meaning specified below. The meaning of any term not defined below shall be taken from definitions in other rules of the Department, unless the context clearly indicates otherwise.

(1) "Bypass" means the intentional diversion of wastewater streams from any portion of an industrial user's treatment facility.

(2) "Best Management Practices" or "BMPs" mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in subsections 62-625.400(1)(a) and (2), F.A.C. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, industrial sludge or waste disposal, or drainage from raw materials storage.

(3) "Categorical Industrial User" means an industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, as of July 1, 2009, hereby adopted and incorporated by reference.

(4) "Consistent Removal" means the average of the lowest 50 percent of the removal measured in accordance with subsection 62-625.420(2), F.A.C.

(5) "Control Authority" means any public utility that administers a pretreatment program that has been approved by the Department in accordance with the requirements of Rule 62-625.510, F.A.C. In cases where categorical or significant noncategorical industrial users discharge to domestic WWFs that are not included in an approved pretreatment program, the Department shall function as the control authority until an approved pretreatment program has been established by the public utility.

(6) "Discharge" means the introduction of pollutants into a WWF from any nondomestic source regulated under Chapter 403, F.S.

(7) "Grab Sample" means an individual, discrete sample collected at a specific time. A grab sample includes all sub samples or aliquots (e.g. individual containers for specific analytes or analyte groups), sample fractions (e.g. total and filtered samples), and all applicable field quality control samples (e.g. field sample duplicates or split samples) collected at the same locations within a time not exceeding 15 minutes.

(8) "Industrial User" means a source of discharge.

(9) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(a) Inhibits or disrupts the WWF, its treatment processes or operations, or its domestic wastewater residuals processes, use or disposal; and

(b) Is a cause of a violation of any requirement of the WWF's permit (including an increase in the magnitude or duration of a violation) or prevents use or disposal of domestic wastewater residuals in compliance with local regulations or rules of the Department and Chapter 403, F.S.

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

(11) "Maximum Allowable Industrial Loading" means the total mass of a pollutant that all industrial users and other controlled sources may discharge without causing pass through or interference.

(12) "Method Detection Limit" or "MDL" means an estimate of the minimum amount of a substance that an analyte process can reliably detect. A MDL is analyte- and matrix-specific and is laboratory dependent.

(13) "New Source" means:

(a) Any building, structure, facility or installation from which there is or may be a discharge, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the CWA which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that

1. The building, structure, facility or installation is constructed at a site at which no other source is located,

2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source, or

3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source shall be considered;

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subparagraph (a)2. or (a)3. above but otherwise alters, replaces, or adds to existing process or production equipment; or

(c) Construction of a new source, as defined in this chapter, has commenced if the owner or operator has

1. Begun, or caused to begin as part of a continuous on-site construction program

a. Any placement, assembly, or installation of facilities or equipment, or
b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment, or

2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this rule.

(14) "Non-significant categorical industrial user" means an industrial user that discharges 100 gallons per day (gpd) or less of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and:

(a) Has consistently complied with all applicable categorical pretreatment standards and requirements;

(b) Annually submits the certification statement required in subsection 62-625.600(17), F.A.C., together with any additional information necessary to support the certification statement; and

(c) Never discharges any untreated categorical process wastewater.

(15) "Pass Through" means a discharge which exits the WWF into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWF's permit (including an increase in the magnitude or duration of a violation).

(16) "Permit" means a permit issued to a WWF in accordance with Chapter 62-620, F.A.C.

(17) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a WWF. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by subsection 62-625.410(5), F.A.C.

(18) "Pretreatment Program" means a program administered by a public utility that meets the criteria established in Rule 62-625.500, F.A.C.

(19) "Pretreatment Requirement" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

(20) "Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by the EPA under Sections 307(b) and (c) of the CWA or by the Department under Chapter 403, F.S., which applies to industrial users. This term includes prohibitive discharge limits established in Rule 62-625.400, F.A.C.

(21) "Public Utility" means any state, county or municipality owning, managing, controlling or operating a domestic WWF, or proposing to construct a domestic WWF that provides or proposes to provide wastewater service.

(22) "Removal" means a reduction in the amount of a pollutant in the WWF's effluent or alteration of the nature of a pollutant during treatment at the WWF. The reduction or alteration can be obtained by physical, chemical or biological means and may be the result of specifically designed WWF capabilities or may be incidental to the operation of the treatment system. Removal as used in this chapter shall not mean dilution of a pollutant in the WWF.

(23) "Responsible Corporate Officer" means:

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

(b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager;

1. Is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations;

2. Is authorized to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations;

3. Can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements;

4. Has been assigned or delegated the authority to sign documents in accordance with corporate procedures.

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

(25) "Significant Industrial User" means, except as provided in paragraphs (c) and (d) below, the following:

(a) Categorical Industrial Users; and

(b) Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the WWF (excluding domestic wastewater, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement in accordance with paragraph 62-625.500(2)(e), F.A.C.

(c) The control authority (except where the Department is acting as the control authority) may determine that an industrial user subject to categorical

pretreatment standards under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, is a non-significant categorical industrial user.

(d) Upon a finding that an industrial user meeting the criteria in paragraph (b) above has no reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with paragraph 62-625.500(2)(e), F.A.C., determine that such industrial user is not a significant industrial user.

(26) "Slug Discharge" means any discharge of a nonroutine, episodic nature, which has a reasonable potential to cause interference or pass through, or in any other way violate the WWF's regulations, local limits or permit conditions.

(27) "Treatment Plant" means that portion of a WWF which is designed to provide treatment (including recycling and reclamation) of domestic and industrial wastewater.

(28) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user.

(29) "Wastewater Facility" or "WWF" means any facility which discharges wastes into waters of the State or which can reasonably be expected to be a source of water pollution and includes any or all of the following: the collection and transmission system, the wastewater treatment works, the reuse or disposal system, and the residuals management facility.

(30) "Water Management Division Director" means one of the Directors of the Water Management Divisions within the Regional offices of the EPA or this person's delegated representative.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History--New 11-29-94, Amended 5-10-10.

62-625.300 Local Law.

Nothing in this chapter is intended to affect any pretreatment requirements, including any standards or prohibitions, established by local law as long as the local requirements are not less stringent than any State or Federal pretreatment standards or any other requirements or prohibitions established by the Department.

Specific Authority 403.061(7), 403.061(31), 403.0885 FS. Law Implemented 403.0885, 403.08851 FS. History -- New 11-29-94.

62-625.400 Pretreatment Standards: Prohibited Discharges.

(1) General prohibitions.

(a) An industrial user shall not introduce into a WWF any pollutant which causes pass through or interference. These general prohibitions and the specific prohibitions in subsection (2) below apply to each industrial user introducing pollutants

into a WWF whether or not the industrial user is subject to other pretreatment standards, or any national, State, or local pretreatment requirements.

(b) Affirmative Defenses. An industrial user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in paragraph (a) above and the specific prohibitions in paragraphs (2)(c)-(g) below where the industrial user can demonstrate that:

1. It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and

2. Either of the following

a. A local limit designed to prevent pass through or interference was developed in accordance with subsection (3) below for each pollutant in the industrial user's discharge that caused pass through or interference, and the industrial user was in compliance with each such local limit directly prior to and during the pass through or interference, or

b. If a local limit designed to prevent pass through or interference has not been developed in accordance with subsection (3) below for the pollutants that caused the pass through or interference, and the industrial user's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the industrial user's discharge activity when the WWF was regularly in compliance with the WWF's permit requirements and applicable requirements for domestic wastewater residuals.

(2) Specific prohibitions. The following pollutants shall not be introduced into a WWF:

(a) Pollutants which create a fire or explosion hazard in the WWF;

(b) Pollutants which will cause corrosive structural damage to the WWF, but in no case discharges with pH lower than 5.0, unless the WWF is specifically designed to accommodate such discharges;

(c) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the WWF resulting in interference;

(d) Any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate or pollutant concentration which will cause interference with the WWF;

(e) Heat in amounts which will inhibit biological activity in the WWF resulting in interference, but in no case heat in such quantities that result in the discharge from the treatment plant having a temperature that exceeds 40° C (104° F) unless the Department, upon request of the control authority, approves alternate temperature limits in accordance with Rule 62-302.520, F.A.C.;

(f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

(g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that will cause acute worker health and safety problems; or

(h) Any trucked or hauled pollutants, except at discharge points designated by the control authority.

(3) Specific limits developed by the control authority.

(a) Each public utility required to have a pretreatment program in accordance with Rule 62-625.500, F.A.C., shall develop and enforce specific limits to implement the prohibitions listed in paragraph (1)(a) and subsection (2) above. Each public utility shall continue to develop these limits as necessary and effectively enforce such limits.

(b) All other public utilities shall develop and enforce specific effluent limits which, together with appropriate changes in the treatment plant or operation, are necessary to ensure compliance with the WWF's permit or domestic wastewater residuals use or disposal practices.

(c) Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

(d) The control authority (except where the Department is acting as the control authority) may develop best management practices (BMPs) to implement paragraphs (a) and (b) above. Such BMPs shall be considered local limits and pretreatment standards for the purposes of this chapter.

(4) Local limits. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a public utility in accordance with subsection (3) above, such limits shall be deemed pretreatment standards for the purposes of this chapter.

(5) State enforcement actions. If, within 30 days after notice of an interference or pass through violation has been sent by the Department to the control authority, and to persons or groups who have requested such notice from the Department, the control authority fails to commence appropriate enforcement action to correct the violation, the Department shall take appropriate enforcement action in accordance with Sections 403.121, 403.131 and 403.161, F.S. Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History—New 11-29-94, Amended 5-10-10.

62-625.410 Pretreatment Standards: Categorical Standards.

(1) Pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which have the potential to be discharged in accordance with 40 CFR Part 403.6, as of July 1, 2009, hereby adopted and incorporated by reference, to a WWF by existing or new industrial users, in specific industrial subcategories, are established as separate Federal regulations under the appropriate subpart of 40 CFR Chapter I, Subchapter N, parts 405 through 471. These pretreatment standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in this chapter.

Effective 5-10-10

(2) Category determination request.

(a) Request deadline. Within 60 days after the effective date of a pretreatment standard for a subcategory under which an industrial user may be included, the industrial user or control authority may request that the Department provide written certification on whether the industrial user falls within that particular subcategory. If an existing industrial user adds or changes a process or operation which may be included in a subcategory, the existing industrial user must request this certification prior to commencing discharge from the added or changed processes or operation. A new source must request this certification prior to commencing discharge. Where a request for certification is submitted by a control authority, the control authority shall, at the same time, send a copy of the request to any affected industrial user. The industrial user may provide written comments on the control authority's request to the Department within 30 days of the date of the request.

(b) Contents of request. Each request shall contain a statement:

1. Describing which subcategories might be applicable; and

2. Citing evidence and reasons why a particular subcategory is applicable and why others are not applicable. Any person signing the request shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(c) Deficient requests. The Department shall only act on written requests for determinations that contain all of the information required. Persons who have made incomplete submissions will be notified by the Department that their request is deficient. If the deficiency is not corrected within 30 days of the date of the notification, the request for a determination shall be denied.

(d) Final decision.

1. Upon receipt of a complete request, the Department shall consider the submission, any additional evidence that may have been requested, and any other available information relevant to the request. The Department shall then make a written determination of the applicable subcategory and state the reasons for the determination.

2. The Department shall forward the determination to the EPA Water Management Division Director. The EPA Water Management Division Director may waive receipt of these determinations. If the EPA Water Management Division Director does not modify the Department's decision within 60 days after receipt thereof, or if the EPA Water Management Division Director waives receipt of the determination, the Department's decision is final.

3. Where the EPA Water Management Division Director elects to modify the Department's decision, the decision shall be forwarded to the Department. The Department shall adopt the modified decision as its final determination.

4. The Department shall send a copy of the final determination to the affected industrial user and the control authority.

(e) Requests for administrative hearing. Within 14 days following the date of receipt of the copy of the final determination as provided for by subparagraph (d)4. above, the industrial user or control authority may submit a petition for administrative hearing under Section 120.57, F.S., to reconsider or contest the decision.

