STATE OF FLORIDA

MODEL PRETREATMENT ORDINANCE

ORDINANCE NO. [ ]

SECTION 1—GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for industrial users of the wastewater facility for {the City/County/District of _____} and enables {the City/County/District} to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.), the general pretreatment regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403), and Chapter 62-625, Florida Administrative Code (F.A.C.). The objectives of this ordinance are:

A. To prevent the introduction of pollutants into Publicly Owned Treatment Works which will interfere with the operation of a Publicly Owned Treatment Works, including interference with its use or disposal of municipal sludge; **[40 CF. 403.2(a)]**

B. To prevent the introduction of pollutants into Publicly Owned Treatment Works which will pass through the treatment works or otherwise be incompatible with such works; and **[40 CFR 403.2(b)]**

C. To protect both wastewater facility personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

D. To improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges; **[40 CFR 403.2(c)]**

E. **{Optional}** To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the wastewater facility; and

F. To enable the {City/County/District} to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the wastewater facility is subject.

[Note: Not all programs distribute the cost of the program through fees (some come out of the general budget) so section 15 may not be applicable to your municipality and indicates that it is optional to have pretreatment charges and fees.]

This ordinance shall apply to all industrial users of the wastewater facility. The ordinance authorizes the issuance of individual wastewater discharge permits [or general permits]; provides for monitoring, compliance, and enforcement activities; establishes administrative review

procedures; requires industrial user reporting; **{Optional}** [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, the {Superintendent} shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the {Superintendent} may be delegated by the {Superintendent} to a duly authorized {City/County/District} employee.

1.3 Abbreviations

[Note: Each of the abbreviations defined below are used at least once in the ordinance. When the municipality adopts its final version of the ordinance, it should delete from this section all abbreviations not used.]

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

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report
CFR – *Code of Federal Regulations*
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
EPA – U.S. Environmental Protection Agency
F.A.C. – Florida Administrative Code
FDEP – Florida Department of Environmental Protection
F.S. – Florida Statutes
gpd – gallons per day
IU – Industrial User
MDL – Method Detection Limit
mg/l – milligrams per liter
NPDES – National Pollutant Discharge Elimination System
NSCIU – Non-Significant Categorical Industrial User
O&M – Operation and Maintenance
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SNC – Significant Noncompliance
TSS – Total Suspended Solids
U.S.C. – United States Code
WWF – Wastewater Facility

1.4 Definitions

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

[Note: Each of the terms and phrases defined below are used at least once in the ordinance. When the municipality adopts its final version of the ordinance, it should delete from this section all terms not used.]

A. *Act* or *the Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq. **[40 CFR 403.3(b)]**

B. *Approval Authority* means the Florida Department of Environmental Protection.

C. *Authorized Representative of the User* means: **[62-625.600(11), F.A.C.]**

(1) A responsible corporate officer, as defined in section 1.4 KK, if the IU is a corporation;

(2) A general partner or proprietor, if the IU is a partnership or sole proprietor respectively;

(3) A duly authorized representative of the individual designated in paragraph (1) and (2) above if:

(a) The authorization is made in writing by the individual designated in paragraph (1) and (2) above,

(b) 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 a well field superintendent, or a position of equivalent responsibility) or having overall responsibility for environmental matters for the company, and

(c) The written authorization is submitted to the control authority.

(4) If an authorization under paragraph (3) above is no longer accurate because a different individual or position has responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (3) above must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative; or

(5) A duly authorized municipal official, if the IU is a municipal department.

D. *Bypass* means the intentional diversion of wastewater streams from any portion of an IU's treatment facility. **[62-625.200(1), F.A.C.]**

E. *Best Management Practices* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 2.1 A and B. Best management practices 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. **[62-625.200(2), F.A.C.]**

[Note: BMPs also include alternative means (i.e. management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.]

F. *Biochemical Oxygen Demand* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

G. *Categorical Industrial User* means an IU subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405-471, as of July 1, 2009, hereby adopted and incorporated by reference. **[62-625.200(3), F.A.C.]**

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

I. *Chemical Oxygen Demand* means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

J. *{City/County/District}* means {the City/County/District of } or {the City/County/District Council of }.

K. *Control Authority* means the {City/County/District}. **[62-625.200(5), F.A.C.]**

L. *Daily Maximum* means the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

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

N. *Discharge* means the introduction of pollutants into the {WWF/POTW} from any nondomestic source regulated under Chapter 403, F.S. **[62-625.200(6), F.A.C.]**

O. *Environmental Protection Agency* means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

P. *Existing Source* means any source of discharge that is not a new source.

Q. *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. **[62-625.200(7), F.A.C.]**

R. *Industrial User or User* means a source of discharge. **[62-625.200(8), F.A.C.]**

S. *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. **[62-625.200(10), F.A.C.]**

[Note: If the POTW would like the flexibility to measure compliance with either a single grab sample or sample representative of the discharge day, the POTW should establish both Daily Maximum and Instantaneous Limits.]

T. *Interference* means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: **[62-625.200(9), F.A.C.]**

(1) Inhibits or disrupts the {WWF/POTW}, its 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 {WWF/POTW} 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 FDEP and Chapter 403, F.S.

U. *Local Limit* means specific discharge limits developed and enforced by the {City/County/District} upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in section 2.1 A and B.

V. *Medical Waste* means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

W. *Method Detection Limit* means an estimate of the minimum amount of a substance that an analyte process can reliably detect. An MDL is analyte- and matrix-specific and is laboratory dependent. **[62-625.200(12), F.A.C.]**

X. *Monthly Average* means the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

Y. *Monthly Average Limit* means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured

during a calendar month divided by the number of "daily discharges" measured during that month.

Z. *New Source* means: **[62-625.200(13), F.A.C.]**

(1) 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 Act which will be applicable to such source if such 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,

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source, or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

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

(3) Construction of a new source, as defined in this ordinance, 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 section.

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

BB. **{Optional}** *Non-Significant Categorical Industrial User* means an IU that discharges 100 gpd or less of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and: **[62-625.200(14), F.A.C.]**

(1) Has consistently complied with all applicable categorical pretreatment standards and requirements;

(2) Annually submits the certification statement required in section 6.15 B, together with any additional information necessary to support the certification statement; and

(3) Never discharges any untreated categorical process wastewater.

CC. *Pass Through* means a discharge which exits the {WWF/POTW} 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 {WWF/POTW}'s permit (including an increase in the magnitude or duration of a violation). **[62-625.200(15), F.A.C.]**

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

EE. *pH* means a measure of the acidity or alkalinity of a solution, expressed in standard units.

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

GG. *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/POTW}. 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. **[62-625.200(17), F.A.C.]**

HH. *Pretreatment Requirements* means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an IU. **[62-625.200(19), F.A.C.]**

II. *Pretreatment Standards or Standards* means any regulation containing pollutant discharge limits promulgated by the EPA under sections 307(b) and (c) of the Act or the FDEP under Chapter 403, F.S., which applies to IUs. This term includes prohibitive discharge limits established in section 2. **[62-625.200(20), F.A.C.]**

JJ. *Prohibited Discharge Standards or Prohibited Discharges* means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 2.1 of this ordinance.

KK. *Responsible Corporate Officer* means: **[62-625.200(23), F.A.C.]**

(1) 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

(2) The manager of one or more manufacturing, production, or operating facilities, provided, the manager;

(a) 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;

(b) Is authorized to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations;

(c) Can ensure that the necessary systems are established or actions taken to gather complete and accurate information of control mechanism requirements;

(d) Has been assigned or delegated the authority to sign documents in accordance with corporate procedures.

LL. *Septic Tank Waste* means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

MM. *Severe Property Damage* means substantial physical damage to property, damage to an IU's treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. **[62-625.200(24), F.A.C.]**

NN. *Sewage* means human excrement and gray water (household showers, dishwashing operations, etc.).

OO. *Significant Industrial User* means, except as provided in paragraphs (3) and (4) below, the following **[62-625.200(25), F.A.C.]**:

(1) CIUs; and

(2) Any other IU that discharges an average of 25,000 gpd or more of process wastewater to the {WWF/POTW} (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 {City/County/District} on the basis that the IU has a reasonable potential for adversely affecting the {WWF/POTW}'s operation or for violating any pretreatment standard or requirement in accordance with paragraph 62-625.500(2)(e), F.A.C.

(3) **{Optional}** The {City/County/District} may determine that an IU subject to categorical pretreatment standards is a NSCIU in accordance with section 1.4 BB.

(4) Upon finding that an IU meeting criteria in paragraph (2) above has no reasonable potential for adversely affecting the {WWF/POTW}'s operation or for violating any pretreatment standard or requirement, the {City/County/District} may at any time, on its own initiative or in response to a petition received from an IU, and in accordance with paragraph 62-625.500(2)(e), F.A.C., determine that such IU is not an SIU.

PP. *Slug Discharge* means any discharge of a non-routine, episodic nature, which has a reasonable potential to cause interference or pass through, or in any other way violate the {WWF/POTW}'s regulations, local limits or permit conditions. **[62-625.200(26), F.A.C.]**

QQ. *State* means the State of Florida or an agency within the state government having relevant jurisdiction.

