

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: October 18, 2011 Consent [] Regular []
Public Hearing [X]

Submitted By: Water Utilities Department
Submitted For: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and title: Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 27, Article IV, "Sewers and Sewage Disposal" of the Palm Beach County Code; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date.

Summary: The Florida Department of Environmental Protection conducted a Pretreatment Program Audit of the Water Utilities Department's Pretreatment Program. Part of the audit was the review of the Wastewater Facilities Use Ordinance (Ordinance), codified at Chapter 27, Article IV of the Palm Beach County Code, for legal sufficiency. This Ordinance gives the Water Utilities Department the authority to administer the Pretreatment Program. The Program's objectives are to prevent the introduction of pollutants to the wastewater collection system that if inadequately treated, can endanger the wastewater treatment process, plant operators, transmission workers, and the public with harmful pollutants. In addition, the Program improves the opportunity for the utilities to improve the quality of reclaimed water, domestic wastewater sludge, and promote the preservation and enhancement of the regional ecosystem. The changes to the Ordinance include updating references to provisions of the Florida Administrative Code, modifying definitions, relocating the numeric local discharge and surcharge standards to the Water Utilities Department's Uniform Policies and Procedures Manual, revising requirements of the pretreatment application, modifying industrial wastewater discharge permit conditions, updating self-monitoring requirements, altering the certification statement, amending notification requirements of accidental discharge upset or bypass, modifying notification of discharge of hazardous wastes, and revising penalties for failure to comply with provisions in the Ordinance. Countywide (MWJ)

Background and Justification: The changes to the Ordinance will enable the County to comply with all applicable State and Federal laws, including the Florida Department of Environmental Protection's pretreatment requirements (Rule 62-625, F.A.C.), the Clean Water Act, General Pretreatment Regulations (40 CFR, Part 403), and other Federal, State and County laws, rules and regulations as they pertain to the pretreatment of wastewater.

Attachments:

1. Ordinance with Exhibit "A"
2. Black-Line Version of Exhibit "A"

Recommended By: Burt Beards 9/9/11
Department Director Date

Approved By: Sharon G. By 9/22/11
Assistant County Administrator Date

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ORDINANCE NO. 11-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 27, ARTICLE IV, "SEWERS AND SEWAGE DISPOSAL" OF THE PALM BEACH COUNTY CODE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, authorizes counties to adopt ordinances consistent with general and special law to provide for the health, safety and welfare of its citizens; and

WHEREAS, the Board of County Commissioners previously enacted the "Palm Beach County Wastewater Facilities Use Ordinance" ("Ordinance") which is codified at Chapter 27, Article IV of the Palm Beach County Code; and

WHEREAS, the Florida Department of Environmental Protection has reviewed the Ordinance and has requested that the Department make certain changes; and

WHEREAS, the Board of County Commissioners desires to make the requested changes to the Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Chapter 27, Article IV, Sewers and Sewage Disposal, is hereby amended as set forth in Exhibit 1 attached hereto and made a part hereof.

Section 2. Repeal of Laws and Ordinances in Conflict

All local laws and ordinances in conflict with any provision of this Ordinance are hereby repealed to the extent of any such conflict.

Section 3. Severability

If any provision, article, paragraph, sentence, clause, phrase, or work of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 4. Inclusion in the Code of Laws and Ordinances

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The articles and sections of this Ordinance may be renumbered or relettered to accomplish such, and

1 the word "Ordinance" may be changed to "Section", "Article", or other appropriate
2 word.

3 **Section 5. Effective date**

4 The provisions of this Ordinance shall become effective upon filing with the
5 Department of State.

6
7 APPROVED and ADOPTED by the Board of County Commissioners of
8 Palm Beach County, Florida, on this the _____ day of
9 _____, 2011.

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SHARON R. BOCK
CLERK AND COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Karen T. Marcus, Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the _____ day of
_____, 2011.

EXHIBIT A

Sec. 27-63. Purpose.

The purpose of this article is to set forth uniform requirements for users of the PBCWUDWWS. This article will enable Palm Beach County to comply with all applicable state and federal laws, including the State of Florida Department of Environmental Protection's pretreatment requirements (Rule 62-625, F.A.C.), the Clean Water Act, General Pretreatment Regulations (40 CFR, Part 403), and other federal, state and county laws, rules and regulations as they pertain to the pretreatment of wastewater.

Sec. 27-64. Objectives.

The objectives of this article are to:

- (1) Prevent the introduction of pollutants into the PBCWUDWWS which will interfere with the operation of the system and/or contaminate the resulting sludge;
- (2) Prevent the introduction of pollutants into the PBCWUDWWS, which, if inadequately treated, will pass through the system into receiving waters or the atmosphere, or which may otherwise be incompatible with the system;
- (3) Improve the opportunity for recycling and other beneficial uses of wastewater and sludge within the PBCWUDWWS;
- (4) Provide uniform requirements for industrial and other wastewater discharge into the PBCWUDWWS;
- (5) Protect the wastewater treatment plant operators, transmission system workers, collection and wastewater treatment facilities, the public, and the environment from harmful pollutants in the wastewater system;
- (6) Ensure compliance with the PBCWUDWWS operating permit conditions as required by federal, state and local permitting agencies; and
- (7) Ensure that PBCWUD complies with its NPDES permit conditions, sludge use and disposal requirements, and any other applicable federal or state laws, rules and regulations.
- (8) Provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Sec. 27-65. Definitions.

As used in this article, the following words and phrases have the meaning ascribed herein, unless a different meaning is set forth in another section of this article or the context clearly indicates otherwise:

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

Authorized representative of the user.

- (1) If the user is a corporation:
 - a. The president, vice president, secretary or treasurer or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively; or
- (3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) A duly authorized representative of the person designated in sections (1) through (3) above if the authorization is received in writing, the authorization specifies the representative or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization if submitted to PBCWUD.

Best Management Practices (BMPs). The schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Rule 62-625.400(1)(a) and (2), F.A.C. It shall also include the 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.

Biochemical oxygen demand (BOD). The quantity of oxygen used in the biochemical oxidation of organic matter at a specified time, at a specified temperature, and under specified conditions. It shall also mean a standard test for assessing wastewater strength expressed in the demand for oxygen for a five-day period as specified in Rule 62-160, F.A.C.

Building wastewater service line. The conduit or pipe which conveys wastewater from the plumbing drain system of a building to a public wastewater collection system or other place of disposal.

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

Categorical industrial user. An industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405 through 471 which has been adopted by reference.

Noncategorical industrial user. An industrial user not subject to categorical pretreatment standards.

Non-significant categorical industrial user. An industrial user that discharges 100 gallons per day (gpd) or less of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and:

- (1) Has consistently complied with all applicable categorical pretreatment standards and requirements;
- (2) Annually submits the certification statement required in Rule 62-625.600(17), F.A.C. together with any additional information necessary to support the certification statement; and
- (3) Never discharges any untreated categorical process wastewater.

Categorical pretreatment standard. Any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency (EPA) in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471, as amended.

CFR. Code of Federal Regulations.

Chemical oxygen demand (COD). A measure of the oxygen equivalent to that portion of the organic matter of a water sample that is susceptible to oxidation by a strong chemical oxidant. It shall also mean a standard test for assessing wastewater strength expressed in the demand for oxygen as specified in Rule 62-160, F.A.C.

Constituents. The composite of the wastestream including color, odor, and particulate pollutants as further defined herein.

Conventional pollutant. Any of five (5) wastewater pollutants as defined by the Act including B.O.D., suspended solids, fecal coliform, pH, and oil and grease.

Cooling water. Discharge from sources such as air conditioning or refrigeration, or discharge to which the only pollutant added is heat.

County. Palm Beach County, a political subdivision of the State of Florida. County and PBCWUD may be used interchangeably.

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

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

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

Dilution. Any addition to a wastewater discharge for the purpose of, but not limited to, making weaker, less potent, mixing, dispersing, or thinning, so as to alter the physical, chemical or biological properties, other than what is defined as pretreatment.

Direct discharge. The discharge of treated or untreated wastewater directly into the PBCWUDWWS.

Director. The director of PBCWUD or his duly authorized representative.

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

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

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

Enforcement. Actions taken by PBCWUD in response to noncompliance with or violations of this article.

Existing source. Any source of discharge that is not a new source.

Grab sample. An individual, discrete sample collected at a specific time. It shall include all sub samples or aliquots and all applicable field quality control samples collected at the same locations within a time not exceeding 15 minutes.

Holding tank waste. Waste from holding tanks including, but not limited to vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect discharge. The introduction of pollutants into the PBCWUDWWS from any nondomestic source regulated under Sections 307(b), (c), and (d) of the Act.

Industrial user (IU). Any nonresidential user discharging industrial wastewater into the PBCWUDWWS.

Industrial wastewater surcharge. An additional service charge assessed against industrial users of the PBCWUDWWS whose wastewater characteristics exceed established surcharge limits.

Industrial wastewater. Wastewater from industrial operations, trade or business activities as distinct from domestic wastewater.

Industrial wastewater discharge permit (permit). Written authorization from the director of the PBCWUD to discharge industrial wastewater into the PBCWUDWWS setting certain conditions and/or restrictions on such discharge.

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

Interceptors (grease traps, oil/water separators). Any device, including but not limited to grease traps and oil/water separators, designed and installed to separate and retain floatable, deleterious, hazardous, and/or undesirable matter from wastewater or liquid wastes, and which discharges into the PBCWUDWWS by gravity.

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

- (1) Inhibits or disrupts the PBCWUDWWS, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Is a cause of a violation of any requirement of the PBCWUDWWS's NPDES permit (including an increase in the magnitude or duration of a violation) or prevents use or disposal of domestic wastewater residuals in compliance with local regulations or rules of DEP and Chapter, 403, Florida Statutes.

Local Limit or Local Discharge Standard. Specific discharge limits developed and enforced by PBCWUD upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Maximum Allowable Industrial Loading. The total mass of a pollutant that all industrial users and other controlled sources may discharge without causing pass through or interference.

Method Detection Limit (MDL). An estimate of the minimum amount of a substance that an analyte process can reliably detect. It is analyte- and matrix-specific and is laboratory dependent.

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

Minor user. User whose discharge may not significantly impact the PBCWUDWWS, degrade receiving water quality and/or contaminate sludge. Although a minor user is not a categorical industry, it has a potential to discharge a nondomestic or process wastestream as further described in the UPAP, as amended from time to time.

National pollutant discharge elimination system ("NPDES") permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

New source means:

(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 Clean Water 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 shall 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 (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 herein, has commenced if the owner or operator has:

a. Begun, or caused to begin as part of a continuous on-site construction program:

1. Any placement, assembly, or installation of facilities or equipment, or

2. 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 rule.

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

North American Industrial Classification System (NAICS). A classification pursuant to the NAICS Manual issued by the United States Office of Management and Budget.

Other waste. Waste including, but not limited to, refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, oil, tar, chemicals, and all other substances as distinguished from domestic waste, industrial wastewater, holding tank waste or medical waste.

PBCWUD. The Palm Beach County water utilities department.

Palm Beach County Water Utilities Department Wastewater System (PBCWUDWWS). All facilities for collecting, pumping, treating, and/or disposing of wastewater and wastewater sludge which are owned, operated and controlled by the Board of County Commissioners of Palm Beach County, Florida.

Pass-through. A discharge which exits the PBCWUDWWS treatment process into waters of the state or of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the PBCWUDWWS's NPDES permit (including an increase in the magnitude or duration of a violation).