(3) Deadline for compliance with categorical standards. Compliance by existing sources with categorical pretreatment standards shall be within 3 years of the date the standard is effective in the appropriate subpart of 40 CFR Chapter I, Subchapter N, parts 405 through 471, unless a shorter compliance time is specified as part of the categorical standard. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in subsection 62-625.200(13), F.A.C. New sources shall install and have in operating condition, and shall "start-up", all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within 90 days of initiating discharge, new sources must meet all applicable pretreatment standards.

(4) Concentration and mass limits.

(a) Pollutant discharge limits in categorical pretreatment standards will be expressed either as concentration or mass limits. Wherever possible, where concentration limits are specified in pretreatment standards, equivalent mass limits will be provided so that local, State or Federal authorities responsible for enforcement may use concentration or mass limits. Limits in categorical pretreatment standards shall apply to the effluent of the process regulated by the pretreatment standard, or as otherwise specified by the pretreatment standard.

(b) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the control authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

(c) A control authority calculating equivalent mass-per-day limitations under paragraph (b) above, shall calculate such limitations by multiplying the limits in the pretreatment standard by the industrial user's average rate of production. This average rate of production shall be based not upon the designed production capacity but rather upon a reasonable measure of the industrial user's actual long-term daily production, such as the average daily production during a representative year. For new sources, actual production shall be estimated using projected production.

(d) A control authority calculating equivalent concentration limitations under paragraph (b) above, shall calculate such limitations by dividing the mass limitations derived under paragraph (c) above, by the average daily flow rate of the industrial user's regulated process wastewater. This average daily flow rate shall be based upon a reasonable measure of the industrial user's actual long-term average flow rate, such as the average daily flow rate during a representative year.

(e) When the limits in a categorical pretreatment standard are expressed only in terms of pollutant concentrations, an industrial user may request that the control authority convert the limits to equivalent mass limits. The control authority may convert to equivalent mass limits only if the industrial user meets all the following conditions:

1. Employs, or demonstrates that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;

2. Currently uses control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;

3. Provides sufficient information to establish the industrial user's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, and the industrial user's long-term average production rate, if applicable. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

4. Does not have daily flow rates, production rates, or pollutant levels that vary more than 20 percent so that equivalent mass limits are not appropriate to control the discharge; and

5. Has consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

(f) An industrial user subject to equivalent mass limits based on paragraph (e) above must:

1. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

2. Record the facility's flow rates through the use of a continuous effluent flow monitoring device;

3. Record the facility's production rates and notify the control authority when the production rates are expected to vary more than 20 percent from its baseline production rates determined in subparagraph (e)3. above; and

4. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subparagraph (e)1. above.

(g) A control authority which chooses to establish equivalent mass limits:

1. Must calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-

based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

2. Must reassess the equivalent mass limit and recalculate the limit, as necessary, to reflect changed conditions at the facility upon notification from the industrial user of a revised production rate; and

3. May retain the same equivalent mass limit in subsequent control mechanism terms if:

a. The industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies,

b. The actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to subsection (5) below, and

c. The industrial user is in compliance with Rule 62-625.860, F.A.C.

(h) The control authority may not express limits in terms of mass for pollutants such as pH, temperature, radiation, or other pollutants which cannot appropriately be expressed as mass.

(i) The control authority may convert the mass limits of the categorical pretreatment standards in 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users under the following conditions:

1. When converting such limits to concentration limits, the control authority must use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455, and

2. Document that dilution is not being substituted for treatment as prohibited by subsection (5) below.

(j) Equivalent limitations calculated in accordance with paragraphs (c), (d), (e) and (i) above, are deemed pretreatment standards for the purposes of section 307(d) of CWA and this chapter. The control authority must document how the equivalent limits were derived and make this information available in the industrial user's file for public review. Once incorporated into its control mechanism, the industrial user must comply with the equivalent limitations in lieu of the categorical pretreatment standards from which the equivalent limitations were derived.

(k) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitations.

(l) Any industrial user operating under a control mechanism, as described in subparagraph 62-625.500(2)(a)2., F.A.C., incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the control authority within 2 business days after the industrial user has a reasonable basis to know that the production level will change more than 20 percent within the next calendar

month. Any industrial user not notifying the control authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long-term average production rate.

(5) Dilution prohibited as substitute for treatment. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt, to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The control authority shall impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements.

(6) Combined waste stream formula. Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the control authority or by the industrial user with the written concurrence of the control authority. When the Department is acting as the control authority, the Department shall allow the development of fixed alternative discharge limits when direct sampling of the regulated waste stream is not technically feasible. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the control authority or industrial user shall calculate both an alternative daily maximum value using the daily maximum values specified in the appropriate categorical pretreatment standards and an alternative consecutive sampling day average value using the monthly average values specified in the appropriate categorical pretreatment standards. The industrial user shall comply with the alternative daily maximum and monthly average limits fixed by the control authority until the control authority modifies the limits or approves an industrial user modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An industrial user must immediately report any such material or significant change to the control authority. Where appropriate, new alternative categorical limits shall be calculated within 30 days.

(a) Alternative limit calculation. For purposes of these formulas, the "average daily flow" means a reasonable measure of average daily flow for a 30-day period of production during a representative year. For new sources, flows shall be estimated using projected values. The alternative limit for a specified pollutant shall be derived by the use of either of the following formulas:

1. Alternative concentration limit.

$$C_T = \left(\frac{\sum_{i=1}^N C_i F_i}{\sum_{i=1}^N F_i} \right) \left(\frac{F_T - F_D}{F_T} \right)$$

2. Alternative mass limit.

$$M_T = \left(\sum_{i=1}^N M_i \right) \left(\frac{F_T - F_D}{\sum_{i=1}^N F_i} \right)$$

3. The terms used in the equations in 1. and 2. above are defined as follows:

C_T = The alternative concentration limit for the combined waste stream.

C_i = The categorical pretreatment standard concentration limit for a pollutant in the regulated stream i .

M_T = The alternative mass limit for a pollutant in the combined waste stream.

M_i = The categorical pretreatment standard mass limit for a pollutant in the regulated stream i (the categorical pretreatment mass limit multiplied by the appropriate measure of production).

F_i = The average daily flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

F_D = The average daily flow (at least a 30-day average) from waste streams identified in subsection (7), below.

F_T = The average daily flow (at least a 30-day average) through the combined treatment facility (includes F_i , F_d and unregulated streams).

N = The total number of regulated streams.

(b) Alternative limits below detection limit. An alternative pretreatment limit shall not be used if the alternative limit is below the analytical detection limit for any of the regulated pollutants.

(c) Self-monitoring. Self-monitoring required to ensure compliance with the alternative categorical limit shall be conducted in accordance with the requirements of Rule 62-625.600, F.A.C.

(d) Choice of monitoring location. Where a treated regulated process waste stream is combined prior to treatment with wastewaters other than those generated by the regulated process, the industrial user may monitor either the segregated process waste stream or the combined waste stream for the purpose of determining compliance with applicable pretreatment standards. If the industrial user chooses to monitor the segregated process waste stream, it shall apply the applicable categorical pretreatment standard. If the industrial user chooses to monitor the combined waste stream, it shall apply an alternative discharge limit calculated using the combined waste stream formula as provided in paragraph (a) above. The industrial user may change monitoring points only after receiving approval from the control authority. The control authority shall ensure that any change in an industrial user's monitoring points will not allow the industrial user to substitute dilution for adequate treatment to achieve compliance with applicable standards.

(7) For the purposes of the combined waste stream formula, dilute waste streams include:

(a) Boiler blowdown streams, noncontact cooling streams, stormwater streams, and demineralizer backwash streams; unless such streams contain a significant amount of a pollutant and are combined with the regulated process waste stream prior to treatment, and the treatment will result in a substantial reduction of that pollutant. The control authority shall determine whether such streams are classified as diluted or unregulated. The industrial user shall provide engineering, production, sampling and analysis, and such other information so that the control authority can make its determination;

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

(c) Any process waste streams which were or could have been entirely exempted from categorical pretreatment standards for one or more of the following reasons:

1. The pollutants of concern are not detectable in the effluent from the industrial user;

2. The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects;

3. The pollutants of concern are present in amounts too small to be effectively reduced by known technologies; or

4. The waste stream contains only pollutants which are compatible with the WWF.

(d) Waste streams from the list of industrial user subcategories identified in subsection 62-625.880(1), F.A.C.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History—New 11-29-94, Amended 5-10-10.

62-625.420 Removal Credits.

(1) Introduction. Rule 62-625.420, F.A.C., does not apply where the Department is acting as the control authority.

(a) Any public utility receiving wastewater from a categorical industrial user may, at the control authority's discretion and subject to the conditions of this section, grant removal credits to reflect removal by the WWF of pollutants specified in the categorical pretreatment standard. The control authority may grant a removal credit equal to or, at its discretion, less than its consistent removal rate. Upon being granted a removal credit, each affected industrial user shall calculate its revised discharge limits in accordance with paragraph (c) below. Removal credits shall only be given for indicator or surrogate pollutants regulated in a categorical pretreatment standard if the categorical pretreatment standard so specifies.

(b) Conditions for authorization to give removal credits. A control authority is authorized to give removal credits only if all of the following conditions are met:

1. The control authority requests, and receives authorization from the Department to give, a removal credit in accordance with the requirements and procedures specified in subsection (4) below.

2. Consistent removal determination. The WWF demonstrates and continues to achieve consistent removal of the pollutant in accordance with subsection (2) below.

3. Pretreatment program. The public utility has a pretreatment program approved by the Department in accordance with Rule 62-625.510, F.A.C.

4. Domestic wastewater residuals (referred to as "sewage sludge" in the federal regulations which is defined at 40 CFR 503.9) requirements. The granting of removal credits will not cause the WWF to violate the local, State, and Federal requirements which apply to the domestic wastewater residuals management method chosen by the WWF. Alternatively, the WWF can demonstrate to the Department that (even though it is not presently in compliance with applicable domestic wastewater residual requirements) it will be in compliance when the industrial user (to whom the removal credit would apply) is required to meet its categorical pretreatment standard, as modified by the removal credit. Removal credits may be made available for the following:

a. Any pollutant listed in subsections 62-625.880(2) and (3), F.A.C., for the use or disposal practice employed by the WWF, when the requirements in Chapter 62-640, F.A.C., for that practice are met;

b. Arsenic, Beryllium, Cadmium, Chromium, Lead, Mercury and Nickel, when incinerated, when the concentration for these pollutants does not exceed the requirements of 40 CFR part 503.43, as of July 1, 2009, hereby adopted and incorporated by reference;

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c. Any pollutant listed in subsection 62-625.880(4), F.A.C., for the use or disposal practice employed by the WWF, when the concentration for the pollutant listed in subsection 62-625.880(4), F.A.C., does not exceed the specified concentration; or

d. For any pollutant in domestic wastewater residuals, when the WWF disposes all of its domestic wastewater residuals in a municipal solid waste landfill that meets the criteria in Chapter 62-701, F.A.C.

5. Permit limitations. The granting of removal credits shall not cause a violation of the WWF's permit limitations or conditions. Alternatively, the WWF can demonstrate to the Department that (even though it is not presently in compliance with applicable limitations and conditions in its permit) it will be in compliance when the industrial user (to whom the removal credit would apply) is required to meet its categorical pretreatment standard, as modified by the removal credit.

(c) Calculation of revised discharge limits. Revised discharge limits for a specific pollutant shall be derived by use of the following formula:

$$y = \left(\frac{x}{1-r} \right)$$

where

y = Revised discharge limit for the specified pollutant (expressed in same units as x).

x = Pollutant discharge limit specified in the applicable categorical pretreatment standard.

r = Removal credit for that pollutant as established under subsection (2) below (percentage removal expressed as a proportion, i.e., a number between 0 and 1).