RR. *Storm Water* means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

SS. *{Superintendent} or Duly Authorized Representative of the {Superintendent}* means the person designated by the {City/County/District} to supervise the operation of the {WWF/POTW}, and who is charged with certain duties and responsibilities by this ordinance.

TT. *Total Suspended Solids or Suspended Solids* means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and is removable by laboratory filtering.

UU. *Treatment Plant* means that portion of a {WWF/POTW} which is designed to provide treatment (including recycling and reclamation) of domestic and industrial wastewater. **[62-625.200(27), F.A.C.]**

VV. *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 IU. **[62-625.200(28), F.A.C.]**

WW. *Wastewater* means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the {WWF/POTW}.

XX. *Wastewater Facility or Publicly Owned Treatment Works* 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. **[62-625.200(29), F.A.C.]**

SECTION 2—GENERAL SEWER USE REQUIREMENTS

2.1 Pretreatment Standards: Prohibited Discharges

A. General Prohibitions.

(1) An IU shall not introduce into a WWF any pollutant which causes pass through or interference. These general prohibitions and the specific prohibitions in section B below apply to each IU introducing pollutants into a WWF whether or not the IU is subject to other pretreatment standards, or any national, State, or local pretreatment requirements. **[62-625.400(1)(a), F.A.C.]**

[Note: The references in section 2.1 A(2) should refer only to specific prohibitions actually listed in the ordinance. Also note that, pursuant to paragraph 62-625.400(1)(b), F.A.C., the affirmative defense outlined in section 2.1 A(2) cannot apply to the specific prohibitions in sections 2.1 B(1) and (2), and (8).]

(2) Affirmative Defenses.

An IU shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in section (1) above and the specific prohibitions established in section 2.1 B(3) through (__) of this ordinance, where the IU can demonstrate: **[62-625.400(1)(b), F.A.C.]**

(a) 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

(b) Either of the following:

(i) A local limit designed to prevent pass through or interference was developed in accordance with subsection 62-625.400(3), F.A.C. for each pollutant in the IU's discharge that caused pass through or interference and the IU was in compliance with each such local limit directly prior to and during the pass through or interference; or

(ii) If a local limit designed to prevent pass through or interference has not been developed in accordance with subsection 62-625.400(3), F.A.C. for the pollutants that caused pass through or interference, and the IU's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the IU's discharge activity when the WWF was regularly in compliance with the WWF's permit requirements and applicable requirements for domestic wastewater residuals.

B. Specific Prohibitions. The following pollutants shall not be introduced into a WWF: **[62-625.400(2), F.A.C.]**

(1) Pollutants which create a fire or explosion hazard in the WWF; **[62-625.400(2)(a), F.A.C.]**

[Note: The municipality should be aware that the general pretreatment regulations at 40 CFR 403.5(b) do not set an upper pH limit, although many municipalities find such a limit necessary or useful. If the municipality wishes to set an upper pH limit, it should insert one in this section. 40 CFR 261.22 established that wastes discharged with a pH over 12.5 are considered corrosive hazardous wastes and therefore, the WWF would need to comply with applicable requirements under the RCRA and implementing regulations for Treatment, Storage, and Disposal facilities if such wastes are delivered to the WWF by truck, rail, or dedicated pipe. Accordingly, if the WWF chooses to prohibit discharge of characteristic hazardous wastes, the upper pH limit must be no greater than 12.5.]

(2) 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; **[62-625.400(2)(b), F.A.C.]**

(3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the WWF resulting in interference; [but in no case solids greater than_____ inch(es) (____") or _____ centimeter(s) (____ cm) in any dimension]; **[62-625.400(2)(c), F.A.C.]**

(4) Any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate or pollutant concentration which will cause interference with the WWF; **[62-625.400(2)(d), F.A.C.]**

(5) 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); **[62-625.400(2)(e), F.A.C.]**

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through; **[62-625.400(2)(f), F.A.C.]**

(7) 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 **[62-625.400(2)(g), F.A.C.]**

(8) Any trucked or hauled pollutants, except at the discharge points designated by the {Superintendent} in accordance with section 3.4 of this ordinance; **[62-625.400(2)(h), F.A.C.]**

[Note: Discharge prohibitions B.(1) through B.(8) are mandatory national pretreatment standards and must be included in the ordinance; discharge prohibitions B.(9) through B.(18) below are optional.]

(9) **{Optional}** Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) **{Optional}** Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the {City/County/District}'s NPDES permit;

(11) **{Optional}** Wastewater containing any radioactive wastes or isotopes except where in compliance with applicable State or Federal regulations;

(12) **{Optional}** Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the {Superintendent};

(13) **{Optional}** Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) **{Optional}** Medical wastes, except as specifically authorized by the {Superintendent} in an individual wastewater discharge permit [or a general permit];

(15) **{Optional}** Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(16) **{Optional}** Detergents, surface-active agents, or other substances which might cause excessive foaming in the WWF;

(17) **{Optional}** Fats, oils, or greases of animal or vegetable origin in concentrations greater than [( ) mg/l];

(18) **{Optional}** Wastewater causing two readings on an explosion hazard meter at the point of discharge into the WWF, or at any point in the WWF, of more than [_____ percent (____%)] or any single reading over [_____ percent (____%)] of the lower explosive limit of the meter.

C. **{Optional}** Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the WWF.

D. Local Limits **[62-625.400(4), F.A.C.]**

(1) No person shall discharge wastewater containing pollutants in excess of the local limits for those pollutants which have been established for {City/County/District}'s WWFs using standard procedures, calculations and methods acceptable to FDEP to protect against pass through, interference, protection of WWF employees, and adverse effects on wastewater residuals disposal. No IU shall discharge process waste streams, unregulated waste streams, or dilute waste streams in excess of the concentrations set forth by the {Superintendent}. Local limits shall be included as permit conditions and attached to each SIU wastewater permit issued.

(2) The established local limits are subject to change and shall be modified as needed based on regulatory requirements and standards, WWF operation, performance and processes, the IU base, potable water quality and domestic wastewater characteristics. Modifications to the established local limits must be reviewed and approved by FDEP prior to implementation. Implementation shall be effective 30 days from notice of acceptance of the modified limits by FDEP. Permitted SIUs shall also be issued an addendum to their wastewater discharge permit containing the new local limits.

(3) The established local limits apply at the point where the wastewater is discharged to the WWF. All concentrations for metallic substances are for total metal unless indicated otherwise. At his or her discretion, the {Superintendent} may impose mass limitations in addition to or in place of the concentration-based limitations.

A copy of the approved local limits is available upon request at the following location [insert address of where the local limits are available].

(4) The {Superintendent} may develop BMPs, by ordinance or in individual wastewater discharge permits [or general permits], to implement local limits and the requirements of section 2.1. **[62-625.400(3)(d), F.A.C.]**

2.2 Pretreatment Standards: Categorical Standards

A. CIUs must comply with the categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N, Parts 405 through 471. **[62-625.410(1), F.A.C.]**

B. Pollutant discharge limits in categorical pretreatment standards will be expressed either as concentration of 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. **[62-625.410(4)(a), F.A.C.]**

C. **{Optional}** When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the {Superintendent} 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 CIUs. **[62-625.410(4)(b), F.A.C.]**

(1) When calculating equivalent mass-per-day limitations, the {Superintendent} shall calculate such limitations by multiplying the limits in the pretreatment standard by the CIU'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 CIU'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. **[62-625.410(4)(c), F.A.C.]**

(2) When calculating equivalent concentration limitations, the {Superintendent} shall calculate such limitations by dividing the mass limitations derived under paragraph (1) above, by the average daily flow rate of the CIU's regulated process wastewater. This average daily flow shall be based upon a reasonable

measure of the CIU's actual long-term average flow rate, such as the daily flow rate during a representative year. **[62-625.410(4)(d), F.A.C.]**

D. **{Optional}** When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an IU may request the {Superintendent} convert the limits to equivalent mass limits. The {Superintendent} may convert to equivalent mass limits only if the IU meets all of the following conditions **[62-625.410(4)(e), F.A.C.]**:

(1) Employs, or demonstrates it will employ, water conservation methods and technologies that substantially reduce water use during the term of its permit;

(2) Currently uses control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and have not used dilution as a substitute for treatment;

(3) Provides sufficient information to establish the CIU's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, and the CIU'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 levels, 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 CIU's request for equivalent mass limits.

E. An IU subject to equivalent mass limits based on section 2.2D above must: **[62-625.410(4)(f), F.A.C.]**

(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 {Superintendent} when the production rates are expected to vary by more than 20 percent from its baseline production rates determined in section 2.2 D(3) above; and

(4) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to section 2.2 D(1) above.