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

pH. The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

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

Pretreatment. Reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the PBCWUDWWS. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Rule 62-625.410(5), F.A.C.

Pretreatment standards. PBCWUD's prohibitive discharge standards as set forth in this article, the State of Florida's pretreatment standards, or the categorical pretreatment standards of the EPA.

Priority pollutants. Any toxic pollutant regulated under categorical pretreatment standards.

Residential unit. Single family occupancy or dwelling including, but not limited to, a single-family house, one-half of a duplex, an apartment, or a mobile home.

RCRA. Resource Conservation and Recovery Act.

Significant industrial user (SIU) means:

- (1) Categorical industrial user; and/or
- (2) Any noncategorical user that discharges twenty-five thousand (25,000) gallons per day or more of process wastewater into the PBCWUDWWS (excluding domestic wastewater, noncontact cooling and boiler blowdown wastewater), or that contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the treatment plant, or is designated as such by PBCWUD on the basis that the industrial user has a reasonable potential for adversely affecting the treatment plant operation or for violating any pretreatment standard or requirement (in accordance with Rule 62-625.500(2)(e)), F.A.C.; and/or
- (3) PBCWUD may determine that an industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, is a non-significant industrial user; and/or
- (4) Upon finding that an industrial user meeting the criteria in sub-paragraph (2) above, has no reasonable potential for adversely affecting the PBCWUDWWS operation or for violating any pretreatment standard or requirement, PBCWUD may at any time, on its own initiative or in response to a request received from an industrial user, and in accordance with Rule 62-625.500(2)(e), F.A.C., determine that such industrial user is not a significant industrial user.

Significant noncompliance. Significant noncompliance may include one (1) or all of the following:

- (1) Violations of wastewater discharge limits:
 - a. Chronic violations. Sixty-six (66) percent or more of the measurements exceed the same daily maximum limit or the same average limit, including instantaneous limit in a six-month period (any magnitude of exceedance).
 - b. Technical review criteria (TRC) violations. Thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceeding the product of the daily maximum limit or the average limit, including instantaneous limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH.)

c. Any other violation(s) of an effluent limit (average, daily maximum or instantaneous limit) that the director believes has caused, alone or in combination with other discharges, interference or pass-through, or endangered the health, safety or welfare of the PBCWUDWWS personnel or the public.

d. Any discharge of pollutant that has caused imminent endangerment to human health, safety or welfare or to the environment and has resulted in PBCWUD exercising its emergency authority to halt or prevent such a discharge.

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

(3) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety (90) day compliance reports, and periodic reports) within forty five (45) days from the date due.

(4) Failure to accurately report noncompliance.

(5) Any other noncompliance, which may include violation of best management practices, that the director considers to be significant.

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

Slug discharge. Any discharge of a nonroutine, episodic nature, which has a reasonable potential to cause interference or pass through, or in any other way violate PBCWUDWWS regulations, local limits, or permit conditions.

Slug load. Any discharge of water, wastewater, or industrial wastewater in which concentration of any given constituent or if quantity of flow exceeds, for any period of duration longer than fifteen (15) minutes, five (5) times the average twenty-four (24) hour concentration or flow during normal operation.

Stormwater sewer. A pipe or conduit intended to carry storm and surface water, street wash, and other waters or drainage excluding wastes carried by wastewater collection systems.

Suspended solids. Tiny particles of solids disbursed but undissolved in a solid, liquid, or gas, which are removable by laboratory filtration.

Toxic pollutant. Any pollutant or combination of pollutants listed as toxic under the provisions of the Act.

Uniform Policies and Procedures (UPAP) Manual. The codification of the major policies and procedures governing PBCWUD.

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

User. Any person who discharges, or causes or allows the discharge of wastewater into the PBCWUDWWS.

Wastewater. Liquid and water-carried industrial, domestic, medical, food, superfluous solid, gaseous material, holding tank or other wastes from residences, commercial establishments and/or manufacturing facilities, whether treated or untreated, which are discharged into the PBCWUDWWS.

Wastewater collection system. System for carrying waste including but not limited to, domestic, industrial, medical, holding tank or other waste, to which storm, surface, and groundwater are not intentionally admitted.

Wastewater discharge permit. A written authorization from the director of PBCWUD which states the conditions, parameters, and/or circumstances whereby a user may discharge into the PBCWUDWWS.

Wastewater facilities or wastewater system. The structures, equipment, and processes required to collect, carry away, and treat domestic, industrial, medical, holding tank and other wastes and dispose of the effluent. Any facility which discharges waste 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.

Sec. 27-66. Use of PBCWUDWWS.

(a) *Unsanitary disposal prohibited.* It shall be unlawful for any person to discharge or allow to be discharged untreated wastewater on any property, public or private, into the PBCWUDWWS in any unsanitary manner.

(b) *Septic tanks regulated.* Except as provided by federal, state or local laws, rules, and/or regulations it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility used for or intended to be used for the treatment or disposal of wastewater.

(c) *Wastewater collection system connection required.* Palm Beach County Environmental Control Rule I, as amended from time to time, may require the owner or occupant of any house, building or property used for human occupancy, employment, recreation, or other purposes situated within the service area of the PBCWUDWWS and abutting on any street, alley, easement, or right-of-way in which there is located an available wastewater collection system to install, at his expense, suitable toilet facilities therein and to connect such facilities directly with the available wastewater collection system. If the existing disposal system is required to be abandoned, same shall be done in accordance with Palm Beach County Environmental Control Rule I, as amended from time to time.

(d) *Discharge into stormwater system prohibited.* No person shall, under any conditions or circumstances, discharge domestic, industrial, medical, holding tank or other wastewater into the stormwater system.

Sec. 27-67. Application, construction and connection to the PBCWUDWWS.

(a) *Unauthorized usage prohibited.* No person shall construct a new wastewater collection system that is to be connected to the PBCWUDWWS or one that will substantially alter or improve any wastewater collection system that is connected to the PBCWUDWWS, until PBCWUD has approved said construction and has determined same to be in conformance with PBCWUD specifications and long range plans as determined by the board of county commissioners of Palm Beach County, Florida.

No person shall disturb, uncover, use, alter, or make any connection or openings to the PBCWUDWWS, unless prior written approval has been given by the director and a duly authorized agent of PBCWUD is present at the time of said approved action.

(b) *Application and fees.* Prior to making any connection to the PBCWUDWWS, all persons shall make application to PBCWUD in accordance with the provisions as set forth in the UPAP, as amended from time to time. Said application shall be supplemented by any plans, specifications or other information deemed necessary by the director. All applicable fees shall be paid to the PBCWUD prior to the approval of any such connection.

(c) *User's responsibility.* All costs and expenses incident to the installation, connection and restoration of a building wastewater service line to the PBCWUDWWS shall be borne by the user in accordance with the UPAP, as amended from time to time. The user shall indemnify PBCWUD from any loss or damage, either directly or indirectly, that has been incurred by PBCWUD due to the installation of the building wastewater service line.

(d) *Separate wastewater service line required.* The user shall provide a separate and independent building wastewater service line for each and every building. However, in the instance where one building is located at the rear of another building on an interior lot to which no private wastewater service line is available or where no private wastewater service line can be constructed to the rear building, then upon written consent of the director, the user may extend the wastewater service line through an adjoining alley, courtyard, driveway or from the front building to the rear building and the whole shall be considered as one (1) building wastewater service line.

(e) *Use of existing building wastewater service line.* An existing building wastewater service line may be used in connection with construction of a new building only when found, on examination and test by PBCWUD, to meet all requirements of this article and the UPAP, as amended from time to time.

(f) *Design and construction.* Each and every building wastewater service line shall be installed at an elevation below the building slab in accordance with the provisions as set forth in the UPAP, as amended from time to time. In all buildings in which any building drain is too low to permit gravity flow to the wastewater service line, wastewater carried

by such building drain shall be lifted by an approved means as specified by PBCWUD and shall be discharged into the building wastewater service line.

(g) *Runoff connections prohibited.* No person shall connect or cause to connect any roof downspout, exterior foundation drain, areaway drain, cooling water, cooling and boiler blowdown, or other source of surface runoff or groundwater to a building wastewater service line or building drain which in turn is connected directly or indirectly to the PBCWUDWWS.

(h) *Connection conformance required.* The connection of each and every building wastewater service line to the PBCWUDWWS shall conform to the requirements of the county's building and plumbing code and all other applicable rules and regulations as adopted by the board of county commissioners of Palm Beach County, Florida. All such connections shall be made both gasketed and watertight.

(i) *Public safety and property.* All excavations for building wastewater service line installation shall be adequately guarded with barricades and lights for the protection of the public health, safety and welfare. Streets, sidewalks, parkways, and other public property disturbed in the course of the excavation shall be restored in a manner satisfactory to PBCWUD.

Sec. 27-69. Prohibitions and limitations of discharge.

No person shall discharge or cause to be discharged any wastewater into the PBCWUDWWS unless in accordance with the specifications and standards of this article and those provided in the UPAP, as amended from time to time.

(1) *General discharge prohibitions.* No user shall discharge or cause to be discharged into the PBCWUDWWS:

a. Any waste which may result in pass-through or interference as defined herein;

b. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five and five-tenths (65.5) degrees Celsius), or which inhibits biological activity in the PBCWUDWWS, resulting in interference; but in no event shall the wastewater cause the temperature of the discharge from the treatment plant to exceed one hundred four (104) degrees Fahrenheit (forty (40) degrees Celsius);

c. Any wastewater having a pH lower than five point five (5.5), exhibiting any corrosive property, which either singly or by interaction with other wastes is capable of causing damage to structures, equipment, surrounding environment, processes, or personnel of PBCWUD;

d. Any wastewater having a pH higher than nine point five (9.5), which either singly or by interaction with other wastes is capable of causing damage to structures, equipment, surrounding environment, processes, or personnel of PBCWUD;

e. Any wastewater or substances that may solidify or become viscous at a temperature between thirty-two (32) degrees Fahrenheit, and one hundred fifty (150) degrees Fahrenheit (zero (0) degrees Celsius and sixty-five and five-tenths (65.5) degrees Celsius). Interceptors shall be required to properly handle these wastes in accordance with this article and as provided in the UPAP, as amended from time to time;

f. Any wastewater which will cause obstruction to the flow in a sewer or interfere with the operations of the PBCWUDWWS, such as but not limited to, particles of garbage with particles which are greater than one-half (1/2) inch in size;

g. Any guts, tissues, paunch manure, bones, hairy hides, fleshings, entrails, whole blood, feathers, ashes, cinders, mudstraw, shavings, glass or glass grindings, polishing wastes, grass or grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gasoline, tar, asphalt residues from refining, or processing of lubricating oil, mud or concrete washout;

h. Any radioactive wastes or isotopes of such half-life or concentration exceeding limits established by the Florida Department of Health as set forth in the Florida Administrative Code which may cause damage or create hazardous conditions to human life, animal life, or equipment or operating personnel of PBCWUD;

i. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or in combination with other substances, to cause fire or explosion or be injurious in any other way to the PBCWUDWWS or the operation of the PBCWUDWWS. These pollutants shall include, but not be limited to, wastestreams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius), using the test methods specified in American Standard Testing Material standards D-93-79, D-3278-78. This prohibition does not apply to any aqueous solution containing less than twenty-four (24) percent alcohol by volume which would otherwise be a hazardous waste under 40 CFR 261.21 by virtue of having a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (60 degrees Celsius). Said prohibited materials shall include but not be limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, ketones, aldehydes, peroxides, chlorate, perchlorates, bromates, carbonates, hydrides, and sulfides, fuel oil, or any flammable gas, liquid or solid, or any other substance which Palm Beach County, the State of Florida, or any federal agency has determined is a fire hazard or a hazard to the wastewater collection and treatment system. Any and all trucked or hauled pollutants are prohibited except at discharge points designated by the director and in accordance with all applicable laws;