(2) Establishment of removal credits; demonstration of consistent removal. Influent and effluent operational data demonstrating consistent removal, or other information as provided for in paragraph (g) below which demonstrates consistent removal of the pollutants for which discharge limit revisions are proposed, shall be provided to the Department. These data shall meet the following requirements:

(a) Representative data: seasonal. The data shall be representative of yearly and seasonal conditions to which the WWF is subjected for each pollutant for which a discharge limit revision is proposed.

(b) Representative data: quality and quantity. The data shall be representative of the quality and quantity of normal effluent and influent flow if such data can be obtained. If such data are unobtainable, alternate data or information may be presented for approval to demonstrate consistent removal as provided for in paragraph (g) below.

(c) Sampling procedures: composite.

1. The influent and effluent operational data shall be obtained through 24-hour flow-proportional composite samples. Sampling shall be done manually or automatically, and discretely or continuously. For discrete sampling, at least 12 aliquots shall be composited. Discrete sampling shall be flow-proportioned either by varying the

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time interval between each aliquot or the volume of each aliquot. All composites must be flow-proportional to each stream flow at the time of collection of the influent aliquot or to the total influent flow since the previous influent aliquot. Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.

2. Sampling frequency and historical data.

a. Twelve samples shall be taken at approximately equal intervals throughout one full year. Sampling must be evenly distributed over the days of the week so as to include non-workdays as well as workdays. If the Department determines that this sampling is not representative of the actual operation of the WWF, the Department shall notify the WWF with an explanation of why it has come to this determination. The control authority shall submit, within 30 days of receipt of the Department notice, an alternative sampling schedule. The Department shall approve the alternative sampling schedule if it is representative of the operation of the WWF. The alternative sampling schedule shall not be implemented until written Department approval is obtained.

b. As an alternative, a WWF may utilize an historical data base amassed prior to the effective date of this chapter. In order for the historical data base to be approved, it must present a statistically valid description of daily, weekly, and seasonal WWF loadings and performance for at least one year.

3. The Department shall require that each effluent sample be taken approximately one detention time later than the corresponding influent sample when failure to do so would result in an unrepresentative portrayal of actual WWF operation. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year.

(d) Sampling procedures: Grab. Where composite sampling is not an appropriate sampling technique, grab samples shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one detention period. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used shall be based upon the average of the daily flows during the same month of the previous year. Grab samples shall be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical, or physical interactions which take place after sample collection and affect the results.

(e) Analytical methods. The sampling referred to in paragraphs (c) and (d) above, and an analysis of these samples, shall be performed in accordance with Chapter 62-160, F.A.C.

(f) Calculation of removal. All data acquired under the provisions of this rule must be submitted to the Department. Removal for a specific pollutant shall be determined for each sample either by measuring the difference between the concentrations of the pollutant in the influent and effluent of the WWF and expressing the difference as a percent of the influent concentration, or by using other data or

procedures subject to concurrence by the Department as provided for in paragraph (g) below.

(g) All sample data obtained for the measured pollutant during the time period prescribed in this section, must be reported to the Department and used in computing consistent removal. If a substance is detectable in the influent but not in the effluent, the effluent level shall be assumed to be the method detection limit, and those data may be used by the WWF at its discretion if the method detection limit meets the requirements of Rule 62-4.246, F.A.C. If the substance is not detectable in the influent, the data shall not be used to calculate consistent removal. Where the number of samples with concentrations equal to or above the method detection limit is between 8 and 12, the average of the lowest 6 removals shall be used. If there are less than 8 samples with concentration equal to or above the method detection limit, the Department shall require alternate means for demonstrating consistent removal.

(3) Provisional credits. For pollutants which are not being discharged currently (i.e., new or modified facilities, or production changes), the control authority may apply for authorization to give removal credits prior to the initial discharge of the pollutant. Consistent removal shall be based provisionally on data from treatability studies or demonstrated removal at other comparable treatment facilities where the quality and quantity of influent are similar. Within 18 months after the commencement of discharge of pollutants in question, consistent removal must be demonstrated in accordance with subsection (2) above. If, within 18 months after the commencement of the discharge of the pollutant in question, the WWF cannot demonstrate consistent removal in accordance with subsection (2) above, the authority to grant provisional removal credits shall be terminated by the Department in accordance with paragraph (5)(d) below.

(4) Control authority request for authorization to give removal credits and Department review.

(a) Any control authority that wants to give a removal credit must request authorization from the Department.

(b) The request for authorization to give removal credits (or modify existing ones) shall be submitted in writing by the control authority to the Department.

(c) A control authority may request authorization to give or modify removal credits at any time.

(d) The request for authorization to give removal credits must be supported by the following information:

1. List of pollutants. A list of pollutants for which removal credits are proposed.
2. Consistent removal data. The data required in subsection (2) above.
3. Calculation of revised discharge limits. Proposed revised discharge limits for each affected subcategory of industrial users calculated in accordance with paragraph (1)(c) above.

4. Domestic wastewater residuals management certification. A specific description of the WWF's current methods of using or disposing of its residuals and a certification that the granting of removal credits will not cause a violation of the domestic wastewater residuals requirements identified in subparagraph (1)(b)4. above.

5. Permit limit certification. A certification that the granting of removal credits will not cause a violation of the WWF's permit limits and conditions as required in subparagraph (1)(b)5. above.

(e) Department review. The Department shall review the control authority's request for authorization to give or modify removal credits in accordance with the procedures of Rule 62-625.510, F.A.C., and shall, in no event, have more than 180 days from public notice of the request to complete review.

(f) EPA review of State removal credit approvals. The EPA Regional Administrator will review and approve submissions for authority to grant removal credits.

(g) Nothing in these regulations precludes an industrial user or other interested party from assisting the control authority in preparing and presenting the information necessary to request authorization.

(h) Upon Department and EPA approval of a control authority's request to grant removal credits, the WWF's permit shall be revised in accordance with Rule 62-620.325, F.A.C., to include the revised discharge limits and any additional monitoring and reporting requirements.

(5) Continuation and withdrawal of authorization.

(a) Effect of authorization. Once a control authority has received authorization to grant removal credits for a particular pollutant regulated in a categorical pretreatment standard, it may automatically extend that removal credit to the same pollutant when it is regulated in other categorical standards, unless granting the removal credit will cause the WWF to violate the requirements identified in subparagraph (1)(b)4. above or its permit limits and conditions as required by subparagraph (1)(b)5. above. If a control authority elects at a later time to extend removal credits to a certain categorical pretreatment standard, industrial subcategory or one or more industrial users that initially were not granted removal credits, it must notify the Department prior to granting the removal credit.

(b) Inclusion in WWF permit. Once authority is granted, the removal credits shall be included in the WWF's permit and shall become an enforceable requirement of the WWF's permit. The removal credits shall remain in effect for the term of the WWF's permit, provided the WWF maintains compliance with the conditions specified in paragraph (d) below.

(c) Compliance monitoring. Following authorization to give removal credits, a control authority shall continue to monitor and report on the WWF's removal capabilities at such intervals as specified in the WWF's permit, but in no case less than once per year. A minimum of one representative sample per month during the reporting period is required, and all sampling data must be included in the control authority's compliance report.

(d) Modification or withdrawal of removal credits.

1. Notice of control authority. The Department shall notify the control authority if, on the basis of pollutant removal capability reports received pursuant to paragraph (c) above, or other relevant information available to it, the Department determines:

a. That one or more of the discharge limit revisions made by the control authority no longer meets the requirements of this section; or

b. That such discharge limit revisions are causing a violation of any conditions or limits contained in the WWF's permit.

2. Corrective action. If appropriate corrective action is not taken within a reasonable time, not to exceed 60 days, the Department shall either withdraw such discharge limits or require modifications in the revised discharge limits. An extension to the 60 day time period shall be granted if the control authority or industrial user submits a written request to the Department that demonstrates that more time is necessary to undertake appropriate corrective action and that the time extension will not have any adverse environmental impacts.

3. Public notice of withdrawal or modification. The Department shall not withdraw or modify revised discharge limits unless it first notifies, in writing, the control authority and all industrial users to whom revised discharge limits have been applied, of the reasons for such withdrawal or modification. The Department shall publish a notice of withdrawal or modification of revised discharge limits in a newspaper(s) of general circulation within the jurisdiction served by the WWF that meets the requirements of Sections 50.011 and 50.013, F.S., and shall provide an opportunity for an administrative hearing. Following such notice and withdrawal or modification, all industrial users to whom revised discharge limits had been applied, shall be subject to the modified discharge limits or the discharge limits prescribed in the applicable categorical pretreatment standards, as appropriate, and shall achieve compliance with such limits in accordance with subsection 62-625.410(3), F.A.C. Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History—New 11-29-94, Amended 1-8-97, 5-10-10.

62-625.500 Pretreatment Program Development and Submission Requirements.

(1) Public utilities required to develop a pretreatment program.

(a) Except as provide in paragraph (1)(b) below, public utilities shall establish a pretreatment program under the following conditions:

1. The public utility receives pollutants from industrial users which pass through or interfere with the operation of the WWF or are otherwise subject to pretreatment standards;

2. The public utility discharges to surface waters of the State or is required to implement a pretreatment program in accordance with Chapter 62-610, F.A.C., or 40 CFR parts 146.15 and 146.16; and

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3. The public utility owns or operates one or more WWFs with a total design flow greater than 5 million gallons per day (mgd). The Department shall also require that a public utility that owns or operates one or more WWFs with a design flow of 5 mgd or less to establish a pretreatment program if it finds that the nature or volume of the industrial influent, treatment process upsets, violations of WWF effluent limitations, contamination of domestic wastewater residuals, or other circumstances require a pretreatment program in order to prevent interference with the WWF or pass through.

(b) Public utilities that own or operate one or more WWFs that are required to implement a pretreatment program in accordance with Chapter 62-610, F.A.C., or 40 CFR parts 146.15 and 146.16 shall develop a pretreatment program that meets the requirements of subsections (2) and (3) below, unless the public utility can provide an affirmative demonstration in accordance with subsection 62-610.330(2), F.A.C., or 40 CFR part 146.15(e)(l) that the WWF has no significant industrial users.

(c) If a WWF identified as needing a pretreatment program does not have an approved pretreatment program, the Department shall revise, or revoke and reissue, the existing WWF permit. The revised or reissued permit shall contain a compliance schedule, with a final compliance date not to exceed one year from the effective date of the revised or reissued permit, for the development of a pretreatment program meeting the requirements of subsections (2) and (3) below.

(2) Pretreatment program requirements. A pretreatment program shall be based on the following legal authority and include the following procedures. These authorities and procedures shall at all times be fully and effectively exercised and implemented.