F. **{Optional}** When developing equivalent mass limits, the {Superintendent}: **[62-625.410(4)(g)]**

(1) Must calculate the equivalent mass limits by multiplying the actual average daily flow rate of the regulated process(es) of the IU 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 IU of a revised production rate; and

(3) May retain the same equivalent mass limit in subsequent permit conditions if:

(a) The IU'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 section 2.3 below; and

(c) The IU is in compliance with section 13.2.

G. **{Optional}** The {Superintendent} 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 IUs under the following conditions: **[62-625.410(4)(i), F.A.C.]**

[Note: When converting such limits to concentration limits, the {Superintendent} must use the concentrations listed in the applicable subpart of 40 CFR Parts 414, 419, and 455; and Document that dilution is not being substituted for treatment as prohibited by section 2.5 below.]

H. Once incorporated into its permit, the IU must comply with the equivalent limitations developed in this section in lieu of the categorical pretreatment standards from which the equivalent limitations were derived. **[62-625.410(4)(j), F.A.C]**

I. **{Optional}** Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation. **[62-625.410(4)(k), F.A.C.]**

J. **{Optional}** Any IU operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the {Superintendent} within two (2) business days after the CIU has a reasonable basis to know that the production level will change by more than 20 percent within the next calendar month. Any IU not notifying the {Superintendent} of such anticipated

change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate. **[62-625.410(4)(l), F.A.C.]**

K. Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, the {City/County/District} shall impose fixed alternative limits in accordance with subsection 62-625.410(6), F.A.C. **[62-625.410(6), F.A.C.]**

L. **{Optional}** A CIU may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following paragraphs of this section. **[62-625.820, F.A.C.]**

(1) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the CIU's intake water in accordance with this section. Any CIU wishing to obtain credit for intake pollutants must make application to the {City/County/District}. **[62-625.820(1), F.A.C.]**

(2) Upon request of the CIU, 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: **[62-625.820(2), F.A.C.]**

(a) Either

(i) 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

(ii) The CIU demonstrates 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 BOD, TSS, and oil and grease shall not be granted unless the CIU demonstrates the constituents of the generic measure in the CIU's 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 section.

(d) Credit shall be granted only if the CIU demonstrates the intake water is drawn from the same body of water into which the WWF discharges.

The {City/County/District} may waive this requirement with approval from FDEP in accordance with paragraph 62-625.820(2)(d), F.A.C.

2.3 Dilution

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no IU 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 {City/County/District} shall impose mass limitations on IUs which are using dilution to meet applicable pretreatment standards or requirements. **[62-625.410(5), F.A.C.]**

2.4 {City/County/District}'s Right of Revision

The {City/County/District} reserves the right to establish, by ordinance or in individual wastewater discharge permits [or in general permits], more stringent pretreatment standards or requirements on discharges to the WWF consistent with the purpose of this ordinance.

SECTION 3—PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

IUs 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 section 2.1 of this ordinance within the time limitations specified by EPA, the State, or the {City/County/District }, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the IU's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the {Superintendent} for review, and shall be acceptable to the {Superintendent} before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the IU from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the {City/County/District} under the provisions of this ordinance.

3.2 Additional Pretreatment Measures

A. **{Optional}** Whenever deemed necessary, the {Superintendent} may require an IU to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the WWF and determine the IU's compliance with the requirements of this ordinance.

B. **{Optional}** The {Superintendent} may require any person discharging into the WWF to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. An individual wastewater discharge permit [or a general permit] may be issued solely for flow equalization.

[Note: The {City/County/District} should modify the following section to conform to design, maintenance, inspection, and BMP requirements for oil and grease control.]

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the {Superintendent}, 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 a type and capacity approved by the {Superintendent}, [shall comply with [the {City/County/District}'s Oil and Grease Management ordinance (if applicable, cite), and] shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired [in accordance with [the {City/County/District}'s Oil and Grease Management ordinance (if applicable, cite)] by the IU at their expense.

D. IUs with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 Accidental Discharge/Slug Discharge Control Plans

The {Superintendent} shall evaluate, at least once every two years, whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. New SIUs must be evaluated within 1 year of being designated an SIU. The {Superintendent} may require any IU to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the {Superintendent} may develop such a plan for any IU. An accidental discharge/slug discharge control plan shall contain, at a minimum, the following elements: **[62-625.500(2)(b)6, F.A.C.]**

A. Description of discharge practices, including nonroutine batch discharges;

B. Description of stored chemicals and containment areas;

C. Procedures for immediately notifying the {Superintendent} of slug discharges, including any discharge that would violate a prohibitions in section 2.1 B, with procedures for follow-up written notification within five days, in accordance with section 6.7 below; and

D. If necessary, procedures to prevent adverse impact from any 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.

3.4 Hauled Wastewater Procedures

[Note: The municipality will ensure that hauled industrial waste is adequately regulated and should take measures to ensure that haulers of septic tank waste are not introducing industrial waste to the WWF. The following is one possible means of regulating hauled waste.]

A. Septic tank waste may be introduced into the WWF only at locations designated by the {Superintendent}, and at such times as are established by the {Superintendent}. Such waste shall not violate section 2 of this ordinance or any other requirements established by the {City/County/District}. The {Superintendent} may require septic tank waste haulers to obtain individual wastewater discharge permits [or general permits].

B. The {Superintendent} may require haulers of industrial waste to obtain individual wastewater discharge permits [or general permits]. The {Superintendent} may require generators of hauled industrial waste to obtain individual wastewater discharge permits [or general permits]. The {Superintendent} also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

C. Industrial waste haulers may discharge loads only at locations designated by the {Superintendent}. No load may be discharged without prior consent of the {Superintendent}. The {Superintendent} may collect samples of each hauled load to ensure compliance with applicable pretreatment standards. The {Superintendent} may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

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

SECTION 4—INDIVIDUAL WASTEWATER DISCHARGE PERMITS [and GENERAL PERMITS]

[Note: The municipality must control SIUs through individual wastewater discharge permits [or general permits]. The {City/County/District} may establish the authority to use a general permit where certain conditions listed subparagraph 62-625.500(2)(a)7, F.A.C. are met.]

4.1 Wastewater Analysis

When requested by the {Superintendent}, an IU must submit information on the nature and characteristics of its wastewater within [( )] days of the request. The {Superintendent} is authorized to prepare a form for this purpose and may periodically require IUs to update this information.

4.2 Individual Wastewater Discharge Permit [and General Permit] Requirements

A. No SIU shall discharge wastewater into the WWF without first obtaining an individual wastewater discharge permit [or a general permit] from the {Superintendent}, except an SIU that has filed a timely application pursuant to section 4.3 of this ordinance, may continue to discharge for the time period specified therein.

B. The {Superintendent} may require other IUs to obtain individual wastewater discharge permits [or general permits] as necessary to carry out the purposes of this ordinance.

C. Any violation of the terms and conditions of an individual wastewater discharge permit [or a general permit] shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in sections 10 through 12 of this ordinance. Obtaining an individual wastewater discharge permit [or a general permit] does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

4.3 Individual Wastewater Discharge [and General] Permitting: Existing Connections

Any IU required to obtain an individual wastewater discharge permit [or a general permit] who was discharging wastewater into the WWF prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within [_____ (____)] days after said date, apply to the {Superintendent} for an individual wastewater discharge permit [or a general permit] in accordance with section 4.5 of this ordinance, and shall not cause or allow discharges to the WWF to continue after [_____ (____)] days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit [or a general permit] issued by the {Superintendent}.

4.4 Individual Wastewater Discharge [and General] Permitting: New Connections

Any IU required to obtain an individual wastewater discharge permit [or a general permit] who proposes to begin or recommence discharging into the WWF must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit [or general permit], in accordance with section 4.5 of this ordinance, must be filed at least [_____ (____)] days prior to the date upon which any discharge will begin or recommence.

4.5 Individual Wastewater Discharge [and General] Permit Application Contents

A. All IUs required to obtain an individual wastewater discharge permit [or a general permit] must submit a permit application. IUs that are eligible may request a general permit under section 4.6. The {Superintendent} may require IUs to submit all or some of the following information as part of a permit application:

(1) Identifying Information. The IU shall submit the name and address of the facility, including the name or the operator and owners.

(2) Permits. The IU shall submit a list of any pollution control permits held by or for this facility.

(3) Description of Operations.

(a) The IU shall submit a brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classification (SIC) codes of the operations carried out by such IU. This description shall include a schematic process diagram which indicates points of discharge to the WWF from the regulated processes;

(b) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the WWF;

(c) Number and type of employees, hours of operation, and proposed or actual hours of operation;

(d) Type and amount of raw materials processed (average and maximum per day);

(e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

(4) Time and duration of discharges.

(5) The location for monitoring all wastes covered by the permit.

(6) Flow Measurement. The IU shall submit information showing the measured average daily and maximum daily flow (in gpd), to the WWF from each of the following:

(a) Regulated process streams; and

(b) Other streams as necessary to allow for use of the combined waste stream formula of subsection 62-625.410(6), F.A.C. Verifiable estimates of these flows are permitted, where justified by cost or feasibility considerations.

(7) Measurement of Pollutants.

(a) The IU shall identify the pretreatment standards applicable to each regulated process.