j. Any noxious, malodorous gas, vapors, fumes or substance which, either singly or by interaction with other wastewaters creates a public nuisance or increases the hazard of entry into a sewer for maintenance and/or repair, causes acute worker health and safety problems, or causes PBCWUD to violate any federal or state permits;

k. Any water or wastewater containing toxic pollutants in sufficient quantity, singly or by interaction with other pollutants which will cause harmful effects to

humans, animals or the surrounding environment or PBCWUD equipment or causes acute worker health and safety problems. Toxic pollutants shall include, but not be limited to, any pollutant identified pursuant to 40 CFR Part 116, (4);

l. Any concrete washout, inert suspended solids (such as but not limited to Fullers earth, lime slurries, and lime residues) or dissolved solids (such as but not limited to, sodium chloride and sodium sulfate, washout from concrete production) in such concentrations as to pass-through or interfere with equipment or operations of PBCWUDWWS;

m. Any excessively discolored wastewater, such as but not limited to dye, printing wastes, food coloring or vegetable tanning solutions;

n. Any increase in the use of process water or any attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national pretreatment standards, or any other pollutant specific limitation developed by PBCWUD in accordance with paragraph (3) herein below;

o. Any pollutant, including oxygen demanding pollutants (such as but not limited to BOD, COD or chlorine) in such concentrations and/or flows that would create an interference with the PBCWUDWWS;

p. Any medical wastes as defined in section 27-65 of this article;

q. Any toxic or poisonous substances, chemical elements or compounds taste or odor-producing substances or any other substances which are not amenable to treatment or reduction by the wastewater treatment process utilized by the PBCWUD. Nor shall the discharge be to such a degree that the substances interfere with the biological processes or efficiency of the PBCWUDWWS, or pass-through the PBCWUDWWS and cause the effluent therefrom, or any other product from the PBCWUDWWS, to fail to meet applicable federal or state standards;

r. Any stormwater, surface water, groundwater, roof runoff, cooling water, cooling and boiler blowdown, subsurface drainage, or swimming pool discharge;

s. Any volume of flow or concentration of wastewater which constitutes a slug load;

t. Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.

(2) *Compliance with state and federal standards.* It shall be unlawful for any person to discharge any pollutant into the PBCWUDWWS except when such discharge is in compliance with state and federal standards promulgated pursuant to the Act, any other applicable state.

(3) *Local discharge standards.* Any wastewaters containing concentrations which exceed the local discharge standards at the point of connection to the PBCWUDWWS is prohibited.

No person shall discharge wastewater containing pollutants in excess of the local limits for those pollutants which have been established for PBCWUDWWS using standard procedures, calculations and methods acceptable to DEP to protect against pass through, interference, protection of PBCWUDWWS employees, and adverse affects on wastewater residuals disposal. No industrial user shall discharge process waste streams, unregulated waste streams, or dilute waste streams in excess of the concentrations set forth by the director. Local limits shall be included as permit conditions and attached to each SIU wastewater permit issued.

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

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

A copy of the approved local limits is available in the UPAP, as amended from time to time.

Additional parameters for significant industrial users shall be developed on a case by case basis and this article shall be amended from time to time to provide for the addition of said parameters.

(4) *Industrial wastewater surcharge standards.* Nonresidential users shall be assessed an industrial wastewater surcharge for wastewater containing concentrations which exceed the surcharge standards.

Industrial wastewater surcharges shall be assessed by PBCWUD in accordance with the UPAP, as amended from time to time.

(5) Best management practices (BMPs) may be developed to implement paragraphs (3) and (4) above. Such BMPs shall be considered local limits and pretreatment standards.

Sec. 27-70. Industrial pretreatment and monitoring.

(a) *Application.* All prospective industrial users shall apply for authorization to discharge industrial wastewater into the PBCWUDWWS. An application for permit to discharge industrial wastewater in accordance with this section must be filed one hundred and twenty (120) days prior to the date upon any discharge will begin or recommence. All such applications for connection shall include and be supplemented with a complete set of plumbing diagrams showing all lines and clearly illustrating the

sampling point; information describing the type of industrial activity in which the applicant is engaged; specification of the constituents inherent in the processes and wastes, identification of the characteristics of the wastewater, list of environmental control permits held by or for the facility, compliance with best management practices (BMPs) or pollution prevention alternative, all information required by the baseline monitoring report; the application shall be completed in accordance with Rule 62-625.600(1)(a)-(e), F.A.C. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(b) *Pretreatment requirements.* Should the director require pretreatment of industrial wastewater by the industrial or significant industrial user prior to discharge into the PBCWUDWWS, the plans, specifications, and other pertinent data or information relating to such wastewater pretreatment facilities shall be prepared by a registered professional engineer and subject to the review and approval of the director. Approval shall in no way exempt the discharge of such facilities from compliance with any applicable federal, state or local laws, rules and/or regulations. Any subsequent alteration or addition to such pretreatment or flow control facilities shall be made only upon prior written notice to and approval from the director.

Where preliminary treatment is required, such facilities shall be constructed and effectively operated and maintained by the industrial user at his sole expense, subject to requirements of this article.

(c) *PBCWUDWWS control of discharge.* If any wastes or wastewaters are discharged, or are proposed to be discharged, into the PBCWUDWWS which do not meet applicable pretreatment standards and requirements, or which may have a deleterious effect upon the PBCWUDWWS, its processes, equipment, personnel, or receiving waters, or which otherwise create a hazard to public health, safety and welfare, or which constitutes a public nuisance, the director may:

- (1) Reject the wastewaters or impose specific condition(s) upon the introduction of new sources of wastewater into the PBCWUDWWS;
- (2) Require the industrial user to demonstrate that in-plant improvements will modify the discharge to such a degree as to be acceptable;
- (3) Require pretreatment of the industrial user's discharge to ensure compliance with this article; and/or
- (4) Require payment of an industrial waste surcharge to cover the added cost of handling and treating excess loads imposed on the PBCWUDWWS by such discharge. Industrial waste surcharges may be imposed upon conventional pollutants only. Said surcharges shall be approved by the board of county commissioners of Palm Beach County, Florida in accordance with the schedule of rates and fees as set forth in the UPAP, as amended from time to time. Imposition of industrial waste surcharges for the recovery of treatment costs does not replace or supersede the requirements for pretreatment facilities, should they be found necessary by the director.
- (5) Issue a notice of violation(s) in accordance with section 27-75 hereinbelow.

(d) *Industrial wastewater discharge permit.* All prospective significant industrial users shall apply for any industrial wastewater discharge permit prior to discharge into the PBCWUDWWS. An application must be filed at least one hundred and twenty (120) days prior to the date upon which any discharge will begin or recommence. An application must be filed at least ninety (90) days prior to the expiration of an existing permit. The application contents and approval procedures shall be as set forth in the UPAP, as amended from time to time. The permit shall contain at a minimum, the following conditions:

- (1) Statement of duration;
- (2) Statement of nontransferability;
- (3) Effluent limits, including best management practices (BMPs), based on applicable pretreatment standards;
- (4) Self-monitoring, sampling, reporting, notification, and record keeping requirements;
- (5) Statement of applicable civil and criminal penalties; and
- (6) Requirements to control slug discharge, if determined by PBCWUD to be necessary.

The cost of said permit shall be incurred by the significant industrial user and shall be in accordance with the fee schedule as set forth in the UPAP, as amended from time to time. The permit shall be issued for a specified time period not to exceed five (5) years from the effective date of the permit. The permit shall be displayed by the significant industrial user in such a location at the permitted facility so as to be seen and read by the general public.

All significant industrial users (SIUs) discharging wastewater into the PBCWUDWWS prior to the effective date of this article are hereby granted temporary authority to continue to discharge in compliance with the existing codes, regulations, and policies of the PBCWUD. This temporary authority shall expire ninety (90) days after the date of notification to the significant industrial user by registered mail of the requirement for an application to be made for an industrial wastewater discharge permit pursuant to this section, temporary authority shall expire on the date the industrial wastewater discharge permit is issued or denied.

The industrial wastewater discharge permit shall be applicable only to the significant industrial user, facility and address which is specified on the permit. Said permit shall not be assigned, transferred, sold, moved to a different premises or, automatically cover any new operations at the specified facility without the prior written approval of the director. Any succeeding or new significant industrial user shall notify the director in writing within thirty (30) days of any change of ownership or change of operations of the specified facility.

No significant industrial user shall discharge industrial wastewater in excess of the quantity, rate of discharge, or quality as specifically set forth in the permit. Any significant industrial user desiring to modify his discharge shall apply for an amended permit. The procedures to modify a discharge permit or to appeal permit conditions shall be as set forth in the UPAP, as amended from time to time. Issuance of an industrial wastewater discharge permit shall not relieve the significant industrial user from complying with all applicable laws, rules, and regulations

promulgated by federal, state and other local government authorities, nor shall the issuance of said permit be construed as a representation by the PBCWUD that the discharge permitted therein complies with all such laws, regulations, and ordinances. Permits are issued solely to govern the discharge of industrial wastewater into the PBCWUDWWS as between the significant industrial user and the PBCWUD, and shall not be construed to benefit any third party. If another municipality or a significant industrial user located within another service area contributes wastewater to the PBCWUDWWS, PBCWUD shall enter into an interlocal agreement with the contributing municipality to address pretreatment requirements in accordance with DEP Rule 62-625, F.A.C.

(e) *Permit Decisions.* PBCWUD will evaluate data furnished by the user and may require additional information. Within ninety (90) days of receipt of a complete permit application, PBCWUD will determine whether to issue an industrial wastewater discharge permit. PBCWUD may deny any application for an industrial wastewater discharge permit.

(f) *Compliance.* Compliance shall include:

(1) *Self-monitoring requirements.* All significant industrial users of the PBCWUDWWS who are required to perform self-monitoring functions shall submit self-monitoring reports to the director identifying the constituents and describing the characteristics of the industrial wastewater being discharged into the PBCWUDWWS. The content and frequency of the reports shall be specified in the industrial wastewater discharge permit; however, the frequency of said reporting shall be no less than twice per year. In order to ensure the integrity of the self-monitoring reports, the significant industrial users of the PBCWUDWWS shall:

a. Maintain records concerning volume, constituents, characteristics of the industrial wastewater discharge, and documents associated with best management practices (BMPs). All such records and equipment used to determine and record volume, constituents and characteristics of industrial wastewater discharges shall be made available for review, inspection and photocopying by the director and by authorized representatives of the DEP and EPA. All such records shall be retained by the significant industrial user for a minimum of three (3) years;

b. Install, use, and maintain monitoring and sampling equipment which has been approved by the director, for determining volume, constituents, and characteristics of the industrial waste discharge;

c. Conduct and report all monitoring and analysis in accordance with DEP requirements pursuant to Rule 62-625.600(6), F.A.C.;

1. 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.