(a) Legal authority. The public utility shall operate under legal authority enforceable in Federal, State, or local courts which authorizes or enables the public utility to apply and to enforce the requirements of this chapter. Such authority shall be contained in a statute, ordinance, or series of contracts or joint powers agreements which the public utility is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the public utility to:

1. Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the WWF by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the WWF to violate its permit;

2. Control through permit, order, or similar means the contribution to the WWF by each industrial user to ensure compliance with applicable pretreatment standards and requirements. In the case of industrial users identified as significant under subsection 62-625.200(25), F.A.C., this control shall be achieved through individual permits or equivalent individual control mechanisms issued to each such industrial user except as provided in subparagraphs 7. and 8. Below. Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions

- a. Statement of duration (in no case more than 5 years),
 - b. Statement of non-transferability without prior notification to the control authority and without providing a copy of the existing control mechanism to the new owner or operator;
 - c. Effluent limits, including best management practices, based on applicable general pretreatment standards in this chapter, categorical pretreatment standards, local limits, and State and local law;
 - d. Self-monitoring, sampling, reporting, notification and record keeping requirements, including identification of the pollutants to be monitored, sampling location, sampling frequency and sample type based on the applicable general pretreatment standards in this chapter, categorical pretreatment standards, local limits, and State and local laws, and
 - e. Process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with paragraph 62-625.600(4)(b), F.A.C., or a specific waived pollutant in the case of an individual control mechanism;
 - f. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules shall not extend the compliance date beyond applicable State or Federal deadlines;
 - g. Requirements to control slug discharges, if determined by the control authority to be necessary.
3. Require the following:
 - a. Development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements, and
 - b. Submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements,
 4. Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the control authority shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under subsection 62-625.600(14), F.A.C., to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under Section 403.091, F.S.;
 5. Obtain remedies for noncompliance by any industrial user with any pretreatment standard and requirement.
 - a. All control authorities shall be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards and requirements. All control authorities shall also have authority to seek or assess civil or criminal penalties
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in at least the amount of \$1,000 a day for each violation by industrial users of pretreatment standards and requirements.

b. Pretreatment requirements which will be enforced through the remedies set forth in a. above shall, at a minimum, include: the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the control authority; any requirements set forth in individual control mechanisms issued by the control authority; or any reporting requirements imposed by the control authority or this chapter. The control authority shall have authority and procedures to immediately and effectively halt any discharge to the WWF which endangers public health or welfare. The control authority shall also have the authority and procedures to prevent any discharge to the WWF which endangers the environment, or which threatens to interfere with the operation of the WWF. Notice shall be provided to the industrial user prior to such action. If public health or welfare are not endangered, the industrial user shall be given an opportunity to respond to the notice; and

6. Comply with the confidentiality requirements set forth in Rule 62-625.800, F.A.C.

7. Use general control mechanisms, at the discretion of the control authority, if all facilities to be covered:

a. Involve the same or substantially similar types of operations;
b. Discharge the same types of wastes;
c. Require the same effluent limitations;
d. Require the same or similar monitoring; and
e. In the opinion of the control authority, are more appropriately controlled under a general control mechanism than under individual control mechanisms.

8. To be covered by the general control mechanism, the significant industrial user must file a written request for coverage that provides:

a. The industrial user's contact information;
b. The industrial user's production processes;
c. The industrial user's types of wastes generated;
d. The industrial user's locations for monitoring all wastes covered by the general control mechanism;

e. Requests for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge in accordance with paragraph 62-625.600(4)(b), F.A.C.; and

f. Any other industrial user information the control authority deems appropriate.

A monitoring waiver pursuant to paragraph 62-625.600(4)(b), F.A.C., is not effective in the general control mechanism until after the control authority has provided written notice to the significant industrial user that such a waiver request has been granted. The control authority must retain a copy of the general control mechanism, documentation to support the control authority's determination that a specific significant industrial user meets the criteria in sub-subparagraphs (2)(a)7.a. through e. above, and

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a copy of the industrial user's written request for coverage for three (3) years after the expiration of the general control mechanism. A control authority may not control a significant industrial user through a general control mechanism where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for industrial users whose limits are based on the combined wastestream formula or net/gross calculations as outlined in subsection 62-625.410(6) and Rule 62-625.820, F.A.C., respectively.

(b) Pretreatment program implementation procedures. The public utility shall develop and implement procedures to ensure compliance with the requirements of a pretreatment program. At a minimum, these procedures shall enable the control authority to:

1. Identify and locate all possible industrial users which might be subject to the pretreatment program. Any compilation, index or inventory of industrial users shall be made available to the EPA Regional Administrator or Department upon request;
2. Identify the character and volume of pollutants contributed to the WWF by the industrial users identified under 1. above. This information shall be made available to the EPA Regional Administrator or Department upon request;
3. Notify industrial users identified under subparagraph 1. above of applicable pretreatment standards and any applicable requirements under Parts I and IV of Chapter 403, F.S., regarding disposal of sludge. Within 30 days of approval of a list of significant industrial users, in accordance with paragraph (e) below, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status;
4. Receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the self-monitoring requirements in Rule 62-625.600, F.A.C.;
5. Randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each significant industrial user at least once a year except as specified in sub-subparagraphs a. through c. below;
 - a. Where the control authority has authorized a categorical industrial user to waive sampling of a pollutant regulated by a categorical pretreatment standard in accordance with paragraph 62-625.600(4)(b), F.A.C., the control authority must sample for the waived pollutant(s) at least once during the term of the categorical industrial user's control mechanism. In the event that the control authority subsequently determines that a waived pollutant is present or is expected to be present in the industrial user's wastewater based on changes that occur in the user's operations, the control authority must immediately begin at least annual inspection and effluent monitoring of the user's discharge;

b. Where the control authority has determined that an industrial user meets the criteria for classification as a non-significant categorical industrial user, the control authority must evaluate, at least once per year, whether an industrial user continues to meet the criteria in paragraph 62-625.200(25)(c), F.A.C.; or

c. In the case of industrial users subject to reduced reporting requirements under paragraph 62-625.600(4)(d), F.A.C., the control authority must randomly sample and analyze the effluent from industrial users and conduct inspections at least once every two years. If the industrial user no longer meets the conditions for reduced reporting in paragraph 62-625.600(4)(d), F.A.C., the control authority must immediately begin sampling and inspecting the industrial user at least once a year;

6. Evaluate, at least once every two years, whether each significant industrial user needs a plan to control slug discharges. New significant industrial users must be evaluated within 1 year of being designated a significant industrial user. The results of such evaluations shall be made available to the Department upon request. Significant industrial users are required to notify the control authority immediately of any changes at its facility affecting the potential for a slug discharge. If the control authority decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

a. Description of discharge practices, including nonroutine batch discharges,
b. Description of stored chemicals and containment areas,
c. Procedures for immediately notifying the control authority and the WWF of slug discharges, including any discharge that would violate a prohibition under subsection 62-625.400(2), F.A.C., with procedures for follow-up written notification within five days, and

d. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), or measures and equipment for emergency response;

7. Investigate instances of noncompliance with pretreatment standards and requirements, as indicated in the reports and notices required under Rule 62-625.600, F.A.C., or indicated by analysis, inspection, and surveillance activities described in subparagraph 5. above. Sample taking, analyses and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and

8. Comply with the public participation requirements of Chapter 120, F.S., in enforcement of pretreatment standards. In addition, these procedures shall include provision for at least annual public notification of industrial users which were in significant noncompliance with applicable pretreatment requirements at any time during the previous 12 months. Public notification shall be included in a newspaper(s) of general circulation within the jurisdiction served by the WWF that meets the

requirements of Sections 50.011 and 50.013, F.S. For the purpose of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

a. Chronic violations of wastewater discharge limits defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude), a numeric pretreatment standard or requirement, including instantaneous limits;

b. Technical Review Criteria (TRC) violations defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, total oil and grease, and 1.2 for all other pollutants except pH);

c. Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WWF personnel or the general public);

d. Any discharge that has resulted in the control authority's exercise of its emergency authority under sub-subparagraph (a)5.b. above, to halt or prevent such a discharge;

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

f. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

g. Failure to accurately report noncompliance; and

h. Any other violation or group of violations, including a violation of best management practices, which the control authority determines will adversely affect the operation or implementation of the pretreatment program, except when the Department is acting as the control authority.

(c) Local limits. The public utility shall develop local limits as required in paragraph 62-625.400(3)(a), F.A.C., or submit to the Department documentation that demonstrates that they are not necessary to prevent pass through, interference, protection of WWF employees, or adversely affect residuals disposal. A plan of study shall be submitted to the Department prior to initiating the sampling required to develop local limits.

(d) Enforcement response plan. The public utility shall develop and implement an enforcement response plan. This plan shall contain detailed procedures that:

1. Describe how the control authority will investigate instances of noncompliance, including, at a minimum, sampling, data review, site visits and inspections;
 2. Describe the types of escalating enforcement responses the control authority will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place. The enforcement response plan shall address, at a minimum, effluent limits violations, self-monitoring and reporting violations, compliance schedule violations, and violations found during inspections;
 3. Identify (by title) the officials responsible for each type of response; and
 4. Reflect the control authority's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in paragraphs (a) and (b) above.
 - (e) Significant industrial users. The public utility shall prepare and maintain a list of its industrial users meeting the criteria in paragraphs 62-625.200(25)(a) and (b), F.A.C. The list shall identify the criteria in paragraphs 62-625.200(25)(a) and (b), F.A.C., applicable to each industrial user and, shall also indicate whether the public utility has made a determination in accordance with paragraphs 62-625.200(25)(c) and (d), F.A.C., that such industrial user should not be considered a significant industrial user. The list shall be submitted to the Department in accordance with Rule 62-625.510, F.A.C., or as a non-substantial program modification in accordance with paragraph 62-625.540(2)(b), F.A.C. Modifications to the list shall be submitted to the Department in accordance with paragraph 62-625.600(8)(a), F.A.C.
- (3) Funding. The public utility shall have sufficient resources and qualified personnel to carry out the authorities and procedures described in subsection (2) above. The public utility may submit a written request for conditional approval of the pretreatment program pending the acquisition of funding and personnel for certain elements of the program. The Department shall grant conditional approval, if the submission demonstrates that:
 - (a) A limited aspect of the program does not need to be implemented immediately to comply with this chapter;
 - (b) The public utility has adequate legal authority and procedures to carry out those aspects of the program which will not be implemented immediately; and
 - (c) Funding and personnel for the program aspects to be implemented at a later date will be available when needed. The public utility shall describe in the submission the mechanism by which this funding will be acquired. Upon receipt of a request for conditional approval, the Department will establish a date for the acquisition of the needed funding and personnel based on information submitted by the public utility in accordance with this subsection. If funding is not acquired by this date, the conditional approval of the pretreatment program and any removal allowances granted to the WWF shall be modified or withdrawn.
 - (4) Pretreatment program submission requirements.

(a) Any public utility requesting approval of a pretreatment program shall submit a program description to the Department. The description must contain the following information:

1. A statement from the solicitor or an official acting in a comparable capacity (or the attorney for those public utilities which have independent legal counsel) that the public utility has authority adequate to carry out the program described in subsection (2) above. This statement shall

a. Identify the provision of the legal authority under paragraph (2)(a) above, which provides the basis for each procedure under paragraph (2)(b) above,

b. Identify the manner in which the control authority will implement the program requirements set forth in subsection (2) above, including the means by which pretreatment standards will be applied to individual industrial users (e.g., by order, permit, ordinance, etc.), and

c. Identify how the control authority will ensure compliance with pretreatment standards and requirements, and to enforce them in the event of noncompliance by industrial users;

2. A copy of any statutes, ordinances, regulations, agreements, or other authorities which will be relied upon by the control authority for its administration of the pretreatment program. This submission shall include a statement reflecting the endorsement or approval of the local boards or bodies responsible for supervising or funding the pretreatment program if approved;

3. A brief description (including organization charts) of the organization which will administer the pretreatment program. If more than one agency is responsible for administration of the program, the responsible agencies shall be identified, their respective responsibilities delineated, and their procedures for coordination set forth; and

4. A description of the funding levels and full and part-time manpower available to implement the program.

(b) Deadline for pretreatment program submission. A public utility operating or owning a WWF which meets any of the criteria in subsection (1) above shall develop and submit a pretreatment program for approval within one year after written notification from the Department of such identification. The pretreatment program shall meet the criteria set forth in subsection (2) above and, following approval, be administered by the control authority to ensure compliance by industrial users with applicable pretreatment standards and requirements. Two copies of the submission shall be provided to the Department.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History—New 11-29-94, Amended 1-8-97, 5-10-10.

62-625.510 Pretreatment Program Review and Approval Procedures.

(1) Completeness review. Within 60 days of receiving a request for approval of a pretreatment program, the Department shall determine if the submission meets the

requirements of paragraph 62-625.500(4)(a), F.A.C. If the Department determines that the submission meets these requirements, the Department shall:

(a) Notify the public utility that the submission has been received and is under review; and

(b) Commence the public notice and evaluation activities set forth in subsection (2) below. If, after review of the submission, the Department determines that the submission does not comply with the requirements of paragraph 62-625.500(4)(a), F.A.C., the Department shall provide notice in writing to the public utility and each person who has requested individual notice. This notification shall identify any defects in the submission and advise the public utility, and each person who has requested individual notice, of the means by which the public utility can comply with the requirements of subsections 62-625.500(2) and (3), F.A.C.