(b) In addition, the IU shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the pretreatment standard or {City/County/District}) of regulated pollutants in the discharge from each regulated process.

(c) Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.

(d) In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the IU shall submit documentation as required by the {Superintendent} or the applicable standards to determine compliance with the standard;

(e) Sampling and analysis must be performed in accordance with procedure set out in section 6.11 and 6.12 of this ordinance.

[Note: The following provision is required only if the municipality has incorporated section 6.4 B into its ordinance.]

(8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on section 6.4 B and C. **[62-625.600(4)(c)4, F.A.C.]**

[Note: The following provision is required only if the municipality has incorporated section 4.6 into its ordinance.]

(9) Any request to be covered by a general permit based on section 4.6.

(10) Any other information deemed necessary by the {Superintendent} to evaluate the permit application.

B. Incomplete or inaccurate applications will not be processed and will be returned to the IU for revision.

4.6 **{Optional}** Wastewater Discharge Permitting: General Permits

A. At the discretion of the {Superintendent}, the {Superintendent} may use general permits to control SIU discharges to the WWF if the following conditions are met. All facilities to be covered by a general permit must: **[62-625.500(2)(a)7, F.A.C.]**

(1) Involve the same or substantially similar types of operations;
(2) Discharge the same types of wastes;
(3) Require the same effluent limitations;
(4) Require the same or similar monitoring; and
(5) In the opinion of the {Superintendent}, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

B. To be covered by the general permit, the SIU must file a written request for coverage that provides the following: **[62-625.500(2)(a)8, F.A.C.]**

(1) The IUs contact information;
(2) The IUs production processes;
(3) The IUs types of wastes generated;
(4) The IUs the location for monitoring all wastes covered by the general permit;
(5) Any requests for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge in accordance with section 6.4 B and C; and
(6) Any other information the {Superintendent} deems appropriate.

C. A monitoring waiver pursuant to section 6.4 B and C is not effective in the general permit until after the {Superintendent} has provided written notice to the SIU that such a waiver request has been granted in accordance with section 6.4 B and C. **[62-625.500(2)(a)8.f., F.A.C.]**

D. The {Superintendent} will retain a copy of the general permit, documentation to support the {Superintendent}'s determination that a specific SIU meets the criteria in section 4.6 A, and a copy of the SIU's written request for coverage for three (3) years after the expiration of the general permit. **[62-625.500(2)(a)8.f., F.A.C.]**

E. The {Superintendent} may not control a SIU through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the combined wastestream formula (section 2.2 K) or net/gross calculations (section 2.2 L). **[62-625.500(2)(a.)8.f., F.A.C. and 62-625.820, F.A.C.]**

4.7 Application, Signatories, and Certifications

A. All wastewater discharge permit applications must be signed by an authorized representative of the user, as defined in section 1.4 C, and contain the certification statement in section 6.15 A.

4.8 Individual Wastewater Discharge [and General] Permit Decisions

The {Superintendent} will evaluate the data furnished by the IU and may require additional information. Within [_____ (____)] days of receipt of a complete permit application, the {Superintendent} will determine whether to issue an individual wastewater discharge permit [or a general permit]. The {Superintendent} may deny any application for an individual wastewater discharge permit [or a general permit].

SECTION 5—INDIVIDUAL WASTEWATER DISCHARGE [AND GENERAL] PERMIT ISSUANCE

5.1 Individual Wastewater Discharge [and General] Permit Duration

An individual wastewater discharge permit [or a general permit] shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit [or a general permit] may be issued for a period less than five (5) years, at the discretion of the {Superintendent}. Each individual wastewater discharge permit [or a general permit] will indicate a specific date upon which it will expire. **[62-625.500(2)(a)2.a, F.A.C.]**

5.2 Individual Wastewater Discharge Permit [and General Permit] Contents

An individual wastewater discharge permit [or a general permit] shall include such conditions as are deemed reasonably necessary by the {Superintendent} to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the WWF.

A. Individual wastewater discharge permits [and general permits] must contain:

(1) A statement of duration (in no case more than 5 years); **[62-625.500(2)(a)2.a, F.A.C.]**

(2) A statement of non-transferability without prior notification to the {Superintendent} and without providing a copy of the existing permit to the new owner or operator; **[62-625.500(2)(a)2.b, F.A.C.]**

(3) Effluent limits, including BMPs, based on applicable general pretreatment standards found in Chapter 62-625, F.A.C., categorical pretreatment standards, local limits, and State and local law; **[62-625.500(2)(a)2.c, F.A.C.]**

(4) 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 pretreatment standards found in Chapter 62-625, F.A.C., categorical pretreatment standards, local limits, and State and local law; **[62-625.500(2)(a)2.d, F.A.C.]**

[Note: The following provision is required only if the municipality has incorporated section 6.4 B into its ordinance.]

(5) The process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with section 6.4 B and C or a specific waived pollutant in the case of an individual permit; **[62-625.500(2)(a)2.e, F.A.C.]**

(6) A 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; **[62-625.500(2)(a)2.f, F.A.C.]**

(7) Requirements to control slug discharges, if determined by the {Superintendent} to be necessary. **[62-625.500(2)(a)2.g, F.A.C.]**

B. Individual wastewater discharge permits [or general permits] may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the WWF;

(5) The unit charge or schedule of IU charges and fees for the management of the wastewater discharged to the WWF;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(7) A statement that compliance with the individual wastewater discharge permit [or the general permit] does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit [or the general permit]; and

(8) Other conditions as deemed appropriate by the {Superintendent} to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

5.3 **{optional}** Permit Issuance Process

A. Public Notification. The {Superintendent} will publish in an official government publication and/or newspaper(s) of general circulation that provides meaningful public notice with the jurisdiction(s) served by the WWF, or on a Web page, a notice to issue a pretreatment permit, at least [_____ (____)] days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.

B. Permit Appeals. The {Superintendent} shall provide public notice of the issuance of an individual wastewater discharge permit [or a general permit]. Any person, including the IU, may petition the {Superintendent} to reconsider the terms of an individual wastewater discharge permit [or a general permit] within [_____ (____)] days of notice of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the individual wastewater discharge permit [or a general permit] provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit [or a general permit].

(3) The effectiveness of the individual wastewater discharge permit [or a general permit] shall not be stayed pending the appeal.

(4) If the {Superintendent} fails to act within [_____ (____)] days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit [or a general permit], not to issue an individual wastewater discharge permit [or a general permit], or not to modify an individual wastewater discharge permit [or a general permit] shall be considered final administrative actions for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit [or general permit] decision must do so by filing a complaint with the [insert name of appropriate Court] for [proper jurisdiction] within [insert appropriate State Statute of Limitations].

5.4 Individual Wastewater Discharge [and General Permit] Permit Modification

A. The {Superintendent} may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

(2) To address significant alterations or additions to the IU's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge 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 {City/County/District}'s WWF, {City/County/District} personnel, the receiving waters, or the WWF beneficial sludge use;

(5) Violation of any terms or conditions of the individual wastewater discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(7) Revision of or a grant of variance from categorical pretreatment standards pursuant to Rule 62-625.700, F.A.C.;

(8) To correct typographical or other errors in the individual wastewater discharge permit; or

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with section 5.5.

[Note: The following provision is optional and may be included if the municipality has incorporated section 4.6 into its ordinance.]

B. The {Superintendent} may modify a general permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

(2) A change in the WWF that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(3) To correct typographical or other errors in the wastewater discharge permit; or

(4) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with section 5.5.

5.5 Individual Wastewater Discharge Permit [and General Permit] Transfer

A. Individual wastewater discharge permits [or coverage under general permits] may be transferred to a new owner or operator only if the permittee gives at least [_____ (____)] days advance notice to the {Superintendent} and the {Superintendent} approves the individual wastewater discharge permit [or the general permit coverage] transfer. The notice to the {Superintendent} must include a written certification by the new owner or operator which:

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

(2) Identifies the specific date on which the transfer is to occur; and

(3) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit [or general permit].

B. Failure to provide advance notice of a transfer renders the individual wastewater discharge permit [or coverage under the general permit] void as of the date of facility transfer.

5.6 Individual Wastewater Discharge Permit [and General Permit] Revocation

A. The {Superintendent} may revoke an individual wastewater discharge permit [or coverage under a general permit] for good cause, including, but not limited to, the following reasons:

(1) Failure to notify the {Superintendent} of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide prior notification to the {Superintendent} of changed conditions pursuant to section 6.6 of this ordinance;

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(4) Falsifying self-monitoring reports and certification statements;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the {Superintendent} timely access to the facility premises and records;

(7) Failure to meet effluent limitations;

(8) Failure to pay fines;

(9) Failure to pay sewer charges;

(10) Failure to meet compliance schedules;

(11) Failure to complete a wastewater survey or the wastewater discharge permit application;

(12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit [or the general permit] or this ordinance.

B. Individual wastewater discharge permits [or coverage under general permits] shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits [or general permits] issued to an IU are void upon the issuance of a new individual wastewater discharge permit [or a general permit] to that IU.