- d. Not knowingly falsify, tamper with, alter, render inaccurate, or make false statements, representations, or certifications of information provided to and/or required by the director; and,
- e. Report to the director within the permitted period any potential problems or any significant change in the characteristics, nature, or volume of the discharge into the PBCWUDWWS.
- f. Submit documentation required by PBCWUD to determine the status of compliance of the significant industrial user in cases where the permit requires compliance with a best management practice (BMP) or pollution prevention alternative.
- g. Report results of monitoring, if industrial user monitors any regulated pollutant at the appropriate sampling location more frequently than required by PBCWUD, the results of this monitoring shall be included.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. All wastewater samples must be representative of the industrial users discharge. Except as indicated, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the director.

Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of the industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

(2) *Twenty-four-hour reporting of violations.* If sampling performed by an industrial user indicates a violation, the industrial user shall notify the director within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis within thirty (30) days after becoming aware of the violation; however, the industrial user is not required to resample if:

- a. PBCWUD performs sampling of the industrial user at a frequency of at least once per month, or
- b. PBCWUD performs sampling of the industrial user between the time when the industrial user performs its initial sampling and the time when the industrial user receives the results of the sampling.

(3) *Baseline monitoring report (BMR).* Significant industrial users subject to categorical pretreatment standards must also comply with the requirements for submittal of a BMR in accordance with Rule 62-625.600(1) and (3), F.A.C. In addition, within ninety (90) days of final compliance with applicable pretreatment standards or, in the case of a new source, within ninety (90) days of discharging

wastewater into the PBCWUDWWS, any significant industrial user, subject to the categorical pretreatment standards shall submit to the director a report indicating the concentration of pollutants in the discharge along with the average and maximum daily flow for those processes. These reports shall comply with Rule 62-625.600(3), F.A.C.

(4) *Compliance schedule.* Should additional pretreatment or other measures (e.g. installation of technology) be required to meet the pretreatment standards, a compliance schedule shall be provided by the significant industrial user depicting the time frames and most effective means by which to comply with said pretreatment standards. In no case shall the completion date as set forth in the compliance schedule be later than the compliance date required for meeting the categorical pretreatment standards, or exceed nine (9) months. The significant industrial user shall submit to the director written periodic reports as to the progress of meeting the time frames as specified in the compliance schedule. The significant industrial user shall submit a progress report to the director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the industrial user to return to the established schedule.

(5) *Accepted methods.* All measurements, tests, and analyses of the characteristics of wastewater to which reference is made in this article shall be determined in accordance with the rules and regulations of the Florida Administrative Code and shall be carried out in accordance with methods specified in Rule 62-160, F.A.C.

(6) *Sampling points, frequency and specifications.* All significant industrial users discharging industrial wastewater into the PBCWUDWWS shall provide and maintain a suitable point or points of access together with such necessary meters and other appurtenances at an appropriate location to permit observation, flow measurement, and sampling of such waste. Plans for such sampling points and measuring equipment shall be subject to approval by the director prior to construction and installation of the facility. Sampling and flow measuring facilities shall be located in such a manner as to provide safe, unrestricted access for inspection and verification of the significant industrial user's operating conditions, and enable collection of samples that are representative of said user's typical discharge. All such facilities shall be located and maintained so as to be accessible to the director at all times during the day and night, including weekends and holidays, without prior notice. Unreasonable delays in allowing the director to access the industrial user's premises shall be a violation of this ordinance. The director may require, at his discretion, a lockable facility or facilities to protect PBCWUD property against theft, vandalism, and tampering. If such facility or facilities are required, the significant industrial user shall supply the director with a key to such facility or facilities. At no time shall the significant industrial user alter, relocate, interrupt, intervene, mix in, bar, block, obstruct or impede any monitoring equipment that has been set up at a designated sampling point by the director.

The frequency and submission of samples shall be stipulated in the industrial wastewater discharge permit. However, it shall be at the discretion of the director

as to whether or not additional samples will be required. The frequency of the sampling shall be based upon, but not limited to, the following:

- a. Nature and flow rate of the discharge;
- b. History of use by the user; and
- c. Impact on receiving waters, deep well injection, sludge or water recovery, and reuse guidelines.

Specifications for the monitoring programs may be modified by PBCWUD at any time during the permit program, and other conditions may be added as deemed appropriate by PBCWUD to insure compliance with this article.

(7) *Other reporting.* Industrial users who may not be required to obtain an industrial wastewater discharge permit, may be required to provide appropriate reports to the director. Said reports may include, but not be limited to, self monitoring and base line monitoring reports. These reports shall be based upon whether the wastestream of the industrial user may contain priority pollutants.

(g) *Certification.* All reports and other submittals required pursuant to this article or as required by a specific significant industrial user permit shall be signed by the authorized representative of the industrial user or significant industrial user and shall include the following certification:

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

All reports and other submittals required pursuant to this article for non-significant categorical industrial users shall be signed by the authorized representative and shall include the following certification:

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

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

This compliance certification is based on the following information.”

Sec. 27-71. Accidental discharge, upset and bypass.

(a) *Protection plan required.* Each and every significant industrial user shall be required to establish and submit to the director for approval in writing a protection plan for accidental discharge. Said plan for accidental discharge shall be developed and implemented in accordance with the provisions as set forth in the UPAP, as amended from time to time.

(b) *Notification of accidental discharge, upset or bypass.* The significant industrial user shall notify the director of each and every accidental discharge, upset or bypass into the PBCWUDWWS in accordance with the provisions set forth in the UPAP, as amended from time to time. Said notification of accidental discharge, upset or bypass shall not relieve the significant industrial user of any expense, loss, damage, or other liability which may be incurred by said discharge and may include, but not be limited to, damage to the facilities, property or receiving waters. Enforcement action, including but not limited to fines or civil penalties, may be imposed in accordance with this article. The significant industrial user shall limit the production process until corrective measures have been taken to prevent additional discharge. Significant industrial users shall establish affirmative defenses to discharge violations in accordance with the procedures set forth in the UPAP, as amended from time to time.

A notice shall be permanently posted on the IUs bulletin board or other prominent place advising employees who call in the event of a discharge described above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

IUs are required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.

Sec. 27-72. Notification of discharge of hazardous wastes.

(a) Each and every significant industrial user shall notify the director, the State of Florida's hazardous waste authority and DEP in writing of any discharge into the PBCWUDWWS of any substance which if otherwise disposed of, would be hazardous under Chapter 62-730, F.A.C. Such notification shall be made in accordance with Rule 62-600, F.A.C. and must include the name of the hazardous waste, the EPA hazardous waste number and the type of discharge (continuous, batch or other). In addition, such notification shall identify the hazardous constituents contained in the listed waste and estimate the volume of hazardous waste expected to be discharged during the following twelve (12) months. This requirement shall not apply to pollutants already reported under the self-monitoring requirements as set forth in this article and pursuant to the UPAP, as amended from time to time.

(b) Discharges are exempt from requirements of paragraph (a) above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes,

unless the wastes are acute hazardous wastes as specified in 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.

(c) In the case of any new Department regulations identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the IU must notify PBCWUD and DEP's hazardous waste and pretreatment authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this section, the significant industrial user shall certify that it has a program in place to reduce the volume and toxicity of wastewaters generated to the degree it has determined to be economically practicable, and that it has selected the method of treatment, storage, and/or disposal currently available which minimizes the present and future threat to public health, safety and welfare and to the environment.

Sec. 27-74. Septage and holding tank wastes.

No person shall discharge septage, trucked or holding tank wastes into the PBCWUDWWS without prior approval by PBCWUD in accordance with the procedures as set forth in the UPAP, as amended from time to time.

Sec. 27-75. Industrial pretreatment inspection; power and authority.

The director and authorized representatives of the DEP and the EPA bearing proper credentials, are empowered to enter upon property from which industrial wastewater is being discharged into the PBCWUDWWS for the purposes of inspection, monitoring, sampling, copying of records, or investigation thereof. Unreasonable delays in allowing the director access to the user's premises shall be a violation of this ordinance. If the director is denied entry for the purpose of authorized monitoring or inspection, a probable cause inspection warrant may be obtained through the Palm Beach County judicial system in accordance with Chapter 933, Florida Statutes.

Sec. 27-76. Enforcement action.

The director shall ensure enforcement of this article and of the UPAP, as amended from time to time, and coordinate the enforcement action with other governmental entities where appropriate. An enforcement response plan as detailed in the UPAP, as amended from time to time, shall be used by PBCWUD to determine appropriate and uniform measures of enforcement action against any and all users who are in noncompliance with this article. The UPAP, as amended from time to time, shall set forth requirements applicable to the user which shall include but not be limited to self-monitoring, resampling and PBCWUD monitoring.

(1) Immediate threat to public health. The director may issue an emergency order requiring the user to immediately halt a discharge if the discharge is deemed to present or cause an immediate threat or substantial endangerment to the health, safety or welfare of the public, to the environment, or to the operations of the PBCWUDWWS. Any such finding shall be included in the director's notification to halt discharge, and in such event, the revocation of the applicable authorization to discharge or industrial wastewater discharge permit shall become effective immediately. Should the user not comply with the emergency order, PBCWUD may immediately halt the discharge. All expenses incurred by PBCWUD to halt the discharge and/or any and all damages associated with the discharge shall be borne by the user. An emergency order shall remain in effect until rescinded in writing by the director.

(2) *Other violations.* Notwithstanding the provisions as set forth in paragraph (1) hereinabove, violations that may result in enforcement action pursuant to this article may include but are not limited to the following:

- a. Any violation of a provision of this article or of any applicable provision of the UPAP, as amended from time to time.
- b. Any violation of a condition of the user's industrial wastewater discharge permit, authorization to discharge, compliance schedule, and/or effluent limit.
- c. Failure to report and/or truthfully report the constituents and/or characteristics of wastewater discharge, significant changes in processing, and/or self-monitoring reports.
- d. Refusing PBCWUD duly authorized representatives reasonable access to the user's premises in order for PBCWUD to perform inspections, monitoring, sampling, copying of records, or investigations.

Notification to users that a violation(s) has occurred shall be in accordance with procedures as set forth in this article and as detailed in the UPAP, as amended from time to time.

(3) *Notice of violation.* Notwithstanding the provisions as set forth in paragraph (1) hereinabove, PBCWUD shall, upon discovery of a violation of this article, notify the user by certified mail of said violation. The notice of violation shall set forth the specific violation, the corrective action to be taken by the user, and the period of time by which the user must correct the violation. PBCWUD shall refer the matter to the Palm Beach County environmental control office if the violation continues beyond the specified time for correction; if an activity was conducted without a required permit or approval; if the violation created a health threat; or, if a fine is to be assessed against the user. In the event the matter is referred, the Palm Beach County environmental control officer shall request the Palm Beach County environmental control hearing board ("environmental control hearing board") to issue a show cause order to the user. Said show cause order shall be sent by certified mail and shall include the time, place and nature of the hearing to be held before the environmental control hearing board. The hearing shall be conducted in accordance with the procedures of the environmental control

hearing board as set forth in Chapter 77-616, Special Acts, Laws of Florida, as amended, and Palm Beach County Ordinance 78-5, as amended. The decision of the environmental control hearing board shall be final.

Upon determination that the user has caused a violation of this article, the environmental control hearing board may levy a fine of one thousand dollars (\$1,000.00) per violation per day. Said fine may include costs relating to the violation specified in the show cause order that were incurred by PBCWUD including, but not be limited to, expenses for sampling, monitoring, inspections and corrective action. Issuance of a fine by the environmental control hearing board shall not be a prerequisite for taking any other action against the user and shall not release the user from liability for any violation, including any continuing violation.