(2) Public notice and opportunity for hearing. Within 20 working days after making a determination that a submission meets the requirements of paragraph 62-625.500(4)(a), F.A.C., the Department shall:

(a) Provide the public utility with a copy of a notice of request for approval of a pretreatment program. The public utility shall publish the notice in a newspaper(s) of general circulation within the jurisdiction served by the WWF, that meets the requirements of Sections 50.011 and 50.013, F.S., within 14 days of receipt of the request for publication. The public utility shall provide proof of publication to the Department, at the address specified in the request for publication, within 7 days of publication;

(b) Mail the notice of request for approval to all Federal and State agencies with jurisdiction over fish, shellfish and wildlife resources, and over coastal zone management plans, unless such agencies have asked not to be sent the notices. Unless such agencies have asked not to be sent the notices. Those agencies include U.S. Advisory Council on Historic Preservation, U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Florida Department of State, Division of Historical Resources, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Community Affairs, the unit of local government having jurisdiction over the area where the WWF is located, and any other person or group who has requested individual notice, including those on appropriate mailing lists;

(c) Provide a period of not less than 30-days following the date of the public notice during which time interested persons may submit their written views on the submission. All written comments submitted during the 30-day comment period shall be retained by the Department and considered in the decision on whether or not to approve the submission to the Department. The period for comment may be extended by the Department;

(d) Provide an opportunity for the public utility, any affected State, any interested State or Federal agency, person or group of persons to request a public hearing with respect to the submission. This request for public hearing shall be filed

within the 30-day (or extended) comment period described in paragraph (c) above and shall indicate the interest of the person filing such request and the reasons why a hearing is warranted;

(e) Hold a hearing in accordance with paragraph (d) above, if there is significant public interest in issues relating to whether or not the submission should be approved. Instances of doubt shall be resolved in favor of holding the hearing; and

(f) Provide the public utility with a copy of a notice of a hearing to consider a submission, if any hearing is requested. The notice shall be published by the public utility in the same newspaper as the notice of the original request for approval of the submission under paragraph (a) above. In addition, the notice of a hearing shall be sent by the Department to those persons requesting individual notice.

(3) Public access to submission. The Department shall ensure that the submission and any comments upon such submission are available to the public for inspection and copying. A copy of the submission shall also be made available to the public for inspection by the public utility.

(4) Deadline for review of submission. The Department shall have 90 days from the date of public notice of any submission complying with the requirements of paragraph 62-625.500(4)(a), F.A.C., to review the submission. The Department shall review the submission to determine compliance with the requirements of subsections 62-625.500(2) and (3), F.A.C. The Department shall have up to an additional 90 days to complete the evaluation of the submission if the public comment period provided for in paragraph (2)(c) above is extended beyond 30 days or if a public hearing is held as provided for in paragraph (2)(e) above. In no event, however, shall the time for evaluation of the submission exceed a total of 180 days from the date of public notice of a submission meeting the requirements of paragraph 62-625.500(4)(a), F.A.C.

(5) Department decision. At the end of the 30-day (or extended) comment period and within the 90-day (or extended) period provided for in subsection (4) above, the Department shall approve or deny the submission based upon the evaluation in subsection (4) above, taking into consideration comments submitted during the comment period and the record of the public hearing if held. Where the Department makes a determination to deny the request, the Department shall so notify the public utility and each person who has requested individual notice. The notification shall include suggested modifications and the Department shall allow the public utility additional time to bring the submission into compliance with applicable requirements.

(6) EPA review of Department's decision. No pretreatment program shall be approved by the Department if, following the 30-day (or extended) evaluation period provided for in paragraph (2)(c) above and any hearing held as provided for in paragraph (2)(e) above, the EPA Regional Administrator sets forth, in writing, objections to the approval of such submission and the reasons for such objections. A copy of the EPA Regional Administrator's objections will be provided to the public utility and each person who has requested individual notice. The EPA Regional Administrator will provide an opportunity for written comments and may convene a public hearing on his

or her objections. Unless retracted, the EPA Regional Administrator's objections shall result in a final ruling to deny approval of a pretreatment program 90 days after the date the objections are issued.

(7) Notice of decision. The Department shall notify those persons who submitted comments and participated in the public hearing, if held, of the approval or disapproval of the submission. In addition, the Department shall require the public utility to publish a notice of approval or disapproval, prepared by the Department, in the same newspaper as the original notice of request for approval of the submission was published.

(8) Permit reissuance or revision. If a WWF is required to develop a pretreatment program, the Department shall revise, or alternatively revoke and reissue, the WWF's permit in order to incorporate requirements for pretreatment program development and implementation as enforceable conditions of the permit. The revision of a WWF's permit for the purpose of incorporating these requirements shall be deemed a minor permit revision subject to the procedures in Rule 62-620.325, F.A.C. Rulemaking Authority 403.061(7), (31), 403.0885, 403.815 FS. Law Implemented 403.0885, 403.815 FS. History--New 11-29-94, Amended 1-8-97, 5-10-10.

62-625.540 Modification of Pretreatment Programs.

(1) General. Pretreatment programs shall be modified in accordance with this rule whenever there is a significant change in the operation of a pretreatment program that differs from the information in the control authority's submission to the Department, as approved under Rule 62-625.510, F.A.C.

(2) Procedures. Pretreatment program modifications shall be accomplished as follows:

(a) For substantial modifications, as defined in subsection (3) below.

1. The control authority shall submit to the Department a statement of the basis for the desired modification, a modified program description in accordance with paragraph 62-625.500(4)(a), F.A.C., and such other documents the Department determines to be necessary under the requirements of this chapter,

2. The Department shall approve or disapprove the modification based on the requirements of subsection 62-625.500(2), F.A.C., following the procedures in Rule 62-625.510, F.A.C.,

3. If not already incorporated into the WWF's permit, the modification shall be incorporated after approval in accordance with Rule 62-620.325, F.A.C., and

4. The modification shall become effective upon approval by the Department. Publication of the notice of approval is not required provided that no substantive comments are received by the date specified in the notice of request for approval and the request is approved without change. Otherwise, notice of approval of the modification, prepared by the Department, shall be published by the control authority in the same newspaper as the original notice of request for approval in accordance with paragraph 62-625.510(2)(a), F.A.C.; and

(b) The control authority shall notify the Department of any non-substantial modifications to its pretreatment program at least 45 days prior to when they are to be implemented by the control authority, in a statement similar to that provided for in subparagraph (a)1. above. Such non-substantial program modifications shall be deemed to be approved by the Department 45 days after the submission of the control authority's statement unless the Department determines that a modification submitted is a substantial modification. Following such "approval" by the Department, if not already incorporated in to the WWF's permit, such modifications shall be incorporated in accordance with Rule 62-620.325, F.A.C. If the Department determines that a modification reported by a control authority in its statement is in fact a substantial modification, the Department shall notify the control authority and initiate the procedures in paragraph (a) above.

(3) Substantial modifications.

(a) The following are substantial modifications for purposes of this chapter:

1. Changes to the control authority's legal authority;

2. Changes to local limits which result in less stringent local limits, except for modifications to local limits for pH and or reallocations of the maximum allowable industrial loading of a pollutant that does not increase the total industrial loadings for that pollutant, which are reported in accordance with paragraph (2)(b) above.

3. Changes to the control authority's control mechanism, as described in subparagraph 62-625.500(2)(a)2., F.A.C.;

4. A decrease in the frequency of self-monitoring or reporting required of industrial users;

5. A decrease in the frequency of industrial user inspections or sampling by the control authority;

6. Changes to the control authority's confidentiality procedures;

(b) A modification that is not included in paragraph (a) above is nonetheless a substantial modification for purposes of this chapter if the modification:

1. Would have a significant impact on the operation of the pretreatment program;

2. Would result in an increase in pollutant loadings at the WWF; or

3. Would result in less stringent requirements being imposed on industrial users.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History—New 11-29-94, Amended 5-10-10.

62-625.600 Reporting Requirements for Control Authorities and Industrial Users.

(1) Baseline Report for industrial users upon effective date of categorical pretreatment standard. Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination request under paragraph 62-625.410(2)(d), F.A.C., whichever is

later, existing industrial users subject to such categorical pretreatment standards and currently discharging to, or scheduled to discharge to a WWF shall submit to the control authority a report which contains the information listed in paragraphs (a)-(g) below. At least 90 days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical pretreatment standard, shall submit to the control authority a report which contains the information listed in paragraphs (a)-(e) below. New sources shall include in this report information on the method of pretreatment it intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in paragraphs (d) and (e), below.

(a) Identifying information. The industrial user shall submit the name and address of the facility, including the name of the operator and owners.

(b) Permits. The industrial user shall submit a list of any pollution control permits held by or for the facility.

(c) Description of operations. The industrial user shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification (SIC) codes of the operations carried out by such industrial user. This description shall include a schematic process diagram which indicates points of discharge to the WWF from the regulated processes.

(d) Flow measurement. The industrial user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the WWF from each of the following:

1. Regulated process streams, and
2. Other streams as necessary to allow use of the combined waste stream formula of subsection 62-625.410(6), F.A.C. The control authority shall allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(e) Measurement of pollutants.

1. The industrial user shall identify the pretreatment standards applicable to each regulated process.

2. In addition, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the pretreatment standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the industrial user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard;

3. The industrial user shall take a minimum of one representative sample to demonstrate data is in compliance with these requirements.

4. Samples shall be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no

pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the industrial user shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of subsection 62-625.410(6), F.A.C., in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with subsection 62-625.410(6), F.A.C., this adjusted limit, along with supporting data, shall be submitted to the control authority.

5. All activities related to sampling and analysis shall comply with paragraphs (6)(d) and (e) and Chapter 62-160, F.A.C.

a. Sampling activities shall be performed according to procedures specified in "The Department of Environmental Protection Standard Operating Procedures for Field Activities," DEP-SOP-001/01, March 31, 2008, hereby adopted and incorporated by reference. A copy of this document is available for inspection at the Department's district offices and 2600 Blair Stone Road, MS 3540, Tallahassee, Florida 32399-2400 and is also available on the Department's internet site.

b. Analytical tests shall be performed in accordance with applicable test procedures identified in 40 CFR Part 136, as of July 1, 2009, hereby adopted and incorporated by reference. If a test for a specific component is not listed in 40 CFR Part 136, or if the test procedure has been determined to be inappropriate for the analyte in question (e.g., insufficient sensitivity) the laboratory, with the approval of the industrial user and control authority, shall identify and propose a method for use in accordance with Rules 62-160.300 and 62-160.330, F.A.C.

c. If a sampling procedure is not available or none of the approved procedures are appropriate for collecting the samples, the sampling organization, with the approval of the industrial user and control authority, shall identify and propose a method for use in accordance with Rule 62-160.220, F.A.C.

6. The industrial user may submit a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

7. The baseline report shall indicate the time, date and place, of sampling; methods of analysis; and test results for each component and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the WWF.

(f) Certification. A statement, reviewed by an authorized representative of the industrial user indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O & M) or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.

(g) Compliance schedule. If additional pretreatment or O & M will be required to meet the pretreatment standards, the industrial user shall provide such additional pretreatment or O & M as specified in a compliance schedule. The completion date in

this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

1. If the categorical pretreatment standard has been modified by the combined waste stream formula in accordance with subsection 62-625.410(6), F.A.C., a removal credit in accordance with Rule 62-625.420, F.A.C., or a fundamentally different factor variance in accordance with Rule 62-625.700, F.A.C., at the time the industrial user submits the report required by this subsection, the information requested in paragraphs (f) and (g) of this subsection shall pertain to the modified limits.

2. If the categorical pretreatment standard is modified by the combined waste stream formula, a removal credit, or a fundamentally different factor variance after the industrial user submits the report required by this subsection, any necessary amendment to the information requested in paragraphs (f) and (g) of this subsection shall be submitted by the industrial user to the control authority within 60 days after the modified limit is approved.

(2) Compliance schedule and progress reports for meeting categorical pretreatment standards. The following conditions shall apply to the compliance schedule required by paragraph (1)(g) above:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction).