5.7 Individual Wastewater Discharge Permit [and General Permit] Reissuance

An IU with an expiring individual wastewater discharge permit [or general permit] shall apply for individual wastewater discharge permit [or general permit] reissuance by submitting a complete permit application, in accordance with section 4.5 of this ordinance, a minimum of [_____ (____)] days prior to the expiration of the IU's existing individual wastewater discharge permit [or general permit].

5.8 Regulation of Waste Received from Other Jurisdictions

[Note: The municipality must ensure that discharges received from entities outside its jurisdictional boundaries are regulated to the same extent as are discharges from within its jurisdictional boundaries. The municipality should enter into an agreement with the municipality in which the dischargers are located. The agreement would require that the contributing municipality either regulate the dischargers within its jurisdiction directly or allow the municipality (in which the WWF is located) to regulate such dischargers. The following is one possible means of regulating dischargers located outside the municipality's jurisdictional boundaries.]

A. If another municipality, or IU located within another municipality, contributes wastewater to the WWF, the {Superintendent} shall enter into a multijurisdictional agreement with the contributing municipality.

B. Prior to entering into an agreement required by section 5.8 A, above, the {Superintendent} shall request the following information from the contributing municipality:

(1) A description of the quality and volume of wastewater discharged to the WWF by the contributing municipality;

(2) An inventory of all IU located within the contributing municipality that are discharging to the WWF; and

(3) Such other information as the {Superintendent} may deem necessary.

C. A multijurisdictional agreement, as required by section 5.8 A, above, shall contain the following conditions:

[Note: Where the contributing municipality has primary responsibility for permitting, compliance monitoring, or enforcement, the multijurisdictional agreement should specify that the municipality in which the WWF is located has the right to take action to enforce the terms of the contributing municipality's ordinance or to impose and enforce pretreatment standards and requirements directly against dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.]

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits, including required BMPs, which are at least as stringent as those set out in section 2.1 D of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the {City/County/District}'s ordinance or local limits;

(2) A requirement for the contributing municipality to submit a revised IU inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit [or general permit] issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the {Superintendent}; and which of these activities will be conducted jointly by the contributing municipality and the {Superintendent};

(4) A requirement for the contributing municipality to provide the {Superintendent} with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the WWF;

(6) Requirements for monitoring the contributing municipality's discharge;

(7) A provision ensuring the {Superintendent} access to the facilities of IU located within the contributing municipality's jurisdictional boundaries for the

purpose of inspection, sampling, and any other duties deemed necessary by the {Superintendent}; and

(8) A provision specifying remedies available for breach of the terms of the multijurisdictional agreement.

SECTION 6—REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports **[62-625.600(1), F.A.C.]**

[Note: CIUs that become subject to new or revised categorical pretreatment standards are required to comply with the following reporting requirements even if they have been designated as NSCIUs]

A. Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or one hundred eighty (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 CIUs currently discharging to, or scheduled to discharge to a WWF shall submit to the {Superintendent} a report which contains the information listed in section 6.1 B, below. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become CIUs subsequent to the promulgation of an applicable categorical pretreatment standard, shall submit to the {Superintendent} a report which contains the information listed in section 6.1 B(1) through (7), 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 section 6.1 B(1) through (5) of this ordinance. **[62-625.600(1), F.A.C.]**

B. IUs described above shall submit the information set forth below.

(1) Identifying information. The IU shall submit the name and address of the facility, including the name of the operator and owners. **[62-625.600(1)(a), F.A.C.]**

(2) Permits. The IU shall submit a list of any pollution control permits held by or for the facility. **[62-625.600(1)(b), F.A.C.]**

(3) Description of operations. The IU 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 IU. This description shall include a schematic process diagram which indicates points of discharge to the WWF from the regulated processes. **[62-625.600(1)(c), F.A.C.]**

(4) Flow measurement. The IU shall submit information showing the measured average daily and maximum daily flow (in gpd), to the WWF from each of the following: **[62-625.600(1)(d), F.A.C.]**

(a) Regulated process streams; and

(b) Other streams as necessary to allow use of the combined waste stream formula of subsection 62-625.410(6), F.A.C. The {Superintendent} shall allow for verifiable estimates of these flows, where justified by cost or feasibility considerations.

(5) Measurement of pollutants. **[62-625.600(1)(e), F.A.C.]**

(a) The IU shall identify the pretreatment standards applicable to each regulated process.

(b) In addition, the IU shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the pretreatment standard or {City/County/District}) of regulated pollutants in the discharge from each regulated process.

(c) Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.

(d) In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the IU shall submit documentation as required by the {Superintendent} or the applicable standards to determine compliance with the standard.

(e) The IU shall take a minimum of one representative sample to demonstrate data is in compliance with these requirements.

(f) 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 IU 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.

(g) Sampling and analysis shall be performed in accordance with sections 6.11 and 6.12 of this ordinance.

(h) The IU 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.

(i) The BMR 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.

(6) Certification. A statement, reviewed by an authorized representative of the user as defined in section 1.4 C indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional O&M or additional pretreatment is required for the IU to meet the pretreatment standards and requirements. **[62-625.600(1)(f), F.A.C.]**

(7) Compliance schedule. If additional pretreatment or O&M will be required to meet the pretreatment standards, the IU 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. A compliance schedule pursuant to this section must meet the requirements set out in section 6.2 of this ordinance. **[62-625.600(1)(g), F.A.C.]**

(8) Signature and report certification. All BMRs must be certified in accordance with section 6.15 A of this ordinance and signed by an authorized representative of the user as defined in section 1.4 C. **[62-625.600(11), F.A.C.]**

6.2 Compliance Schedule Progress Reports **[62-625.600(2), F.A.C.]**

The following conditions shall apply to the compliance schedule required by section 6.1 B(7) of this ordinance:

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 IU to meet the applicable categorical pretreatment standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing, and completing construction); **[62-625.600(2)(a), F.A.C.]**

B. No increment referred to in section 6.2 A, above, shall exceed nine (9) months; **[62-625.600(2)(b), F.A.C.]**

C. Within fourteen (14) days following each date in the schedule and the final date for compliance, the IU shall submit a progress report to the {Superintendent} 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 IU to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the {Superintendent}; **[62-625.600(2)(c), F.A.C.]**

6.3 Final Report on Compliance with Categorical Pretreatment Standard Deadline. **[62-625.600(3), F.A.C.]**

A. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the WWF, any IU subject to pretreatment standards and requirements shall submit to the {Superintendent} a report containing the information described in section 6.1 B(4) through (6) of this ordinance. For IUs subject to equivalent mass or concentration limits established by the {Superintendent} in accordance with the procedures in section 2.2, this report shall contain a reasonable measure of the IU's long term production rate. For all other IUs 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 IU's actual production during the appropriate sampling period.

B. All compliance reports must be certified in accordance with section 6.15 A of this ordinance and signed by an authorized representative of the user as defined in section 1.4 C.

C. Sampling and analysis shall be performed in accordance with sections 6.11 and 6.12 of this ordinance

6.4 Periodic Compliance Reports for Categorical Industrial Users **[62-625.600(4), F.A.C.]**

A. ***[Required Streamlining Rule Change]*** Any CIU, except an NSCIU, after the compliance date of such pretreatment standard, or, in the case of a new source, after the commencement of the discharge into the WWF, shall submit to the {Superintendent} during the months of June and December, unless required more frequently in the pretreatment standard or by the {Superintendent} in accordance with section 6.4 D of this ordinance, 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 section 6.1 B(4) of this ordinance. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the IU shall submit documentation required by the {Superintendent} or the pretreatment standard necessary to determine the compliance status of the IU. The IU may request submission of this report 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. **[62-625.600(4)(a), F.A.C.]**

B. **{Optional}** The {City/County/District} may authorize a CIU to waive sampling of a pollutant regulated by a categorical pretreatment standard if the CIU demonstrates the following through sampling and other technical factors: **[62-625.600(4)(b), F.A.C.]**

(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 CIU; 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. **{Optional}** The 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: **[62-625.600(4)(c), F.A.C.]**

(1) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The CIU must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit;

(2) In making a demonstration that a pollutant is not present, the CIU 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 FDEP's approved method from Rule 62-4.246, F.A.C., with the lowest MDL for that pollutant was used in the analysis;

(3) The request for a monitoring waiver must be certified in accordance with section 6.15 A of this ordinance and signed by an authorized representative of the user as defined in section 1.4 C;

(4) The authorization must be included as a condition in the CIU's permit. The reasons supporting the waiver and any information submitted by the CIU in its request for the waiver must be maintained by the {Superintendent} for 3 years after expiration of the waiver;

(5) Upon approval of the monitoring waiver and revision of the CIU's individual wastewater discharge permit by the {Superintendent}, the CIU must certify on each report the statement in section 6.15 C of this ordinance;

(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 CIU's operations, the CIU must immediately notify the {City/County/District} and comply with the monitoring requirements of section 6.4 A of this ordinance or other more frequent monitoring requirements imposed by the {Superintendent}.