In addition to and independent of levying a fine against the user, the environmental control hearing board may:

(1) *Suspend the user's authorization to discharge or industrial wastewater discharge permit.* The environmental control hearing board may suspend the user's authorization to discharge or the industrial wastewater discharge permit, and upon doing so shall establish a time certain for the period of suspension. Prior to the end of such time certain, the user shall correct the violation for which the suspension was imposed; otherwise, the suspended authorization to discharge or the suspended industrial wastewater discharge permit shall be automatically revoked.

(2) *Revoke the user's authorization to discharge or industrial wastewater discharge permit.* The environmental control hearing board may revoke the user's authorization to discharge or the industrial wastewater discharge permit and, upon doing so, the user shall not be eligible to reapply for a new authorization to discharge or industrial wastewater discharge permit until the violation as specified in the notice of violation has been corrected. Upon application for a new industrial wastewater discharge permit, the user shall be required to remit the full permit fee to PBCWUD.

Sec. 27-77. Judicial enforcement.

Should any person discharge wastewater, industrial wastewater, medical waste, holding tank waste, domestic waste, or other waste into the PBCWUDWWS contrary to any provision of this article, or any order, authorization or permit issued hereunder, the county may commence an action for appropriate legal and/or equitable relief in the circuit court for Palm Beach County. It is the purpose of this article to provide additional cumulative remedies.

(1) *Injunctive relief.* Whenever a person has violated or continues to violate any provision of this article, or any order, authorization or permit issued hereunder, the county may petition the circuit court for Palm Beach County to issue a temporary or permanent injunction or both, as may be appropriate, which restrains or compels the specific performance of the permit, order or other

requirement imposed by this article. Such other actions which are appropriate for legal and/or equitable relief may also be sought by the county. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a person by the county.

(2) *Penalties.* Failure to comply with the provisions as set forth in this article, or any order, authorization or permit issued hereunder shall constitute a violation of a county ordinance and shall be punished, upon conviction, pursuant to section 125.69(1), Florida Statutes, by civil and criminal penalties of one thousand dollars (\$1,000.00) per violation per day for as long as the violation continues, or imprisonment not exceeding sixty (60) days, or both such fine or imprisonment. In addition, the county may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including inspection, sampling and monitoring expenses and the cost of any actual damages incurred by the county. The county shall petition the court to impose, assess, and recover such sums. Such other actions which are appropriate for legal and/or equitable relief may also be sought by the county. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against said user by the county.

Sec. 27-78. Appropriation and budgeting of funds.

The establishment of a comprehensive pretreatment program and the regulation of usage of the PBCWUDWWS is declared to be for a county purpose, and the board of county commissioners of Palm Beach County is authorized to appropriate funds to carry out the purposes of this article. Notwithstanding the administrative cost as set forth in section 27-76 hereinabove, all funds received by the county pursuant to this article shall be deposited in the PBCWUD fund to be used for the purposes associated with this article or other purposes associated with the operation and maintenance of PBCWUD.

Sec. 27-79. Publication of significant violators.

PBCWUD shall annually publish in the largest daily newspaper circulated in the area where the wastewater system is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable standards and requirements as defined in this article.

EXHIBIT A**Sec. 27-63. Purpose.**

The purpose of this article is to set forth uniform requirements for users of the PBCWUDWWS. This article will enable the Palm Beach County to comply with all applicable state and federal laws, including the State of Florida Department of Environmental Protection's pretreatment requirements (Rule 62-625, F.A.C.), the Clean Water Act, General Pretreatment Regulations (40 CFR, Part 403), and other federal, state and county laws, rules and regulations as they pertain to the pretreatment of wastewater.

Sec. 27-64. Objectives.

The objectives of this article are to:

- (1) Prevent the introduction of pollutants into the PBCWUDWWS which will interfere with the operation of the system and/or contaminate the resulting sludge;
- (2) Prevent the introduction of pollutants into the PBCWUDWWS, which, if inadequately treated, will pass through the system into receiving waters or the atmosphere, or which may otherwise be incompatible with the system;
- (3) Improve the opportunity for recycling and other beneficial uses of wastewater and sludge within the PBCWUDWWS;
- (4) Provide uniform requirements for industrial and other wastewater discharge into the PBCWUDWWS;
- (5) Protect the wastewater treatment plant operators, transmission system workers, collection and wastewater treatment facilities, the public, and the environment from harmful pollutants in the wastewater system;
- (6) Ensure compliance with the PBCWUDWWS operating permit conditions as required by federal, state and local permitting agencies; and
- (7) Ensure that the ~~county water utilities department~~ PBCWUD complies with its ~~national pollutant discharge elimination system~~ NPDES permit conditions, sludge use and disposal requirements, and any other applicable federal or state laws, rules and regulations.
- (8) Provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Sec. 27-65. Definitions.

As used in this article, the following words and phrases have the meaning ascribed herein, unless a different meaning is set forth in another section of this article or the context clearly indicates otherwise:

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

Authorized representative of the user.

(1) ~~(1)~~—If the user is a corporation:

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

a.b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: aA general partner or proprietor if the user is a partnership or proprietorship, respectively; or

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

(43) A duly authorized representative of the person designated in sections (1) or through (32) above if the authorization is received in writing, the authorization specifies if such the representative or position is responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization if submitted to PBCWUD.

Best Management Practices (BMPs). The schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Rule 62-625.400(1)(a) and (2), F.A.C. It shall also include the 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.

Biochemical oxygen demand (BOD). The quantity of oxygen used in the biochemical oxidation of organic matter at a specified time, at a specified temperature, and under specified conditions. It shall also mean a standard test for assessing wastewater strength expressed in the demand for oxygen for a five-day period as specified in Rule 62-160, F.A.C.

Building wastewater service line. The conduit or pipe which conveys wastewater from the plumbing drain system of a building to a public wastewater collection system or other place of disposal.

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

Categorical industrial user. An industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405 through 471 which has been adopted by reference.

Noncategorical industrial user. An industrial user not subject to categorical pretreatment standards.

Non-significant categorical industrial user. An industrial user that discharges 100 gallons per day (gpd) or less of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and:

- (1) Has consistently complied with all applicable categorical pretreatment standards and requirements;
- (2) Annually submits the certification statement required in Rule 62-625.600(17), F.A.C. together with any additional information necessary to support the certification statement; and
- (3) Never discharges any untreated categorical process wastewater.

Categorical pretreatment standard. Any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency (EPA) in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471, as amended.

CFR. Code of Federal Regulations.

Chemical oxygen demand (COD). A measure of the oxygen equivalent to that portion of the organic matter of a water sample that is susceptible to oxidation by a strong chemical oxidant. It shall also mean a standard test for assessing wastewater strength expressed in the demand for oxygen as specified in Rule 62-160, F.A.C.

Constituents. The composite of the wastestream including color, odor, and particulate pollutants as further defined herein.

Conventional pollutant. Any of five (5) wastewater pollutants as defined by the Act including B.O.D., suspended solids, fecal coliform, pH, and oil and grease.

Cooling water. Discharge from sources such as air conditioning or refrigeration, or discharge to which the only pollutant added is heat.

County. Palm Beach County, a political subdivision of the State of Florida. County and PBCWUD may be used interchangeably.

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

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

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

Dilution. Any addition to a wastewater discharge for the purpose of, but not limited to, making weaker, less potent, mixing, dispersing, or thinning, so as to alter the physical, chemical or biological properties, other than what is defined as pretreatment.

Direct discharge. The discharge of treated or untreated wastewater directly into the PBCWUDWWS.

Director. The director of the ~~county water utilities department~~ PBCWUD or his duly authorized representative.

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

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

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

Enforcement. Actions taken by the ~~county water utilities department~~ PBCWUD in response to noncompliance with or violations of this article.

Existing source. Any source of discharge that is not a new source.

Grab sample. An individual, discrete sample collected at a specific time. It shall include all sub samples or aliquots and all applicable field quality control samples collected at the same locations within a time not exceeding 15 minutes.

Holding tank waste. Waste from holding tanks including, but not limited to vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect discharge. The introduction of pollutants into the PBCWUDWWS from any nondomestic source regulated under Sections 307(b), (c), and (d) of the Act.

Industrial user (IU). Any nonresidential user discharging industrial wastewater into the PBCWUDWWS.

Industrial wastewater surcharge. An additional service charge assessed against industrial users of the PBCWUDWWS whose wastewater characteristics exceed established surcharge limits.

Industrial wastewater. Wastewater from industrial operations, trade or business activities as distinct from domestic wastewater.

Industrial wastewater discharge permit (permit). Written authorization from the director of the county water utilities PBCWUD to discharge industrial wastewater into the PBCWUDWWS setting certain conditions and/or restrictions on such discharge.

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

Interceptors (grease traps, oil/water separators). Any device, including but not limited to grease traps and oil/water separators, designed and installed to separate and retain floatable, deleterious, hazardous, and/or undesirable matter from wastewater or liquid wastes, and which discharges into the PBCWUDWWS by gravity.

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

- (1) Inhibits or disrupts the PBCWUDWWS, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Is a cause of a violation of any requirement of the PBCWUDWWS's NPDES permit (including an increase in the magnitude or duration of a violation) or prevents use or disposal of domestic wastewater residuals in compliance with local regulations or rules of DEP and Chapter, 403, Florida Statutes.

Local Limit or Local Discharge Standard. Specific discharge limits developed and enforced by PBCWUD upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Maximum Allowable Industrial Loading. The total mass of a pollutant that all industrial users and other controlled sources may discharge without causing pass through or interference.

Method Detection Limit (MDL). An estimate of the minimum amount of a substance that an analyte process can reliably detect. It is analyte- and matrix-specific and is laboratory dependent.

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

Minor user. User whose discharge may not significantly impact the PBCWUDWWS, degrade receiving water quality and/or contaminate sludge. Although a minor user is not a categorical industry, it has a potential to discharge a nondomestic or process wastestream as further described in the PBCWUD UPAP, as amended from time to time.

National pollutant discharge elimination system ("NPDES") permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

New source means:

(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 Clean Water 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 shall 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 (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 herein, has commenced if the owner or operator has:

a. Begun, or caused to begin as part of a continuous on-site construction program:

1. Any placement, assembly, or installation of facilities or equipment, or

2. 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 rule.

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

North American Industrial Classification System (NAICS). A classification pursuant to the NAICS Manual issued by the United States Office of Management and Budget.

Other waste. Waste including, but not limited to, county-refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, oil, tar, chemicals, and all other substances as distinguished from domestic waste, industrial wastewater, holding tank waste or medical waste.

PBCWUD. The Palm Beach County water utilities department.

Palm Beach County Wwater Utilities Ddepartment Wwastewater Ssystem (PBCWUDWWS). All facilities for collecting, pumping, treating, and/or disposing of wastewater and wastewater sludge which are owned, operated and controlled by the Board of County Commissioners of Palm Beach County, Florida.

Pass-through. A discharge which exits the PBCWUDWWS treatment process into waters of the state or of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the PBCWUDWWS's NPDES permit (including an increase in the magnitude or duration of a violation).

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

pH. The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

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

Pretreatment. Reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the PBCWUDWWS. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Rule 62-625.410(5), F.A.C.

Pretreatment standards. ~~The county water utilities department~~PBCWUD's prohibitive discharge standards as set forth in this article, the State of Florida's pretreatment standards, or the categorical pretreatment standards of the EPA.

Priority pollutants. Any toxic pollutant regulated under categorical pretreatment standards.

Residential unit. Single family occupancy or dwelling including, but not limited to, a single-family house, one-half of a duplex, an apartment, or a mobile home.