(b) No increment referred to in paragraph (a) above shall exceed 9 months.

(c) Within 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the control authority.

(3) Final report on compliance with categorical pretreatment standard deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the WWF, any industrial user subject to pretreatment standards and requirements shall submit to the control authority a report containing the information described in paragraphs (1)(d)-(f), above. For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in subsection 62-625.410(4), F.A.C., this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or

other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period.

(4) Periodic reports on continued compliance.

(a) Any industrial user subject to a categorical pretreatment standard, except a non-significant categorical industrial user, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the WWF, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority in accordance with paragraphs (6)(c), (d), and (e) below, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in paragraph (1)(d) above, except that the control authority shall require more detailed reporting of flows if necessary to comply with the requirements of this rule. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the industrial user shall submit documentation required by the control authority or the pretreatment standard necessary to determine the compliance status of the industrial user. The industrial user may request submission of the above reports in months other than June and December if, based on such factors as local high or low flow rates, holidays, or budget cycles, the alternate dates more accurately represent actual operating conditions.

(b) The control authority may authorize the industrial user subject to a categorical pretreatment standard to waive sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user demonstrates the following through sampling and other technical factors:

1. The pollutant is neither present nor expected to be present in the discharge, or the pollutant is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user; and

2. The pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

(c) This authorization of the monitoring waiver is subject to the following conditions and does not supersede certification processes and requirements established in categorical pretreatment standards, except as specified in the categorical pretreatment standard:

1. The monitoring waiver is valid only for the duration of the effective period of the permit or other equivalent individual control mechanism, but in no case longer than 5 years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.

2. In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater

prior to any treatment present at the facility that is representative of all wastewater from all processes. Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the Department approved method from Rule 62-4.246, F.A.C., with the lowest method detection limit for that pollutant was used in the analysis.

3. The request for a monitoring waiver must be signed in accordance with subsection (11) below and include the certification statement found in subparagraph 62-625.410(2)(b)2., F.A.C.

4. The authorization must be included as a condition in the industrial user's control mechanism. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the control authority for 3 years after expiration of the waiver.

5. Upon approval of the monitoring waiver and revision of the industrial user's control mechanism by the control authority, the industrial user must certify each report with the following statement: "Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under paragraph 62-625.600(4)(a), F.A.C."

6. In the event that a waived pollutant is found to be present, or is expected to be present, based on changes that occur in the industrial user's operations, the industrial user must immediately notify the control authority and comply with the monitoring requirements of paragraph (4)(a) above or other more frequent monitoring requirements imposed by the control authority.

(d) The control authority may reduce the requirement in paragraph (4)(a) above to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by the Department, where the industrial user meets all of the following conditions:

1. The industrial user's total categorical wastewater flow does not:
 - a. Exceed 0.01 percent of the design dry weather hydraulic capacity of the WWF, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches;
 - b. Exceed 0.01 percent of the design dry weather organic treatment capacity of the WWF; and
 - c. Exceed 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed for a WWF in accordance with subsection 62-625.400(3), F.A.C.

2. The industrial user has not been in significant noncompliance in the past two years; and

3. The industrial user does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement for

this industrial user would result in data that are not representative of conditions occurring during the reporting period pursuant to paragraph (6)(c) below.

(e) The industrial user must notify the control authority immediately of any changes at its facility causing it to no longer meet conditions of subparagraphs (4)(d)1. or (4)(d)2. above. Upon notification, the industrial user must immediately begin complying with the minimum reporting in paragraph (4)(a) above.

(f) Where the control authority has imposed mass limitations on industrial users as provided for by subsection 62-625.410(5), F.A.C., the report required by paragraph (a) above shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

(g) For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in subsection 62-625.410(4), F.A.C., the report required by paragraph (a) above shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph (a) above shall include the industrial user's actual average production rate for the reporting period.

(5) Notice of potential problems, including slug discharges. All categorical and significant noncategorical industrial users shall notify the control authority and WWF immediately of all discharges that could cause problems to the WWF, including any slug discharges and prohibited discharges, as defined by subsection 62-625.400(2), F.A.C.

(6) Monitoring and analysis to demonstrate continued compliance.

(a) Except in the case of non-significant categorical industrial users, the reports required in subsections (1), (3), and (4) above shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the control authority, of pollutants contained therein which are limited by the applicable pretreatment standards. This sampling and analysis may be performed by the control authority in lieu of the industrial user, except when the Department is acting as the control authority. Where the control authority performs the required sampling and analysis in lieu of the industrial user, the industrial user shall not be required to submit the compliance certification required under paragraph (1)(f) and (3) above. In addition, where the control authority itself collects all the information required for the report, including flow data, the industrial user shall not be required to submit the report. All laboratory analytical reports prepared by the industrial user or the control authority shall comply with Rule 62-160.340, F.A.C.

(b) If sampling performed by an industrial user indicates a violation, the industrial user shall notify the control authority within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation. Where the control authority has performed the sampling and

analysis in lieu of the industrial user, the control authority must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Resampling is not required if:

1. The control authority performs sampling at the industrial user at a frequency of at least once per month; or
2. The control authority performs sampling at the industrial user between the time when the initial sampling was conducted and the time when the industrial user or the control authority receives the results of the sampling.

(c) The reports required in subsections (1), (3), (4) and (7) shall be based upon data obtained through sampling and analysis performed during the period covered by the report. These data shall be representative of conditions occurring during the reporting period. The control authority shall require a frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(d) For all sampling required by this chapter, grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional composite sampling or grab sampling is authorized by the control authority, the sample must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility. Using protocols (including appropriate preservation) specified in Chapter 62-160, F.A.C., and DEP-SOP-001/01, multiple grabs collected during a 24-hour period may be composited prior to analysis as follows:

1. Samples for cyanide, total phenols, and sulfides may be composited in the laboratory or in the field;
2. Samples for volatile organics and oil and grease may be composited in the laboratory; and
3. Composite samples for other parameters unaffected by the compositing procedures as allowed in the Department's approved sampling procedures and laboratory methodologies may be authorized by the control authority, as appropriate.

(e) Oil and grease samples shall be collected in accordance with paragraph (6)(d) above unless the sampling location or point cannot be physically accessed to perform a direct collection of a grab sample. In these instances, the sample shall be pumped from the sampling location or point into the sample container using a peristaltic-type pump. All pump tubing used for sample collection must be new or pre-cleaned and must be changed between sample containers and sample points. The pump tubing shall not be pre-rinsed or flushed with sample prior to collecting the sample. The report of analysis shall indicate that a peristaltic pump was used to collect the oil and grease sample.

(f) Sampling required in support of baseline monitoring and 90-day compliance reports required in subsections (1) and (3) above shall be conducted as follows:

1. For industrial users where historical sampling data do not exist, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds.

2. For industrial users where historical sampling data are available, the control authority may authorize a lower minimum.

(g) For the reports required by subsections (4) and (7), the control authority shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(h) If an industrial user subject to the reporting requirement in subsection (4) or (7) monitors any regulated pollutant at the appropriate monitoring location more frequently than required by the control authority, using the procedures required by paragraph (6)(d) above, the results of this monitoring shall be included in the report.

(7) Reporting requirements for industrial users not subject to categorical pretreatment standards.

(a) The control authority must require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Significant non-categorical industrial users must submit to the control authority at least once every six months (on dates specified by the control authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the control authority. In cases where a local limit requires compliance with a best management practice or pollution prevention alternative, the industrial user must submit documentation required by the control authority to determine the compliance status of the industrial user.

(b) The reports must be based on sampling and analysis performed in the period covered by the report, and are subject to the same requirements specified in paragraphs (6)(d) and (e) above. The sampling and analysis may be performed by the control authority in lieu of the significant non-categorical industrial user and is subject to the same requirements specified in paragraphs (6)(d) and (e) above, except when the Department is acting as the control authority. Where the control authority itself collects all the information required for the report, the significant non-categorical industrial user shall not be required to submit the report. All laboratory analytical reports prepared by the industrial user or the control authority shall comply with Rule 62-160.340, F.A.C.

(8) Annual control authority reports. Control authorities shall provide the Department with a report that briefly describes the control authority's program activities, including activities of all participating agencies if more than one jurisdiction is involved in the pretreatment program. The report shall be submitted no later than one year after approval of the pretreatment program, and at least annually thereafter as specified in the WWF's permit, and shall include at a minimum, the following:

(a) An updated list of the WWF's industrial users, including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The control authority shall provide a brief explanation of each deletion. This list shall identify which industrial users are subject to categorical pretreatment standards and specify which standards are applicable to each industrial user. The list shall indicate which industrial users are subject to local standards that are more stringent than the categorical pretreatment standards. The control authority shall also list the industrial users that are subject only to the local requirements. The list must also identify industrial users subject to categorical pretreatment standards that are subject to reduced reporting requirements under paragraph (4)(d) above and identify which industrial users are non-significant categorical industrial users.

(b) A summary of the status of industrial user compliance over the reporting period;

(c) A summary of compliance and enforcement activities (including inspections) conducted by the control authority during the reporting period;

(d) A summary of changes to the control authority's pretreatment program that have not been previously reported to the Department;

(e) A summary of analytical results of the influent and effluent for each WWF covered by the pretreatment program for those conventional pollutants that are identified under 40 C.F.R. Part 401.16, as of July 1, 2009, hereby adopted and incorporated by reference, and any additional parameters that are routinely reported according to each WWF wastewater permit. The analytical summary shall provide monthly averages for influent, effluent, and the percent removal for each of the the conventional pollutants;

(f) A summary of all analytical results of influent and effluent for each WWF covered by the pretreatment program for those toxic pollutants that have been identified under 40 C.F.R. Part 122, Appendix D, Tables II and III, as of July 1, 2009, hereby adopted and incorporated by reference, with the exception of acrolein and acrylonitrile;

(g) A summary of all analytical results of residuals for each WWF covered by the pretreatment program for those pollutants identified under 40 CFR part 503.13, as of July 1, 2009, hereby adopted and incorporated by reference; and

(h) A summary of analytical results of influent and effluent for each WWF covered by the pretreatment program for those nonpriority pollutants which the permittee believes may be causing or contributing to interference, pass through or adversely impacting residuals quality.

(9) Notification of changed discharge. All industrial users shall promptly notify the control authority, (and the public utility if the public utility is not the control authority) in advance of any change in the volume or character of pollutants in their discharge that may result in pass through or interference at the WWF, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under subsection (15) below.

(10) Compliance schedule for control authorities. The following conditions and reporting requirements shall apply to the compliance schedule for development of a pretreatment program required by Rule 62-625.500, F.A.C.:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the development and implementation of a pretreatment program (e.g., acquiring required authority, developing funding mechanisms, acquiring equipment);

(b) No increment referred to in paragraph (a) above shall exceed 9 months; and

(c) Within 14 days following each date in the schedule and the final date for compliance, the control authority shall submit a progress report to the Department including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the control authority to return to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Department.

(11) Signatory requirements for industrial user reports. The reports required by subsections (1), (3), (4), and (7) above shall include the certification statement as set forth in subparagraph 62-625.410(2)(b)2., F.A.C., and shall be signed as follows:

(a) By a responsible corporate officer, if the industrial user submitting the reports required by subsections (1), (3), (4), and (7) above is a corporation;

(b) By a general partner or proprietor, if the industrial user submitting the reports required by subsections (1), (3), (4), and (7) above is a partnership or sole proprietorship respectively;

(c) By a duly authorized representative of the individual designated in paragraph (a) or (b) above if:

1. The authorization is made in writing by the individual described in paragraph (a) or (b) above,

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, (such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility) or having overall responsibility for environmental matters for the company, and

3. The written authorization is submitted to the control authority;

(d) If an authorization under paragraph (c) above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (c) above must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative; or

(e) By a duly authorized municipal official, if the industrial user submitting the reports required in subsections (1), (3), (4), and (7) above is a municipal department.