D. **{Optional}** The {City/County/District} may reduce the requirement in section 6.4 A of this ordinance to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by FDEP, where the CIU meets all of the following conditions: **[62-625.600(4)(d), F.A.C.]**

(1) The CIU's total categorical wastewater flow does not:

(a) Exceed 0.01 percent of the design dry weather organic treatment capacity of the WWFs, or 5,000 gpd, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the CIU 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 CIU has not been in SNC in the past two (2) years; and

(3) The CIU does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirements for this CIU would result in data that are not representative of condition occurring during the reporting period.

E. CIU's must notify the {Superintendent} immediately of any changes at its facility causing it to no longer meet the conditions of section 6.4 D(1) and (2) above. Upon notification, the CIU must immediately begin complying with the minimum reporting required in section 6.4 A of this ordinance. **[62-625.600(4)(e), F.A.C.]**

F. All periodic compliance reports must be certified in accordance with section 6.15 A of this ordinance and signed by an authorized representative of the user as defined in section 1.4 C. **[62-625.600(11), F.A.C.]**

G. Sampling and analysis shall be performed in accordance with sections 6.11 and 6.12 of this ordinance. **[62-625.600(4)(a), F.A.C.]**

H. ***[Note: Required Streamlining Rule Change]*** For this report, the IU will be required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements. **[62-625.600(6)(g), F.A.C.]**

I. If an IU subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the

{Superintendent}, using the procedures prescribed in section 6.12 of this ordinance, the results of this monitoring shall be included in the report. **[62-625.600(6)(h), F.A.C.]**

6.5 Periodic Compliance Reports for Industrial Users Not Subject to Categorical Pretreatment Standards **[62-625.600(7), F.A.C.]**

[Note: Where the control authority itself collects all the information required for this report, the significant non-categorical industrial user shall not be required to submit the report.]

A. Industrial users with discharges that are not subject to categorical pretreatment standards shall submit to the {Superintendent} during the months of June and December, unless required more frequently in the pretreatment standard or by the {Superintendent} in accordance with section 6.4 D of this ordinance, 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 section 6.1 B(4) of this ordinance. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the IU shall submit documentation required by the {Superintendent} or the pretreatment standard necessary to determine the compliance status of the IU. The IU may request submission of this report 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. All periodic compliance reports must be certified in accordance with section 6.15 A of this ordinance and signed by an authorized representative of the user as defined in section 1.4 C. **[62-625.600(11), F.A.C.]**

C. Sampling and analysis shall be performed in accordance with sections 6.11 and 6.12 of this ordinance. **[62-625.600(7)(b), F.A.C.]**

D. ***[Note: Required Streamlining Rule Change]*** For this report, the IU will be required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements. **[62-625.600(6)(g), F.A.C.]**

E. If an IU subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the {Superintendent}, using the procedures prescribed in section 6.12 of this ordinance, the results of this monitoring shall be included in the report. **[62-625.600(6)(h), F.A.C.]**

6.6 Reports of Changed Conditions **[62-625.600(9), F.A.C.]**

All IUs must notify the {Superintendent} of any significant changes to the IU's operations or system which might alter the nature, quality, or volume of its wastewater at least [_____ (____)] days before the change.

A. The {Superintendent} may require the IU to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 4.5 of this ordinance.

B. The {Superintendent} may re-issue an individual wastewater discharge permit [or a general permit] under section 5.7 of this ordinance or modify an existing wastewater discharge permit [or a general permit] under section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.

6.7 Reports of Potential Problems

A. All IUs shall notify the {Superintendent} immediately of all discharges that could cause problems to the WWF, including any slug discharges and prohibited discharges, as defined by section 2.1 of this ordinance. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the IU. **[62-625.600(5), F.A.C.]**

B. **{Optional}** Within five (5) days following such discharge, the IU shall, unless waived by the {Superintendent}, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the IU to prevent similar future occurrences. Such notification shall not relieve the IU of any expense, loss, damage, or other liability which might 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 IU of any fines, penalties, or other liability which may be imposed pursuant to this ordinance**.**

C. **{Optional}** A notice shall be permanently posted on the IU's bulletin board or other prominent place advising employees who to call in the event of a discharge described in section 6.7 A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

D. ***[Required Streamlining Rule Change]*** All IUs are required to notify the {Superintendent} immediately of any changes at its facility affecting the potential for a slug discharge. **[62-625.500(2)(b)6, F.A.C.]**

6.8 **{Optional}** Reports from Unpermitted Industrial Users

All IUs not required to obtain an individual wastewater discharge permit [or general permit] shall provide appropriate reports to the {Superintendent}, as the {Superintendent} may require.

6.9 Notice of Violation/Repeat Sampling and Reporting **[62-625.600(6)(b), F.A.C.]**

[Required Streamlining Rule Change] If sampling performed by an IU indicates a violation, the IU shall notify the {Superintendent} within twenty-four (24) hours of becoming aware of the violation. The IU shall also repeat the sampling and analysis and submit the results of

the repeat analysis to the {Superintendent} within thirty (30) days after becoming aware of the violation. Where the {City/County/District} has performed the sampling and analysis in lieu of the IU, the {City/County/District} will perform the repeat sampling and analysis, unless the IU is notified and required to perform the repeat analysis. Resampling is not required if the {City/County/District} performs sampling at the IU's facility at a frequency of at least once per month, or if the {City/County/District} performs sampling at the IU's facility between the time when the initial sampling was conducted and the time when the IU or the {City/County/District} receives the results of this sampling.

6.10 Notification of the Discharge of Hazardous Waste **[62-625.600(15), F.A.C.]**

[Note: The municipality may choose to prohibit the discharge of hazardous wastes.]

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

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

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

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

IUs shall provide notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this section need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 6.6 of this ordinance. The notification requirement in this section does not apply to pollutants already reported by under the self-monitoring requirements of sections 6.1, 6.3, 6.4 and 6.5 of this ordinance. **[62-625.600(15)(a), F.A.C.]**

B. Dischargers are exempt from the requirements of section 6.10 A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in Chapter 62-730, F.A.C. Discharge of more than fifteen (15) 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 IU discharges more than such quantities of any hazardous waste do not require additional notification. **[62-625.600(15)(b), F.A.C.]**

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

D. In the case of any notification made under this section, the IU shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. **[62-625.600(15)(d), F.A.C.]**

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

6.11 Analytical Requirements

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 IU and the {City/County/District}, shall identify and propose a method for use in accordance with Rules 62-160.300 and 62-160.330, F.A.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 IU and the {City/County/District}, shall identify and propose a method for use in accordance with Rule 62-160.220, F.A.C. **[62-625.600(1)(e)5.b and c, F.A.C.]**

6.12 Sample Collection

A. ***[Note: Required Streamlining Rule Change]*** Except in the case of NSCIUs, the reports required in section 6.1, 6.3, 6.4, and 6.5 of this ordinance 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 {Superintendent}, of pollutants contained therein which are limited by the applicable pretreatment standards. This sampling and analysis may be performed by the {City/County/District} in lieu of the IU. Where the {City/County/District} performs the required sampling and analysis in lieu of the IU, the IU is not required to submit the compliance certification required in section 6.1, 6.3, 6.4 and 6.5 of this ordinance. In addition, where the {City/County/District} collects all the information required for the report, including flow data, the IU is not required to submit the report. All laboratory analytical reports prepared by the IU or the {City/County/District} shall comply with Rule 62-160.340, F.A.C. **[62-625.600(6)(a), F.A.C.]**

B. ***[Note: Required Streamlining Rule Change]*** The reports required in sections 6.1, 6.3, 6.4 and 6.5 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 {City/County/District} will indicate the frequency of monitoring necessary to assess and assure compliance by the IU with applicable pretreatment standards and requirements. **[62-625.600(6)(c), F.A.C.]**

C. ***[Note: Required Streamlining Rule Change]*** For all sampling required by this ordinance, 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 {Superintendent}. Where time-proportional composite sampling or grab sampling is authorized by the {City/County/District}, the sample must be representative of the discharge and the decision to allow the alternative sampling will be documented in the IU's file. 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: **[62-625.600(6)(d), F.A.C.]**

(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 FDEP's approved sampling procedures and laboratory methodologies may be authorized by the {City/County/District}, as appropriate.

D. Oil and grease samples shall be collected in accordance with section 6.12 C, 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. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. **[62-625.600(6)(e), F.A.C.]**

E. Sampling required in support of the BMR and 90-day compliance report required in section 6.1 and 6.3 of this ordinance shall be conducted as follows: **[62-625.600(6)(f), F.A.C.]**

(1) For IUs 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 IUs where historical sampling data are available, the {Superintendent} may authorize a lower minimum.