RCRA. Resource Conservation and Recovery Act.

Significant industrial user (SIU) means:

(1) ~~Any user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C. and 40 CFR Chapter I, Subchapter N which has been adopted by reference in Chapter 62-660, F.A.C. Categorical industrial user; and/or~~

(2) Any noncategorical user that discharges twenty-five thousand (25,000) gallons per day or more of process wastewater into the PBCWUDWWS (excluding domestic wastewater, noncontact cooling and boiler blowdown wastewater), or that contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the treatment plant, or is designated as such by PBCWUD ~~the county water utilities department~~ on the basis that the industrial user has a reasonable potential for adversely affecting the treatment plant operation or for violating any pretreatment standard or requirement (in accordance with Rule 62-625.500(2)(e)), F.A.C.; and/or

(3) PBCWUD may determine that an industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, is a non-significant industrial user; and/or

(34) Upon finding that an industrial user meeting the criteria in sub-paragraph (2) above, has no reasonable potential for adversely affecting the PBCWUDWWS operation or for violating any pretreatment standard or requirement, ~~the county water utilities department~~ PBCWUD may at any time, on its own initiative or in response to a request received from an industrial user, and in accordance with Rule 62-625.500(2)(e), F.A.C., determine that such industrial user is not a significant industrial user.

Significant noncompliance. Significant noncompliance may include one (1) or all of the following:

(1) Violations of wastewater discharge limits:

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

b. Technical review criteria (TRC) violations. Thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceeding the product of the daily

maximum limit or the average limit, including instantaneous limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH.)

c. Any other violation(s) of an effluent limit (average, ~~or~~ daily maximum or instantaneous limit) that the director believes has caused, alone or in combination with other discharges, interference or pass-through, or endangered the health, safety or welfare of the PBCWUDWWS personnel or the public.

d. Any discharge of pollutant that has caused imminent endangerment to human health, safety or welfare or to the environment and has resulted in the ~~county water utilities department~~ PBCWUD exercising its emergency authority to halt or prevent such a discharge.

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

(3) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety (90) day compliance reports, and periodic reports) within ~~forty five~~ thirty (30) days from the date due.

(4) Failure to accurately report noncompliance.

(5) Any other noncompliance which may include violation of best management practices that the director considers to be significant.

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

Slug discharge. Any discharge of a nonroutine, episodic nature, which has a reasonable potential to cause interference or pass through, or in any other way violate PBCWUDWWS regulations, local limits, or permit conditions.

Slug load. Any discharge of water, wastewater, or industrial wastewater in which concentration of any given constituent or if quantity of flow exceeds, for any period of duration longer than fifteen (15) minutes, five (5) times the average twenty-four (24)-hour concentration or flow during normal ~~it~~ operation.

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

Stormwater sewer. A pipe or conduit intended to carry storm and surface water, street wash, and other waters or drainage excluding wastes carried by wastewater collection systems.

Suspended solids. Tiny particles of solids disbursed but undissolved in a solid, liquid, or gas, which are removable by laboratory filtration.

Toxic pollutant. Any pollutant or combination of pollutants listed as toxic under the provisions of the Act.

Uniform Policies and Procedures (UPAP) Manual. The codification of the major policies and procedures governing ~~the county water utilities department~~ PBCWUD.

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

User. Any person who discharges, or causes or allows the discharge of wastewater into the PBCWUDWWS.

Wastewater. Liquid and water-carried industrial, domestic, medical, food, superfluous solid, gaseous material, holding tank or other wastes from residences, commercial establishments and/or manufacturing facilities, whether treated or untreated, which are discharged into the PBCWUDWWS.

Wastewater collection system. System for carrying waste including but not limited to, domestic, industrial, medical, holding tank or other waste, to which storm, surface, and groundwater are not intentionally admitted.

Wastewater discharge permit. A written authorization from the director of ~~the county water utilities department~~ PBCWUD which states the conditions, parameters, and/or circumstances whereby a user may discharge into the PBCWUDWWS.

Wastewater facilities or wastewater system. The structures, equipment, and processes required to collect, carry away, and treat domestic, industrial, medical, holding tank and other wastes and dispose of the effluent— Any facility which discharges waste 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.

Sec. 27-66. Use of PBCWUDWWS ~~county water utilities department wastewater system.~~

(a) *Unsanitary disposal prohibited.* It shall be unlawful for any person to discharge or allow to be discharged untreated wastewater on any property, public or private, into the PBCWUDWWS in any unsanitary manner.

(b) *Septic tanks regulated.* Except as provided by federal, state or local laws, rules, and/or regulations it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility used for or intended to be used for the treatment or disposal of wastewater.

(c) *Wastewater collection system connection required.* Palm Beach County Environmental Control Rule I, as amended from time to time, may require the owner or occupant of any house, building or property used for human occupancy, employment, recreation, or other purposes situated within the service area of the PBCWUDWWS and

abutting on any street, alley, easement, or right-of-way in which there is located an available wastewater collection system to install, at his expense, suitable toilet facilities therein and to connect such facilities directly with the available wastewater collection system. If the existing disposal system is required to be abandoned, same shall be done in accordance with Palm Beach County Environmental Control Rule I, as amended from time to time.

(d) *Discharge into stormwater system prohibited.* No person shall, under any conditions or circumstances, discharge domestic, industrial, medical, holding tank or other wastewater into the stormwater system.

Sec. 27-67. Application, construction and connection to the county water utilities department wastewater system PBCWUDWWS.

(a) *Unauthorized usage prohibited.* No person shall construct a new wastewater collection system that is to be connected to the PBCWUDWWS or one that will substantially alter or improve any wastewater collection system that is connected to the PBCWUDWWS, until the county water utilities department PBCWUD has approved said construction and has determined same to be in conformance with county water utilities department PBCWUD specifications and long range plans as determined by the board of county commissioners of Palm Beach County, Florida.

No person shall disturb, uncover, use, alter, or make any connection or openings to the PBCWUDWWS, unless prior written approval has been given by the director and a duly authorized agent of the county water utilities department PBCWUD is present at the time of said approved action.

(b) *Application and fees.* Prior to making any connection to the PBCWUDWWS, all persons shall make application to the county water utilities department PBCWUD in accordance with the provisions as set forth in the county water utilities department UPAP, as amended from time to time. Said application shall be supplemented by any plans, specifications or other information deemed necessary by the director. All applicable fees shall be paid to the county water utilities department PBCWUD prior to the approval of any such connection.

(c) *User's responsibility.* All costs and expenses incident to the installation, connection and restoration of a building wastewater service line to the PBCWUDWWS shall be borne by the user in accordance with the county water utilities department UPAP, as amended from time to time. The user shall indemnify the county water utilities department PBCWUD from any loss or damage, either directly or indirectly, that has been incurred by county water utilities department PBCWUD due to the installation of the building wastewater service line.

(d) *Separate wastewater service line required.* The user shall provide a separate and independent building wastewater service line for each and every building. However, in the instance where one building is located at the rear of another building on an interior lot to which no private wastewater service line is available or where no private wastewater service line can be constructed to the rear building, then upon written consent of the director, the user may extend the wastewater service line through an

adjoining alley, courtyard, driveway or from the front building to the rear building and the whole shall be considered as one (1) building wastewater service line.

(e) *Use of existing building wastewater service line.* An existing building wastewater service line may be used in connection with construction of a new building only when found, on examination and test by the ~~county water utilities department~~ PBCWUD, to meet all requirements of this article and the ~~county water utilities department~~ UPAP, as amended from time to time.

(f) *Design and construction.* Each and every building wastewater service line shall be installed at an elevation below the building slab in accordance with the provisions as set forth in the ~~county water utilities department~~ UPAP, as amended from time to time. In all buildings in which any building drain is too low to permit gravity flow to the wastewater service line, wastewater carried by such building drain shall be lifted by an approved means as specified by the ~~county water utilities department~~ PBCWUD and shall be discharged into the building wastewater service line.

(g) *Runoff connections prohibited.* No person shall connect or cause to connect any roof downspout, exterior foundation drain, areaway drain, cooling water, cooling and boiler blowdown, or other source of surface runoff or groundwater to a building wastewater service line or building drain which in turn is connected directly or indirectly to the PBCWUDWWS.

(h) *Connection conformance required.* The connection of each and every building wastewater service line to the PBCWUDWWS shall conform to the requirements of the county's building and plumbing code and all other applicable rules and regulations as adopted by the board of county commissioners of Palm Beach County, Florida. All such connections shall be made both gastight and watertight.

(i) *Public safety and property.* All excavations for building wastewater service line installation shall be adequately guarded with barricades and lights for the protection of the public health, safety and welfare. Streets, sidewalks, parkways, and other public property disturbed in the course of the excavation shall be restored in a manner satisfactory to the ~~county water utilities department~~ PBCWUD.

Sec. 27-69. Prohibitions and limitations of discharge.

No person shall discharge or cause to be discharged any wastewater into the PBCWUDWWS unless in accordance with the specifications and standards of this article and those provided in the UPAP, as amended from time to time.

(1) *General discharge prohibitions.* No user shall discharge or cause to be discharged into the PBCWUDWWS:

a. Any waste which may result in pass-through or interference as defined herein;

b. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five and five-tenths (65.5) degrees Celsius), or which inhibits biological activity in the PBCWUDWWS, resulting in interference; but in no event shall the wastewater cause the temperature of the discharge from the

treatment plant to exceed one hundred four (104) degrees Fahrenheit (forty (40) degrees Celsius);

c. Any wastewater having a pH lower than five point five (5.5), exhibiting any corrosive property, which either singly or by interaction with other wastes is capable of causing damage to structures, equipment, surrounding environment, processes, or personnel of the County Water Utilities Department PBCWUD;

d. Any wastewater having a pH higher than nine point five (9.5), which either singly or by interaction with other wastes is capable of causing damage to structures, equipment, surrounding environment, processes, or personnel of the County Water Utilities Department PBCWUD;

e. Any wastewater or substances that may solidify or become viscous at a temperature between thirty-two (32) degrees Fahrenheit, and one hundred fifty (150) degrees Fahrenheit (zero (0) degrees Celsius and sixty-five and five-tenths (65.5) degrees Celsius). Interceptors shall be required to properly handle these wastes in accordance with this article and as provided in the UPAP, as amended from time to time;

f. Any wastewater which will cause obstruction to the flow in a sewer or interfere with the operations of the PBCWUDWWS, such as but not limited to, particles of garbage with particles which are greater than one-half (1/2) inch in size;

g. Any guts, tissues, paunch manure, bones, hairy hides, fleshings, entrails, whole blood, feathers, ashes, cinders, mudstraw, shavings, glass or glass grindings, polishing wastes, grass or grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gasoline, tar, asphalt residues from refining, or processing of lubricating oil, mud or concrete washout;

h. Any radioactive wastes or isotopes of such half-life or concentration exceeding limits established by the Florida Department of Health as set forth in the Florida Administrative Code which may cause damage or create hazardous conditions to human life, animal life, or equipment or operating personnel of the County Water Utilities Department PBCWUD;

i. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or in combination with other substances, to cause fire or explosion or be injurious in any other way to the PBCWUDWWS or the operation of the PBCWUDWWS. These pollutants shall include, but not be limited to, wastestreams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius), using the test methods specified in American Standard Testing Material standards D-93-79, D-3278-78. This prohibition does not apply to any aqueous solution containing less than twenty-four (24) percent alcohol by volume which would otherwise be a hazardous waste under 40 CFR 261.21 by virtue of having a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (60 degrees Celsius). Said prohibited materials shall include but not be limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, ketones, aldehydes, peroxides, chlorate, perchlorates, bromates, carbonates, hydrides, and sulfides, fuel oil, or any flammable gas, liquid or solid, or any other substance which Palm