(12) Signatory requirements for control authority reports. Reports submitted to the Department by the control authority in accordance with subsection (8) above must be signed by a principal executive officer, ranking elected official, or other duly authorized employee. The duly authorized employee must be an individual or position having responsibility for the overall operation of the WWF or the pretreatment program. This authorization must be made in writing by the principal executive officer or ranking elected official, and submitted to the Department prior to or together with the report being submitted.

(13) Provisions governing fraud and false statements. Any person, including a responsible corporate officer, submitting or maintaining reports and other documents required under this chapter shall be subject to the civil and criminal penalties of Section 403.161, F.S., for any falsification described in that section.

(14) Record-keeping requirements.

(a) Any industrial user and control authority subject to the reporting requirements established in this chapter shall maintain records of all information resulting from any monitoring activities required by this chapter, including documentation associated with best management practices. All sampling and analysis activities shall be subject to the record-keeping requirements specified in Chapter 62-160, F.A.C.

(b) Any industrial user or control authority subject to the reporting requirements established in this chapter, including documentation associated with best management practices, shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this chapter) and shall make such records available for inspection and copying by the Department (and control authority in the case of an industrial user). This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or control authority.

(c) Any control authority to which reports are submitted by an industrial user in accordance with subsections (1), (3), (4) and (7) above shall retain such reports for a minimum of 3 years and shall make such reports available for inspection and copying by the Department. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user or the operation of the pretreatment program.

(d) The control authority must retain documentation to support the control authority's determination that a specific industrial user qualifies for reduced reporting requirements under paragraph (4)(d) above for a period of 3 years after the expiration of the term of the control mechanism.

(15) Provisions governing hazardous waste.

(a) The industrial user shall notify the control authority and the Department's hazardous waste and pretreatment authorities in writing of any discharge into the WWF of a substance which, if otherwise disposed of, would be 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 industrial user discharges more than 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 industrial user:

1. An identification of the hazardous constituents contained in the wastes,
2. An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and
3. An estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months.

Industrial users who commence discharging after the effective date of this chapter shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under subsection (9) above. The notification requirement in this subsection does not apply to pollutants already reported under the self-monitoring requirements of subsections (1), (3), and (4) above.

(b) Discharges are exempt from the requirements of paragraph (a) above during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in Chapter 62-730, F.A.C. Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in Chapter 62-730, F.A.C., requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new Department regulations identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the control authority and the Department's hazardous waste and pretreatment authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(d) In the case of any notification made under this subsection, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(16) All control authorities shall provide to the Department a written technical evaluation regarding the need to revise local limits. At a minimum, the evaluation shall be provided within 180 days following permit issuance or reissuance. The evaluation shall verify whether existing local limits protect the WWF, and if not, shall develop new local limits as part of the evaluation. For new local limits, a plan of study shall be submitted to the Department prior to initiating sampling required to develop the new local limit.

(17) Annual certification by non-significant categorical industrial users. An industrial user determined to be a non-significant categorical industrial user in accordance with paragraph 62-625.200(25)(c), F.A.C., must annually submit the following certification statement, signed in accordance with the signatory requirements in subsection (11) above. The certification must accompany any alternative report required by the control authority: "Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief that during the period from [month, day, year] to [month, day, year]:

(a) The facility described as [industrial user name] met the definition of a non-significant categorical industrial user as described in paragraph 62-625.200(25)(c), F.A.C.;

(b) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information: [documentation of basis to continue exemption]."

Rulemaking Authority 403.061(7), (31), 403.0885, 403.161 FS. Law Implemented 403.0885 FS. History—New 11-29-94, Amended 1-8-97, 5-10-10.

62-625.700 Fundamentally Different Factors Variance.

(1) In establishing categorical pretreatment standards for existing sources, the EPA takes into account all the information it can collect, develop and solicit regarding the factors relevant to pretreatment standards under section 307(b) of the CWA. In some cases, information which may affect these pretreatment standards will not be available or, for other reasons, will not be considered during their development. As a result, it may be necessary on a case-by-case basis to adjust the limits in categorical pretreatment standards, making them either more or less stringent, as they apply to a certain industrial user within an industrial category or subcategory. This will only be done if data specific to that industrial user indicates it presents factors fundamentally different from those considered by EPA in developing the limit at issue. Any interested person or industrial user believing that factors relating to an industrial user are fundamentally different from the factors considered during development of a categorical pretreatment standard applicable to that industrial user and further, that the existence of those factors justifies a different discharge limit than specified in the applicable categorical pretreatment standard, may request a fundamentally different factors variance under this rule or such a variance request may be initiated by the EPA.

(2) Criteria.

(a) General criteria. A request for a variance based upon fundamentally different factors shall be approved only if:

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1. There is an applicable categorical pretreatment standard which specifically controls the pollutant for which alternative limits have been requested;
 2. Factors relating to the discharge controlled by the categorical pretreatment standards are fundamentally different from the factors considered by EPA in establishing the pretreatment standards; and
 3. The request for a variance is made in accordance with the procedural requirements in subsections (6) and (7) below.
 - (b) Criteria applicable to less stringent limits. A variance request for the establishment of limits less stringent than required by the pretreatment standard shall be approved only if:
 1. The alternative limit requested is no less stringent than justified by the fundamental difference;
 2. The alternative limit will not result in a violation of prohibitive discharge standards prescribed by or established under Rule 62-625.400, F.A.C.;
 3. The alternative limit will not result in a non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the pretreatment standards; and
 4. Compliance with the pretreatment standards (either by using the technologies upon which the pretreatment standards are based or by using other control alternatives) would result in either
 - a. A removal cost (adjusted for inflation) wholly out of proportion to the removal cost considered during development of the pretreatment standards, or
 - b. A non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the pretreatment standards.
 - (c) Criteria applicable to more stringent limits. A variance request for the establishment of limits more stringent than required by the pretreatment standards shall be approved only if:
 1. The alternative limit request is no more stringent than justified by the fundamental difference; and
 2. Compliance with the alternative limit would not result in either
 - a. A removal cost (adjusted for inflation) wholly out of proportion to the removal cost considered during development of the pretreatment standards, or
 - b. A non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the pretreatment standards.
 - (3) Factors considered fundamentally different. Factors which shall be considered fundamentally different are:
 - (a) The nature or quality of pollutants contained in the raw waste load of the industrial user's process wastewater;
 - (b) The volume of the industrial user's process wastewater and effluent discharged;
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- (c) Non-water quality environmental impact of control and treatment of the industrial user's raw waste load;
 - (d) Energy requirements of the application of control and treatment technology;
 - (e) Age, size, land availability, and configuration as they relate to the industrial user's equipment or facilities; processes employed; process changes; and engineering aspects of the application of control technology; and
 - (f) Cost of compliance with required control technology.
- (4) Factors which will not be considered fundamentally different. A variance request or portion of such a request under this section shall not be granted on any of the following ground:
- (a) The feasibility of installing the required waste treatment equipment within the time the CWA allows;
 - (b) The assertion that the pretreatment standards cannot be achieved with the appropriate waste treatment facilities installed, if such assertion is not based on factors listed in subsection (3) above;
 - (c) The industrial user's ability to pay for the required waste treatment; or
 - (d) The impact of a discharge on the quality of the WWF's receiving waters.
- (5) State or local law. Nothing in this section shall be construed to impair the right of the State of Florida or any locality to impose more stringent limitations than required by Federal law.
- (6) Application deadline.
- (a) Requests for a variance and supporting information must be submitted in writing to the Department.
- (b) In order to be considered, a request for a variance must be submitted no later than 180 days after the date on which a categorical pretreatment standard is published in the Federal Register.
- (c) Where the industrial user has requested a categorical determination pursuant to subsection 62-625.410(2), F.A.C., the industrial user may elect to wait for the results of the category determination before submitting a variance request under this section. Where the industrial user so elects, it must submit the variance request within 30 days after a final decision has been made on the categorical determination pursuant to paragraph 62-625.410(2)(d), F.A.C.
- (7) Application contents. Written submissions for variance requests must include:
- (a) The name and address of the person making the request;
 - (b) Identification of the interest of the requester which is affected by the categorical pretreatment standard for which the variance is requested;
 - (c) Identification of the WWF currently receiving the wastewater from the industrial user for which alternative discharge limits are requested;
 - (d) Identification of the categorical pretreatment standards which are applicable to the industrial user;
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(e) A list of each pollutant or pollutant parameter for which an alternative discharge limit is sought;

(f) The alternative discharge limits proposed by the requester for each pollutant or pollutant parameter identified in paragraph (e) above;

(g) A description of the industrial user's existing wastewater treatment facilities;

(h) A schematic flow representation of the industrial user's water system including water supply, process wastewater systems, and points of discharge; and

(i) A statement of facts clearly establishing why the variance request should be approved, including detailed support data, documentation, and evidence necessary to fully evaluate the merits of the request, (e.g., technical and economic data collected by the EPA and used in developing each pollutant discharge limit in the pretreatment standard.)

(8) Deficient applications. The Department will only act on written requests for variances that contain all of the information required. Persons who have made incomplete applications will be notified by the Department that their requests are deficient and will be given thirty days, from the date of the notification, to remedy the deficiency. If the deficiency is not corrected within the time period allowed by the Department, the request for a variance shall be denied.

(9) Public notice. Upon receipt of a complete request, the Department will provide notice of receipt, opportunity to review the submission, and opportunity to comment.

(a) The public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the request. Procedures for the circulation of public notice shall include mailing notices to:

1. The applicable control authority and the WWF into which the industrial user requesting the variance discharges;

2. Adjoining states whose waters may be affected; and

3. All Federal and State agencies with jurisdiction over fish, shellfish and wildlife resources, and over coastal zone management plans. Those agencies include the U.S. Council on Historic Preservation, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Florida Department of State, Division of Historical Resources, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Community Affairs, the unit of local government having jurisdiction over the area where the WWF is located, and any other person or group who has requested individual notice, including those on appropriate mailing lists.

(b) The public notice shall provide for a period not less than 30 days following the date of the public notice during which time interested persons may review the request and submit their written views on the request.

(c) Following the comment period, the Department will make a determination on the request taking into consideration any comments received. Notice of this final decision shall be provided to the requester (and the industrial user for which the

variance is requested if different), the control authority, the WWF into which the industrial user discharges and all persons who submitted comments on the request.

(10) Review of requests by the state.

(a) Where the Department finds that fundamentally different factors do not exist, it shall deny the request and notify the requester (and industrial user where they are not the same), the control authority and the WWF of the denial.

(b) Where the Department finds that fundamentally different factors do exist, it shall forward the request, with a recommendation that the request be approved, to the EPA Administrator (or delegate).

(11) Review of requests by EPA.

(a) Where the EPA Administrator (or delegate) finds that fundamentally different factors do not exist, he or she shall deny the request for a variance and send a copy of his or her determination to the Department, the control authority, the WWF, and the requester (and to the industrial user, where they are not the same).

(b) Where the EPA Administrator (or delegate) finds that fundamentally different factors do exist, and that a partial or full variance is justified, he or she will approve the variance. In approving the variance, the EPA Administrator (or delegate) will:

1. Prepare recommended alternative discharge limits for the industrial user either more or less stringent than those prescribed by the applicable categorical pretreatment standards to the extent warranted by the demonstrated fundamentally different factors:

2. Provide the following information in his written determination

a. The recommended alternative discharge limits for the industrial user concerned,

b. The rationale for the adjustment of the pretreatment standard (including the reasons for recommending that the variance be granted) and an explanation of how the recommended alternative discharge limits were derived,

c. The supporting evidence submitted to the EPA Administrator (or delegate), and

d. Other information considered by the EPA Administrator (or delegate) in developing the recommended alternative discharge limits;

3. Notify the Department, the control authority, and the WWF of his or her determination; and

4. Send the information described in subparagraphs (b)1. and 2., above, to the requester (and to the industrial user where they are not the same).

(12) Request for hearing.

(a) Within 30 days following the date of receipt of the notice of the decision of the EPA Administrator's delegate on a variance request, the requester or any other interested person may submit a petition to the EPA Regional Administrator for a hearing to reconsider or contest the decision. If such a request is submitted by a person other

than the industrial user, the person shall simultaneously serve a copy of the request on the industrial user.