6.13 Date of Receipt of Reports

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

6.14 Recordkeeping **[62-625.600(14), F.A.C.]**

A. ***[Note: The recordkeeping requirements for BMPs are a Required Streamlining Rule Change.]*** Any IU subject to the reporting requirements of this ordinance shall:

(1) Maintain records of all information resulting from any monitoring activities required by this ordinance, including documentation associated with BMPs. All sampling and analysis activities shall be subject to the record-keeping requirements specified in Chapter 62-160, F.A.C.; and

(2) Maintain for a minimum of three (3) years any records of monitoring results (whether or not such monitoring activities are required by this ordinance), including documentation associated with BMPs and shall make such records available for inspection and copying by the {City/County/District} and FDEP. This period of retention shall be extended during the course of any unresolved litigation regarding the IU or the {City/County/District}, where the IU has been specifically notified of a longer retention period by the {Superintendent}.

B. 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 analyses; the analytical techniques or methods used; and the results of such analyses.

6.15 Certification Statements

[Note: The model ordinance requires this certification statement for all wastewater discharge permit applications and IU reports. Furthermore, the WWF should require this certification statement for all non-categorical SIU compliance reports.]

A. Certification Statement. The following certification statement is required to be signed and submitted by IUs submitting permit applications in accordance with section 4.7; IUs submitting BMRs in accordance with section 6.1 B(8); CIUs submitting reports on compliance with the categorical pretreatment standard deadlines in accordance

with section 6.3 B; CIUs submitting periodic compliance reports in accordance with section 6.4 F; SIUs not subject to categorical pretreatment standards submitting periodic compliance reports in accordance with section 6.5B; and IUs submitting an initial request to forego sampling of a pollutant on the basis of section 6.4 C(3). The following certification statement must be signed by an authorized representative of the user as defined in section 1.4 C:

> "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." **[62-625.410(2)(b)2, F.A.C.]**

[Note: The following optional provision is required if the municipality has incorporated section 1.4 BB into its ordinance].

B. **{Optional}** Annual Certification for NSCIUs—An IU determined to be a NSCIU by the {Superintendent} in accordance with section 1.4 BB must annually submit the following certification statement, signed by an authorized representative of the user as defined in section 1.4 C. This certification must accompany any alternative report required by the {Superintendent}:

> "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]:
>
> (1) The facility described as [IU name] met the definition of a NSCIU as described in paragraph 62-625.200(25)(c), F.A.C.;
>
> (2) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and
>
> (3) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based on the following information: [documentation of basis to continue exemption]." **[62-625.600(17), F.A.C.]**

[Note: The following optional provision is required if the municipality has incorporated section 6.4 B into its ordinance].

C. **{Optional}** Certification of Pollutants Not Present. Upon approval of the monitoring waiver and revision of the IU's individual wastewater discharge permit, the IU must certify each report with the following statement in accordance with section 6.4 C(5) of this ordinance:

> "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." **[62-625.600(4)(c)5, F.A.C.]**

SECTION 7—COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The {Superintendent} shall have the right to carry out all inspections, surveillance and monitoring procedures necessary to determine, independent of information supplied by the IU, compliance or noncompliance with applicable pretreatment standards. The {Superintendent} is authorized to enter any premises of any IU in which a discharge source or treatment system is located or in which records are kept under subsection 62-625.600(14), F.A.C. to assure compliance with pretreatment standards, all requirements of this ordinance, and any individual wastewater discharge permit [or general permit] or order issued hereunder. IUs shall allow the {Superintendent} ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. **[62-625.500(2)(a)4, F.A.C.]**

A. **{Optional}** Where an IU has security measures in force which require proper identification and clearance before entry into its premises, the IU shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the {Superintendent} shall be permitted to enter without delay for the purposes of performing specific responsibilities.

B. **{Optional}** The {Superintendent} shall have the right to set up on the IU's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the IU's operations.

C. **{Optional}** The {Superintendent} may require the IU to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the IU at its own expense. All devices used to measure wastewater flow and quality shall be calibrated [insert desired frequency] to ensure their accuracy.

D. **{Optional}** Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the IU at the written or verbal request of the {Superintendent} and shall not be replaced. The costs of clearing such access shall be borne by the IU.

E. **{Optional}** Unreasonable delays in allowing the {Superintendent} access to the IU's premises shall be a violation of this ordinance.

F. **{Optional}** If the monitoring facility is constructed in the public right-of-way or easement, the location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis. If constructed on public or private property, the monitoring facilities should be provided in accordance with the owner's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and

maintained in such manner so as to enable the owner to perform independent monitoring activities.

7.2 Search Warrants

[Note: The specific process by which search warrants may be issued will vary from municipality to municipality. This provision will need to be adjusted based on the particular procedure followed in that municipality.]

If the {Superintendent} has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the {City/County/District} designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, {Superintendent} may seek issuance of a search warrant from the [insert name of appropriate Court] of the {City/County/District or State}.

SECTION 8—CONFIDENTIAL INFORMATION **[62-625.800, F.A.C.]**

8.1 In accordance with Chapter 119, F.S., all information and documents submitted to the {City/County/District} 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 {City/County/District} 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 {City/County/District} 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.

8.2 Effluent information and data provided to the {City/County/District} in accordance with this ordinance shall be available to the public without restriction.

SECTION 9—PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE **[62-625.500(2)(b)8, F.A.C.]**

The {Superintendent} shall publish annually, notification of IUs which were in SNC with applicable pretreatment requirements at any time during the previous twelve (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 ordinance, an IU is in SNC if its violation meets one or more of the following criteria:

9.1 ***[Note: Required Streamlining Rule Change]*** Chronic violations of wastewater discharge limits defined here as those in which sixty six percent (66%) or more of all the measurements taken during a six (6) month period exceed (by any magnitude), a numeric pretreatment standard or requirement, including instantaneous limits; **[62-625.500(2)(b)8.a, F.A.C.]**

9.2 ***[Note: Required Streamlining Rule Change]*** TRC violations defined here as those in which thirty three percent (33%) or more of all the measurements taken during a six (6) 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); **[62-625.500(2)(b)8.b, F.A.C.]**

9.3 ***[Note: Required Streamlining Rule Change]*** Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the {Superintendent} 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); **[62-625.500(2)(b)8.c, F.A.C.]**

9.4 Any discharge that has resulted in the {Superintendent}'s exercise of its emergency authority under section 10.7 of this ordinance, to halt or prevent such a discharge; **[62-625.500(2)(b)8.d, F.A.C.]**

9.5 Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an individual wastewater discharge permit [or a general permit] or enforcement order for starting construction, completing construction, or attaining final compliance; **[62-625.500(2)(b)8.e, F.A.C.]**

9.6 Failure to provide, within forty-five (45) days after the due date, any required reports such as BMRs, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules; **[62-625.500(2)(b)8.f, F.A.C.]**

9.7 Failure to accurately report noncompliance; **[62-625.500(2)(b)8.g, F.A.C.]** and

9.8 Any other violation or group of violations, including a violation of BMPs, which the {Superintendent} determines will adversely affect the operation or implementation of the pretreatment program. **[62-625.500(2)(b)8.h, F.A.C.]**

SECTION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES

[Note: The municipality must have the authority to seek injunctive relief for noncompliance and to seek or assess penalties of at least $1,000 a day for each violation of pretreatment standards or requirements by IUs.]

10.1 **{Optional}** Notification of Violation. When the {Superintendent} finds that an IU has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, [or a general permit] or order issued hereunder, or any other pretreatment standard or requirement, the {Superintendent} may serve upon that IU a written notice of violation. Within [( )] days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the IU to the {Superintendent}. Submission of such a plan in no way relieves the IU of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the {Superintendent} to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

10.2 **{Optional}** Consent Orders. The {Superintendent} may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any IU responsible for noncompliance. Such documents shall include specific action to be taken by the IU to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 **{Optional}** Show Cause Hearing. The {Superintendent} may order an IU which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, [or a general permit] or order issued hereunder, or any other pretreatment standard or requirement, to appear before the {Superintendent} and show cause why the proposed enforcement action should not be taken. Notice shall be served on the IU specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the IU show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least [_____ (____)] days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in section 1.4 C. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the IU.

10.4 **{Optional}** Compliance Orders. When the {Superintendent} finds that an IU has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, [or a general permit] or order issued hereunder, or any other pretreatment standard or requirement, the {Superintendent} may issue an order to the IU responsible for the discharge directing that the IU come into compliance within a specified time. If the IU does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and

management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the IU of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the IU.

10.5 **{Optional}** Cease and Desist Orders. When the {Superintendent} finds that an IU has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, [or a general permit] or order issued hereunder, or any other pretreatment standard or requirement, or that the IU's past violations are likely to recur, the {Superintendent} may issue an order to the IU directing it to cease and desist all such violations and directing the IU to:

A. Immediately comply with all requirements; and

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the IU.

10.6 **{Optional}** Administrative Fines

A. When the {Superintendent} finds that an IU has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, [or a general permit] or order issued hereunder, or any other pretreatment standard or requirement, the {Superintendent} may fine such IU in an amount not to exceed [insert maximum fine]. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Unpaid charges, fines, and penalties shall, after [_____ (____)] calendar days, be assessed an additional penalty of [_____ percent (____%)] of the unpaid balance, and interest shall accrue thereafter at a rate of [_____ percent (____%)] per month. A lien against the IU's property shall be sought for unpaid charges, fines, and penalties.