Beach County, the State of Florida, or any federal agency has determined is a fire hazard or a hazard to the wastewater collection and treatment system. Any and all trucked or hauled pollutants are prohibited except at discharge points designated by the director and in accordance with all applicable laws;

j. Any noxious, malodorous gas, vapors, fumes or substance which, either singly or by interaction with other wastewaters creates a public nuisance or increases the hazard of entry into a sewer for maintenance and/or repair, causes acute worker health and safety problems, or causes the County Water Utilities Department PBCWUD to violate any federal or state permits;

k. Any water or wastewater containing toxic pollutants in sufficient quantity, singly or by interaction with other pollutants which will cause harmful effects to humans, animals or the surrounding environment or County Water Utilities Department PBCWUD personnel or equipment or causes acute worker health and safety problems. Toxic pollutants shall include, but not be limited to, any pollutant identified pursuant to 40 CFR Part 116, (4);

l. Any concrete washout, inert suspended solids (such as but not limited to Fullers earth, lime slurries, and lime residues) or dissolved solids (such as but not limited to, sodium chloride and sodium sulfate, washout from concrete production) in such concentrations as to pass-through or interfere with equipment or operations of PBCWUDWWS;

m. Any excessively discolored wastewater, such as but not limited to dye, printing wastes, food coloring or vegetable tanning solutions;

n. Any increase in the use of process water or any attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national pretreatment standards, or any other pollutant specific limitation developed by PBCWUD the County Water Utilities Department in accordance with paragraph (3) herein below;

o. Any wastewater pollutant, including oxygen demanding pollutants (such as but not limited to with BOD, COD or chlorine) in such concentrations and/or flows that would create or constitute a significant load or shockan interference with to the PBCWUDWWS;

p. Any medical wastes as defined in section 27-65 of this article;

q. Any toxic or poisonous substances, chemical elements or compounds taste or odor-producing substances or any other substances which are not amenable to treatment or reduction by the wastewater treatment process utilized by the County Water Utilities Department PBCWUD. Nor shall the discharge be to such a degree that the substances interfere with the biological processes or efficiency of the PBCWUDWWS, or pass-through the PBCWUDWWS and cause the effluent therefrom, or any other product from the PBCWUDWWS, to fail to meet applicable federal or state standards;

r. Any stormwater, surface water, groundwater, roof runoff, cooling water, cooling and boiler blowdown, subsurface drainage, or swimming pool discharge;

s. Any volume of flow or concentration of wastewater which constitutes a slug load;

t. Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.

(2) *Compliance with state and federal standards.* It shall be unlawful for any person to discharge any pollutant into the PBCWUDWWS except when such discharge is in compliance with state and federal standards promulgated pursuant to the Act, any other applicable state.

(3) *Local discharge standards.* Any wastewaters containing concentrations which exceed the following local discharge standards at the point of connection to the PBCWUDWWS is prohibited.:

TABLE INSET:

Parameter	Maximum Allowable Concentration Within a 24-hour Period (mg/liter)
Arsenic, As	0.26
BOD-5	10,000.0
Cadmium, Cd	0.25
Chlorides	600.0
Chromium, total, Cr(T)	5.0
Copper, Cu	2.0
Cyanide, Cn	0.5
Hydrogen sulfide	5.0
Lead, Pb	0.8
Mercury, Hg	0.07
Molybdenum, Mo	0.12
Nickel, Ni	1.0
Oil and Grease	7,500.0
Phenols	2.0
Selenium, Se	0.2
Silver, Ag	1.5
TSS	10,000.0

Zinc, Zn

2.0

No person shall discharge wastewater containing pollutants in excess of the local limits for those pollutants which have been established for PBCWUDWWS using standard procedures, calculations and methods acceptable to DEP to protect against pass through, interference, protection of PBCWUDWWS employees, and adverse affects on wastewater residuals disposal. No industrial user shall discharge process waste streams, unregulated waste streams, or dilute waste streams in excess of the concentrations set forth by the director. Local limits shall be included as permit conditions and attached to each SIU wastewater permit issued.

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

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

A copy of the approved local limits is available in the UPAP, as amended from time to time.

Additional parameters for significant industrial users shall be developed on a case by case basis and this article shall be amended from time to time to provide for the addition of said parameters.

(4) *Industrial wastewater surcharge standards.* Nonresidential users shall be assessed an industrial wastewater surcharge for wastewater containing concentrations which exceed the following surcharge standards:-

TABLE INSET:

<u>Parameter</u>	<u>Concentration Within a 24 Hour Period (mg/liter)</u>
BOD-5	400.0
TSS	400.0
Oil and Grease	100.0

Industrial wastewater surcharges shall be assessed by the County Water Utilities Department PBCWUD in accordance with the UPAP, as amended from time to time.

(5) Best management practices (BMPs) may be developed to implement paragraphs (3) and (4) above. Such BMPs shall be considered local limits and pretreatment standards.

Sec. 27-70. Industrial pretreatment and monitoring.

(a) *Application.* All prospective industrial users shall apply for authorization to discharge industrial wastewater into the PBCWUDWWS. An application for permit to discharge industrial wastewater in accordance with this section must be filed one hundred and twenty (120) days prior to the date upon any discharge will begin or recommence. All such applications for connection shall include and be supplemented with a complete set of plumbing diagrams showing all lines and clearly illustrating the sampling point; information describing the type of industrial activity in which the applicant is engaged; specification of the constituents inherent in the processes and wastes; and, identification of the characteristics of the wastewater, list of environmental control permits held by or for the facility, compliance with best management practices (BMPs) or pollution prevention alternative, all information required by the baseline monitoring report; the application shall be completed in accordance with Rule 62-625.600(1)(a)-(e), F.A.C. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(b) *Pretreatment requirements.* Should the director require pretreatment of industrial wastewater by the industrial or significant industrial user prior to discharge into the PBCWUDWWS, the plans, specifications, and other pertinent data or information relating to such wastewater pretreatment facilities shall be prepared by a registered professional engineer and subject to the review and approval of the director. Approval shall in no way exempt the discharge of such facilities from compliance with any applicable federal, state or local laws, rules and/or regulations. Any subsequent alteration or addition to such pretreatment or flow control facilities shall be made only upon prior written notice to and approval from the director.

Where preliminary treatment is required, such facilities shall be constructed and effectively operated and maintained by the industrial user at his sole expense, subject to requirements of this article.

(c) *PBCWUDWWS control of discharge.* If any wastes or wastewaters are discharged, or are proposed to be discharged, into the PBCWUDWWS which do not meet applicable pretreatment standards and requirements, or which may have a deleterious effect upon the PBCWUDWWS, its processes, equipment, personnel, or receiving waters, or which otherwise create a hazard to public health, safety and welfare, or which constitutes a public nuisance, the director may:

- (1) Reject the wastewaters or impose specific condition(s) upon the introduction of new sources of wastewater into the PBCWUDWWS;
- (2) Require the industrial user to demonstrate that in-plant improvements will modify the discharge to such a degree as to be acceptable;

(3) Require pretreatment of the industrial user's discharge to ensure compliance with this article; and/or

(4) Require payment of an industrial waste surcharge to cover the added cost of handling and treating excess loads imposed on the PBCWUDWWS by such discharge. Industrial waste surcharges may be imposed upon conventional pollutants only. Said surcharges shall be approved by the board of county commissioners of Palm Beach County, Florida in accordance with the schedule of rates and fees as set forth in the ~~county water utilities department~~ UPAP, as amended from time to time. Imposition of industrial waste surcharges for the recovery of treatment costs does not replace or supersede the requirements for pretreatment facilities, should they be found necessary by the director.

(5) Issue a notice of violation(s) in accordance with section 27-75 hereinbelow.

(d) *Industrial wastewater discharge permit.* All prospective significant industrial users shall apply for any industrial wastewater discharge permit prior to discharge into the PBCWUDWWS. An application must be filed at least one hundred and twenty (120) days prior to the date upon which any discharge will begin or recommence. An application must be filed at least ninety (90) days prior to the expiration of an existing permit. The application contents and approval procedures shall be as set forth in the UPAP, as amended from time to time. The permit shall contain at a minimum, the following conditions:

(1) Statement of duration;

(2) Statement of nontransferability;

(3) Effluent limits, including best management practices (BMPs), based on Applicable pretreatment standards;

(4) Self-monitoring, sampling, reporting, notification, and record keeping requirements; and

(5) Statement of applicable civil and criminal penalties; and

(6) Requirements to control slug discharge, if determined by PBCWUD to be necessary.

The cost of said permit shall be incurred by the significant industrial user and shall be in accordance with the fee schedule as set forth in the UPAP, as amended from time to time. The permit shall be issued for a specified time period not to exceed five (5) years from the effective date of the permit. The permit shall be displayed by the significant industrial user in such a location at the permitted facility so as to be seen and read by the general public.

All significant industrial users (SIUs) discharging wastewater into the PBCWUDWWS prior to the effective date of this article are hereby granted temporary authority to continue to discharge in compliance with the existing codes, regulations, and policies of the PBCWUD. This temporary authority shall expire ninety (90) days after the date of notification to the significant industrial user by registered mail of the requirement for an application to be made for an industrial

wastewater discharge permit pursuant to this section, temporary authority shall expire on the date the industrial wastewater discharge permit is issued or denied.

The industrial wastewater discharge permit shall be applicable only to the significant industrial user, facility and address which is specified on the permit. Said permit shall not be assigned, transferred, sold, moved to a different premises or, automatically cover any new operations at the specified facility without the prior written approval of the director. Any succeeding or new significant industrial user shall notify the director in writing within thirty (30) days of any change of ownership or change of operations of the specified facility.

No significant industrial user shall discharge industrial wastewater in excess of the quantity, rate of discharge, or quality as specifically set forth in the permit. Any significant industrial user desiring to modify his discharge shall apply for an amended permit. The procedures to modify a discharge permit or to appeal permit conditions shall be as set forth in the UPAP, as amended from time to time. Issuance of an industrial wastewater discharge permit shall not relieve the significant industrial user from complying with all applicable laws, rules, and regulations promulgated by federal, state and other local government authorities, nor shall the issuance of said permit be construed as a representation by the PBCWUD that the discharge permitted therein complies with all such laws, regulations, and ordinances. Permits are issued solely to govern the discharge of industrial wastewater into the PBCWUDWWS as between the significant industrial user and the PBCWUD, and shall not be construed to benefit any third party. If another municipality or a significant industrial user located within another service area contributes wastewater to the PBCWUDWWS, the PBCWUD shall enter into an interlocal agreement with the contributing municipality to address pretreatment requirements in accordance with DEP Rule 62-625, F.A.C.

(e) Permit Decisions. PBCWUD will evaluate data furnished by the user and may require additional information. Within ninety (90) days of receipt of a complete permit application, PBCWUD will determine whether to issue an industrial wastewater discharge permit. PBCWUD may deny any application for an industrial wastewater discharge permit.