(b) If the EPA Regional Administrator declines to hold a hearing and the EPA Regional Administrator affirms the findings of the EPA Administrator's delegate, the requester may submit a petition for a hearing to the EPA Administrator within 30 days of the EPA Regional Administrator's decision.

Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History--New 11-29-94, Amended 1-8-97, 5-10-10.

62-625.800 Confidentiality.

(1) Authority. In accordance with Chapter 119, F.S., all information and documents submitted to the Department 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 Department 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 Department 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.

(2) Effluent data. Effluent information and data provided to the control authority in accordance with this chapter shall be available to the public without restriction.

Specific Authority 403.061(7), 403.061(31), 403.0885, 403.111 FS. Law Implemented 403.0885, 403.08851 FS. History -- New 11-29-94.

62-625.820 Net/Gross Calculation.

(1) Application. Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this chapter. Any industrial user wishing to obtain credit for intake pollutants must make application to the control authority.

(2) Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the following requirements are met:

(a) Either:

1. The applicable categorical pretreatment standards contained in 40 CFR Chapter I, Subchapter N, Parts 405 through 471 specifically provide that they shall be applied on a net basis; or

2. The industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.

(b) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease shall not be granted unless the industrial user demonstrates that the constituents of the generic measure in the industrial users effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

(c) Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard, up to a maximum value equal to the influent value. If sufficient data does not exist, additional monitoring shall be required to determine eligibility for credit and compliance with pretreatment standards adjusted under this rule.

(d) Credit shall be granted only if the industrial user demonstrates that the intake water is drawn from the same body of water as that into which the WWF discharges. If the control authority desires to waive this requirement, the control authority shall submit a written request to the Department for approval. The Department will grant approval for the waiver if the control authority provides technical documentation that no environmental degradation will result in the receiving water body. Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History—New 11-29-94, Amended 1-8-97, 5-10-10.

62-625.840 Upset Provision.

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

(2) Effect of an upset. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of (3) below are met.

(3) Conditions necessary for a demonstration of upset. An industrial user 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 industrial user can identify the cause of the upset;

(b) The industrial user's facility was, at the time of the upset, being properly operated; and

(c) The industrial user has orally submitted the following information to the control authority within 24 hours of becoming aware of the upset, with a written submission to be provided within 5 days

1. A description of the discharge and cause of noncompliance,
2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue, and
3. Steps being taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(4) Industrial user responsibility in case of an upset. The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails. Specific Authority 403.061(7), 403.061(31), 403.0885 FS. Law Implemented 403.0885, 403.08851 FS. History -- New 11-29-94, Amended 1-8-97.

62-625.860 Bypass.

(1) Bypass not violating applicable pretreatment standards or requirements. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of (2) and (3) below.

(2) Notice.

(a) If an industrial user knows in advance of the need for a bypass, it shall submit a notice to the control authority at least ten days before the date of the bypass. If the industrial user does not know of the need for a bypass ten days prior to the bypass then the industrial user shall notify the control authority immediately upon knowledge of the need for the bypass.

(b) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the control authority within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the industrial user becomes aware of the bypass. The written submission shall contain:

1. A description of the bypass and its cause;
2. The duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and
3. Steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

(3) Prohibition of bypass.

(a) Bypass is prohibited, and the control authority shall take enforcement action against an industrial user for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
2. There were no technically feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

3. The industrial user submitted notices as required under (2) above.

(b) The control authority shall, except when the Department acts as the control authority, approve an anticipated bypass, after considering its adverse effects, if the control authority determines that it will meet the three conditions listed in (a) above. If the Department is acting as the control authority, then the industrial user shall notify the WWF of the anticipated bypass.

Specific Authority 403.061(7), 403.061(31), 403.0885 FS. Law Implemented 403.0885, 403.08851 FS. History: New 11-29-94.

62-625.880 Tables.

(1) Selected industrial subcategories considered dilute for purposes of the combined waste stream formula.

(a) Auto and Other Laundries:

Carpet and Upholstery Cleaning,
Coin-Operated Laundries and Dry Cleaning,
Diaper Services,
Dry Cleaning Plants except Rug Cleaning,
Industrial Laundries,
Laundry and Garment Services, Not Elsewhere Classified,
Linen Supply,
Power Laundries, Family and Commercial.

(b) Electrical and Electronic Components:

Capacitors (Fluid Fill),
Carbon and Graphite Products,
Dry Transformers,
Ferrite Electronic Devices,
Fixed Capacitors,
Fluorescent Lamps,
Fuel Cells,
Incandescent Lamps,
Magnetic Coatings,
Mica Paper Dielectric,
Motors, Generators, Alternators,
Receiving and Transmitting Tubes,
Resistance Heaters,
Resistors,
Switchgear,
Transformer (Fluid Fill),

(c) Metal Molding and Casting:

Nickel Casting,
Tin Casting,
Titanium Casting.

(d) Gum and Wood Chemicals:

Char and Charcoal Briquettes.

(e) Inorganic Chemicals Manufacturing:

Ammonium Chloride,
Ammonium Hydroxide,
Barium Carbonate,
Calcium Carbonate,
Carbon Dioxide,
Carbon Monoxide and By-product Hydrogen,
Hydrochloric Acid,
Hydrogen Peroxide (Organic Process),
Nitric Acid,
Oxygen and Nitrogen,
Potassium Iodide,
Sodium Chloride (Brine Mining Process),
Sodium Hydrosulfide,
Sodium Hydrosulfite,
Sodium Metal,
Sodium Silicate,
Sodium Thiosulfate,
Sulfur Dioxide,
Sulfuric Acid,

(f) Leather:

Gloves,
Luggage,

(g) Paving and Roofing:

Asphalt Concrete,
Asphalt Emulsion,
Linoleum,
Printed Asphalt Felt,
Roofing.

(h) Pulp, Paper, and Paperboard, and Builders' Paper and Board Mills:

Groundwood-Chemi-Mechanical.

(i) Rubber Manufacturing:

Tire and Inner Tube Plants,
Emulsion Crumb Rubber,
Solution Crumb Rubber,
Latex Rubber,
Small-sized General Molded, Extruded and Fabricated Rubber Plants,
Medium-sized General Molded, Extruded and Fabricated Rubber Plants,
Large-sized General Molded, Extruded and Fabricated Rubber Plants,
Wet Digestion Reclaimed Rubber,

Pan, Dry Digestion, and Mechanical Reclaimed Rubber,
Latex Dipped, Latex-Extruded, and Latex-Molded Rubber,
Latex Foam.

(j) Soap and Detergent Manufacturing:

Soap Manufacture by Batch Kettle,
Fatty Acid Manufacture by Fat Splitting,
Soap Manufacture by Fatty Acid,
Neutralization,
Glycerin Concentration,
Glycerin Distillation,
Manufacture of Soap Flakes and Powders,
Manufacture of Bar Soaps,
Manufacture of Liquid Soaps,
Manufacture of Spray Dried Detergents,
Manufacture of Liquid Detergents,
Manufacture of Dry Blended Detergents,
Manufacture of Drum Dried Detergents,
Manufacture of Detergent Bars and Cakes.

(k) Textile Mills:

Apparel Manufacturing,
Cordage and Twine,
Padding and Upholstery Filling.

(l) Timber Products Processing:

Barking Process,
Finishing Processes,
Hardboard-Dry Process.

(m) Footnotes.

The exemption for the manufacture of products in the Electrical and Electronic Components Category is for operations not covered by Electroplating/Metal Finishing pretreatment regulations.

Except for production attributed to lead-sheathed hose manufacturing operations.

Except for production attributed to chromic acid form-cleaning operations.

Except for production that generates zinc as a pollutant in discharge.

(2) Regulated pollutants eligible for a removal credit.

Pollutant	Residuals Use or Disposal Practice	
	Land Application (mg/Kg)	Surface Disposal (mg/Kg)
Arsenic	75	73
Cadmium	—	85
Chromium	—	600
Copper	4300	—
Lead	840	—

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Mercury	57	—
Molybdenum	75	—
Nickel	420	420
Selenium	100	—
Zinc	7500	—

(3) The following organic pollutants are eligible for a removal credit if the requirements for total hydrocarbons (or carbon monoxide) in Chapter 62-296, F.A.C., are met when sewage sludge is fired in a sewage sludge incinerator: Acrylonitrile, Aldrin/Dieldrin (total), Benzene, Benzidine, Benzo(a)pyrene, Bis(2-chloroethyl)ether, Bis(2-ethylhexyl)phthalate, Bromodichloromethane, Bromoethane, Bromoform, Carbon tetrachloride, Chlordane, Chloroform, Chloromethane, DDD, DDE, DDT, Dibromochloromethane, Dibutyl phthalate, 1,2-dichloroethane, 1,1-dichloroethylene, 2,4-dichlorophenol, 1,3-dichloropropene, Diethyl phthalate, 2,4-dinitrophenol, 1,2-diphenylhydrazine, Di-n-butyl phthalate, Endosulfan, Endrin, Ethylbenzene, Heptachlor, Heptachlor epoxide, Hexachlorobutadiene, Alphahexachlorocyclohexane, Betahexachlorocyclohexane, Hexachlorocyclopentadiene, Hexachloroethane, Hydrogen cyanide, Isophorone, Lindane, Methylene chloride, Nitrobenzene, N-Nitrosodimethylamine, N-Nitrosodi-n-propylamine, Pentachlorophenol, Phenol, Polychlorinated biphenyls, 2,3,7,8-tetrachlorodibenzo-p-dioxin, 1,1,2,2-tetrachloroethane, Tetrachloroethylene, Toluene, Toxaphene, Trichloroethylene, 1,2, 4-Trichlorobenzene, 1,1,1-Trichloroethane, 1,1,2-Trichloroethane, and 2,4,6-Trichlorophenol.

(4) Additional pollutants eligible for a removal credit.

Residuals Use or Disposal Practice	Surface Disposal			
Pollutant	LA	UL	L	I
Arsenic	—	—	100(1)	—
Aldrin/Dieldrin (Total)	2.7	—	—	—
Benzene	16(1)	140	3400	—
Benzo(a)pyrene	15	100(1)	100(1)	—
Bis(2-ethylhexyl)phthalate	—	100(1)	100(1)	—
Cadmium	—	100(1)	100(1)	—
Chlordane	86	100(1)	100(1)	—
Chromium (Total)	100	—	100(1)	—
Copper	—	46(1)	100(1)	1400
DDD, DDE, DDT (Total)	1.2	2000	2000	—
2,4-Dichlorophenoxy-aceti	—	7	7	—
Fluoride	730	—	—	—
Heptachlor	7.4	—	—	—
Hexachlorobenzene	29	—	—	—
Hexachlorobutadiene	600	—	—	—
Iron	78(1)	—	—	—
Lead	—	100(1)	100(1)	—

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Lindane	84	28(1)	28(1)	—
Malathion	—	0.63	0.63	—
Mercury	—	100(1)	100(1)	—
Molybdenim	—	40	40	—
Nickel	—	—	100(1)	—
N-Nitrosodimethylamine	2.1	0.088	0.088	—
Pentachlorophenol	30	—	—	—
Phenol	—	82	82	—
Polychlorinated biphenyls	4.6	<50	<50	—
Selenium	—	4.8	4.8	4.8
Toxaphene	10	26(1)	26(1)	—
Trichloroethene	10(1)	9500	10(1)	—
Zinc	—	4500	4500	4500

(a) Table abbreviations.

1. "LA" means land application.
2. "SD" means surface disposal.
3. "UL" means a disposal site without a liner and leachate collection system.
4. "L" means a disposal site with a liner and leachate collection system.
5. "I" means incineration.

(b) Footnotes.

The (1) in the above table indicates that the units are grams per kilograms – dry weight basis. All other values have the units milligrams per kilogram – dry weight basis. Rulemaking Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History—New 11-29-94, Amended 1-8-97, 5-10-10.