C. IUs desiring to dispute such fines must file a written request for the {Superintendent} to reconsider the fine along with full payment of the fine amount within [_____ (____)] days of being notified of the fine. Where a request has merit, the {Superintendent} may convene a hearing on the matter. In the event the IU's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the IU. The {Superintendent} may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the IU.

10.7 Emergency Suspensions. The {Superintendent} may immediately and effectively halt any discharge to the WWF which endangers public health or welfare. The {Superintendent} may 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 IU prior to such action. If public health or welfare are not endangered, the IU may respond to the notice. **[62-625.500(2)(a)5.b, F.A.C.]**

A. Any IU notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a IU's failure to immediately comply voluntarily with the suspension order, the {Superintendent} may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WWF, its receiving stream, or endangerment to any individuals. The {Superintendent} may allow the IU to recommence its discharge when the IU has demonstrated to the satisfaction of the {Superintendent} that the period of endangerment has passed, unless the termination proceedings in section 10.8 of this ordinance are initiated against the IU.

B. An IU that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the {Superintendent} prior to the date of any show cause or termination hearing under sections 10.3 or 10.8 of this ordinance.

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

10.8 Termination of Discharge. Any IU who violates the following conditions is subject to discharge termination. Such IU will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the {Superintendent} shall not be a bar to, or a prerequisite for, taking any other action against the IU:

A. Violation of individual wastewater discharge permit [or general permit] conditions;

B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

D. Refusal of reasonable access to the IU's premises for the purpose of inspection, monitoring, or sampling; or

E. Violation of the pretreatment standards in section 2 of this ordinance.

SECTION 11—JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief. **[62-625.500(2)(a)5.a, F.A.C.]**

When the {Superintendent} finds that a IU has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, [or a general permit] or order issued hereunder, or any other pretreatment standard or requirement, the {Superintendent} may petition the [insert name of appropriate Court] through the {City/County/District}'s attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, [the general permit], or other requirement imposed by this ordinance on activities of the IU. The {Superintendent} may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the IU to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against an IU.

[Note: The municipality must have the authority to seek civil or criminal penalties of at least $1,000 per day per violation.]

11.2 Civil Penalties

A. An IU who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, [or a general permit] or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the {City/County/District} for a civil penalty of at least $1,000 a day for each violation. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. **[62-625.500(2)(a)5.a, F.A.C.]**

B. The {Superintendent} may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the {City/County/District}.

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

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against an IU.

[Note: To the extent State law authorizes a municipality to prosecute violations of local ordinances as a crime under State law, the municipality should include the following provision in its local ordinance.]

11.3 Criminal Prosecution

A. An IU who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, [or a general permit] or order issued

hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than [insert maximum fine allowed under State law] per violation, per day, or imprisonment for not more than [_____ (____)] years, or both.

B. An IU 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 [insert maximum fine allowable under State law], or be subject to imprisonment for not more than [_____ (____)] years, 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. An IU who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, [or general permit], or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than [insert maximum fine allowable under State law] per violation, per day, or imprisonment for not more than [_____ (____)] years, or both.

D. In the event of a second conviction, an IU shall be punished by a fine of not more than [insert maximum fine allowable under State law] per violation, per day, or imprisonment for not more than [_____ (____)] years, or both.

11.4 Remedies Nonexclusive.

The remedies provided for in this ordinance are not exclusive. The {Superintendent} may take any, all, or any combination of these actions against a noncompliant IU. Enforcement of pretreatment violations will generally be in accordance with the {City/County/District}'s enforcement response plan. However, the {Superintendent} may take other action against any IU when the circumstances warrant. Further, the {Superintendent} is empowered to take more than one enforcement action against any noncompliant IU.

SECTION 12—SUPPLEMENTAL ENFORCEMENT ACTION

12.1 **{Optional}** Penalties for Late Reports

A penalty of $[xx] shall be assessed to any IU for each day that a report required by this ordinance, a permit or order issued hereunder is late, beginning five days after the date the report is due [higher penalties may also be assessed where reports are more than 30-45 days late]. Actions taken by the {Superintendent} to collect late reporting penalties shall not limit the {Superintendent's} authority to initiate other enforcement actions that may include penalties for late reporting violations.

12.2 **{Optional}** Performance Bonds

The {Superintendent} may decline to issue or reissue an individual wastewater discharge permit [or a general permit] to any IU who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, [or a previous general permit], or order issued hereunder, or any other pretreatment standard or requirement, unless such IU first files a satisfactory bond, payable to the {City/County/District}, in a sum not to exceed a value determined by the {Superintendent} to be necessary to achieve consistent compliance.

12.3 **{Optional}** Liability Insurance

The {Superintendent} may decline to issue or reissue an individual wastewater discharge [or a general permit] to any IU who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, [or a previous general permit] or order issued hereunder, or any other pretreatment standard or requirement, unless the IU first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the WWF caused by its discharge.

12.4 **{Optional}** Payment of Outstanding Fees and Penalties

The {Superintendent} may decline to issue or reissue an individual wastewater discharge permit [or a general permit] to any IU who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, [or a previous general permit] or order issued hereunder.

12.5 **{Optional}** Water Supply Severance

Whenever an IU has violated or continues to violate any provision of this ordinance, an individual wastewater discharge permit, [a general permit] or order issued hereunder, or any other pretreatment standard or requirement, water service to the IU may be severed. Service will recommence, at the IU's expense, only after the IU has satisfactorily demonstrated its ability to comply.

12.6 **{Optional}** Public Nuisances

A violation of any provision of this ordinance, an individual wastewater discharge permit, [a general permit] or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the {Superintendent}. Any person(s) creating a public nuisance shall be subject to the provisions of the {City/County/District Code} [insert proper citation] governing such nuisances, including reimbursing the {City/County/District} for any costs incurred in removing, abating, or remedying said nuisance.

12.7 **{Optional}** Informant Rewards

The {Superintendent} may pay up to [_____ dollars ($____)] for information leading to the discovery of noncompliance by an IU. In the event that the information provided results in a civil penalty [or an administrative fine] levied against the IU, the {Superintendent} may disperse up to [_____ percent (____%)] of the collected fine or penalty to the informant. However, a single reward payment may not exceed [_____ dollars ($____)].

12.8 **{Optional}** Contractor Listing

IUs which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the {City/County/District}. Existing contracts for the sale of goods or services to the {City/County/District} held by an IU found to be in SNC with pretreatment standards or requirements may be terminated at the discretion of the {Superintendent}.

SECTION 13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

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

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

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of section 13.1 C, below, are met.

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

(1) An upset occurred and the IU can identify the cause of the upset;

(2) The IU's facility was, at the time of the upset, being properly operated; and

(3) The IU has orally submitted the following information to the {Superintendent} within twenty-four (24) hours of becoming aware of the upset with a written submission to be provided within five (5) days:

(a) A description of the discharge and cause of noncompliance;

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

(c) Steps being taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the IU seeking to establish the occurrence of an upset shall have the burden of proof.

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

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

13.2 Bypass **[62-625.860, F.A.C.]**

A. An IU may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of section 13.2 B and C of this section.

B. Bypass Notifications

(1) If an IU knows in advance of the need for a bypass, it shall submit prior notice to the {Superintendent}, at least ten (10) days before the date of the bypass. If the IU does not know of the need for a bypass ten days prior to the bypass then the IU shall notify the {Superintendent} immediately upon knowledge of the need for the bypass.

(2) An IU shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the {Superintendent} within twenty-four (24) hours from the time the IU becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the IU becomes aware of the bypass. The written submission shall contain

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

(b) The duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and

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

C. Prohibition of Bypass

(1) Bypass is prohibited, and the {Superintendent} shall take enforcement action against an IU for a bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe 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 preventive maintenance; and

(c) The IU submitted notices as required under section 13.2 B of this section.

(2) The {Superintendent} may approve an anticipated bypass, after considering its adverse effects, if the {Superintendent} determines that it will meet the three conditions listed in section 13.2 C(1) of this section.

SECTION 14—WASTEWATER TREATMENT RATES - [RESERVED]

SECTION 15—**{Optional}** MISCELLANEOUS PROVISIONS

15.1 **{Optional}** Pretreatment Charges and Fees

The {City/County/District} may adopt reasonable fees for reimbursement of costs of setting up and operating the {City/County/District}'s pretreatment program, which may include:

A. Fees for individual wastewater discharge permit applications including the cost of processing such applications;

B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an IU's discharge, and reviewing monitoring reports and certification statements submitted by IUs;

C. Fees for reviewing and responding to accidental discharge procedures and construction;

D. Fees for filing appeals;

E. Fees to recover administrative and legal costs (not included in section 15.1 B) associated with the enforcement activity taken by the {Superintendent} to address IU noncompliance; and

F. Other fees as the {City/County/District} may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the {City/County/District}.

15.2 **{Optional}** Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

SECTION 16—EFFECTIVE DATE

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