(fe) *Compliance.* Compliance shall include:

(1) *Self-monitoring requirements.* All significant industrial users of the PBCWUDWWS who are required to perform self-monitoring functions shall submit self-monitoring reports to the director identifying the constituents and describing the characteristics of the industrial wastewater being discharged into the PBCWUDWWS. The content and frequency of the reports shall be specified in the industrial wastewater discharge permit; however, the frequency of said reporting shall be no less than twice per year. In order to ensure the integrity of the self-monitoring reports, the significant industrial users of the PBCWUDWWS shall:

a. Maintain records concerning volume, constituents, and characteristics of the industrial wastewater discharge, and documents associated with best management practices (BMPs). All such records and equipment used to determine and record volume, constituents and characteristics of industrial wastewater discharges shall be made available for review, inspection and photocopying by the director and by authorized

representatives of the DEP and EPA. All such records shall be retained by the significant industrial user for a minimum of three (3) years;

b. Install, use, and maintain monitoring and sampling equipment which has been approved by the director, for determining volume, constituents, and characteristics of the industrial waste discharge;

c. Conduct and report all monitoring and analysis in accordance with DEP requirements pursuant to Rule 62-625.600(6), F.A.C.;

1. 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.

d. Not knowingly falsify, tamper with, alter, render inaccurate, or make false statements, representations, or certifications of information provided to and/or required by the director; and,

e. Report to the director within the permitted period any potential problems or any significant change in the characteristics, nature, or volume of the discharge into the PBCWUDWWS.

f. Submit documentation required by PBCWUD to determine the status of compliance of the significant industrial user in cases where the permit requires compliance with a best management practice (BMP) or pollution prevention alternative.

g. Report results of monitoring, if industrial user monitors any regulated pollutant at the appropriate sampling location more frequently than required by PBCWUD, the results of this monitoring shall be included.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. All wastewater samples must be representative of the industrial users discharge. Except as indicated, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the director.

Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of the industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

(2) *Twenty-four-hour reporting of violations.* If sampling performed by an industrial user indicates a violation, the industrial user shall notify the director within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the

repeat analysis within thirty (30) days after becoming aware of the violation; however, the industrial user is not required to resample if:

- a. ~~The county water utilities department~~PBCWUD performs sampling of the industrial user at a frequency of at least once per month, or
- b. ~~The county water Utilities department~~PBCWUD performs sampling of the industrial user between the time when the industrial user performs its initial sampling and the time when the industrial user receives the results of the sampling.

(3) *Baseline monitoring report (BMR)*. Significant industrial users subject to categorical pretreatment standards must also comply with the requirements for submittal of a BMR in accordance with Rule 62-625.600(1) and (3), F.A.C. In addition, within ninety (90) days of final compliance with applicable pretreatment standards or, in the case of a new source, within ninety (90) days of discharging wastewater into the PBCWUDWWS, any significant industrial user, subject to the categorical pretreatment standards shall submit to the director a report indicating the concentration of pollutants in the discharge along with the average and maximum daily flow for those processes. These reports shall comply with Rule 62-625.600(3), F.A.C.

(4) *Compliance schedule*. Should additional pretreatment or other measures (e.g. installation of technology) be required to meet the pretreatment standards, a compliance schedule shall be provided by the significant industrial user depicting the time frames and most effective means by which to comply with said pretreatment standards. In no case shall the completion date as set forth in the compliance schedule be later than the compliance date required for meeting the categorical pretreatment standards, or exceed nine (9) months. The significant industrial user shall submit to the director written periodic reports as to the progress of meeting the time frames as specified in the compliance schedule. The significant industrial user shall submit a progress report to the director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the industrial user to return to the established schedule.

(5) *Accepted methods*. All measurements, tests, and analyses of the characteristics of wastewater to which reference is made in this article shall be determined in accordance with the rules and regulations of the Florida Administrative Code and shall be carried out in accordance with methods specified in Rule 62-160-670, F.A.C.

(6) *Sampling points, frequency and specifications*. All significant industrial users discharging industrial wastewater into the PBCWUDWWS shall provide and maintain a suitable point or points of access together with such necessary meters and other appurtenances at an appropriate location to permit observation, flow measurement, and sampling of such waste. Plans for such sampling points and measuring equipment shall be subject to approval by the director prior to construction and installation of the facility. Sampling and flow measuring facilities shall be located in such a manner as to provide safe, unrestricted access for

inspection and verification of the significant industrial user's operating conditions, and enable collection of samples that are representative of said user's typical discharge. All such facilities shall be located and maintained so as to be accessible to the director at all times during the day and night, including weekends and holidays, without prior notice. Unreasonable delays in allowing the director to access the industrial user's premises shall be a violation of this ordinance. The director may require, at his discretion, a lockable facility or facilities to protect the ~~county water utilities department~~ PBCWUD property against theft, vandalism, and tampering. If such facility or facilities are required, the significant industrial user shall supply the director with a key to such facility or facilities. At no time shall the significant industrial user alter, relocate, interrupt, intervene, mix in, bar, block, obstruct or impede any monitoring equipment that has been set up at a designated sampling point by the director.

The frequency and submission of samples shall be stipulated in the industrial wastewater discharge permit. However, it shall be at the discretion of the director as to whether or not additional samples will be required. The frequency of the sampling shall be based upon, but not limited to, the following:

- a. Nature and flow rate of the discharge;
- b. History of use by the user; and
- c. Impact on receiving waters, deep well injection, sludge or water recovery, and reuse guidelines.

Specifications for the monitoring programs may be modified by the ~~county water utilities department~~ PBCWUD at any time during the permit program, and other conditions may be added as deemed appropriate by the ~~county water utilities department~~ PBCWUD to insure compliance with this article.

(7) *Other reporting.* Industrial users who may not be required to obtain an industrial wastewater discharge permit, may be required to provide appropriate reports to the director. Said reports may include, but not be limited to, self monitoring and base line monitoring reports. These reports shall be based upon whether the wastestream of the industrial user may contain priority pollutants.

(gf) *Certification.* All reports and other submittals required pursuant to this article or as required by a specific significant industrial user permit shall be signed by the authorized representative of the industrial user or significant industrial user and shall include the following certification:

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

All reports and other submittals required pursuant to this article for non-significant categorical industrial users shall be signed by the authorized representative and shall include the following certification:

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

(a) The facility described as [facility name] met the definition of a Non-Significant Categorical Industrial User as described in this article.

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and

(c) The facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information."

Sec. 27-71. Accidental discharge, upset and bypass.

(a) *Protection plan required.* Each and every significant industrial user shall be required to establish and submit to the director for approval in writing a protection plan for accidental discharge. Said plan for accidental discharge shall be developed and implemented in accordance with the provisions as set forth in the county water utilities department UPAP, as amended from time to time.

(b) *Notification of accidental discharge, upset or bypass.* The significant industrial user shall notify the director of each and every accidental discharge, upset or bypass into the PBCWUDWWS in accordance with the provisions set forth in the PBCWUD-UPAP, as amended from time to time. Said notification of accidental discharge, upset or bypass shall not relieve the significant industrial user of any expense, loss, damage, or other liability which may be incurred by said discharge and may include, but not be limited to, damage to the PBCWUD facilities, property or receiving waters. Enforcement action, including but not limited to fines or civil penalties, may be imposed in accordance with this article. The significant industrial user shall limit the production process until corrective measures have been taken to prevent additional discharge. Significant industrial users shall establish affirmative defenses to discharge violations in accordance with the procedures set forth in the PBCWUD UPAP, as amended from time to time.

A notice shall be permanently posted on the IUs bulletin board or other prominent place advising employees who call in the event of a discharge described above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

IUs are required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.

Sec. 27-72. Notification of discharge of hazardous wastes.

(a) Each and every significant industrial user shall notify the director, the State of Florida's hazardous waste authority and DEP in writing of any discharge into the PBCWUDWWS of any substance which if otherwise disposed of, would be hazardous under Chapter 62-730, F.A.C. Such notification shall be made in accordance with Rule 62-600(15), F.A.C. and must include the name of the hazardous waste, the EPA hazardous waste number and the type of discharge (continuous, batch or other). In addition, such notification shall identify the hazardous constituents contained in the listed waste and estimate the volume of hazardous waste expected to be discharged during the following twelve (12) months. This requirement shall not apply to pollutants already reported under the self-monitoring requirements as set forth in this article and pursuant to the ~~county water utilities department-UPAP~~, as amended from time to time.

(b) Discharges are exempt from requirements of paragraph (a) above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 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.

(c) In the case of any new Department regulations identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the IU must notify PBCWUD and DEP's hazardous waste and pretreatment authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(db) In the case of any notification made under this section, the significant industrial user shall certify that it has a program in place to reduce the volume and toxicity of wastewaters generated to the degree it has determined to be economically practicable, and that it has selected the method of treatment, storage, and/or disposal currently available which minimizes the present and future threat to public health, safety and welfare and to the environment.

Sec. 27-74. Septage and holding tank wastes.

No person shall discharge septage, trucked or holding tank wastes into the PBCWUDWWS without prior approval by PBCWUD~~the county water utilities department~~ in accordance with the procedures as set forth in the ~~county water utilities department-UPAP~~, as amended from time to time.

Sec. 27-75. Industrial pretreatment inspection; power and authority.

The director and authorized representatives of the DEP and the EPA bearing proper credentials, are empowered to enter upon property from which industrial wastewater is being discharged into the PBCWUDWWS for the purposes of inspection, monitoring, sampling, copying of records, or investigation thereof. Unreasonable delays in allowing the director access to the user's premises shall be a violation of this ordinance. If the director is denied entry for the purpose of authorized monitoring or inspection, a probable cause inspection warrant may be obtained through the Palm Beach County judicial system in accordance with Chapter 933, Florida Statutes.

Sec. 27-76. Enforcement action.

The director shall ensure enforcement of this article and of the ~~county water utilities department~~ UPAP, as amended from time to time, and coordinate the enforcement action with other governmental entities where appropriate. An enforcement response plan as detailed in the ~~county water utilities department~~ UPAP, as amended from time to time, shall be used by the ~~county water utilities department~~ PBCWUD to determine appropriate and uniform measures of enforcement action against any and all users who are in noncompliance with this article. The ~~county water utilities department~~ UPAP, as amended from time to time, shall set forth requirements applicable to the user which shall include but not be limited to self-monitoring, resampling and ~~county water utilities department~~ PBCWUD monitoring.

(1) Immediate threat to public health. The director may issue an emergency order requiring the user to immediately halt a discharge if the discharge is deemed to present or cause an immediate threat or substantial endangerment to the health, safety or welfare of the public, to the environment, or to the operations of the PBCWUDWWS. Any such finding shall be included in the director's notification to halt discharge, and in such event, the revocation of the applicable authorization to discharge or industrial wastewater discharge permit shall become effective immediately. Should the user not comply with the emergency order, the ~~county water utilities department~~ PBCWUD may immediately halt the discharge. All expenses incurred by the ~~county water utilities department~~ PBCWUD to halt the discharge and/or any and all damages associated with the discharge shall be borne by the user. An emergency order shall remain in effect until rescinded in writing by the director.

(2) *Other violations.* Notwithstanding the provisions as set forth in paragraph (1) hereinabove, violations that may result in enforcement action pursuant to this article may include but are not limited to the following:

- a. Any violation of a provision of this article or of any applicable provision of the ~~county water utilities department~~ UPAP, as amended from time to time.
- b. Any violation of a condition of the user's industrial wastewater discharge permit, authorization to discharge, compliance schedule, and/or effluent limit.

c. Failure to report and/or truthfully report the constituents and/or characteristics of wastewater discharge, significant changes in processing, and/or self-monitoring reports.

d. Refusing the ~~county water utilities department~~ PBCWUD duly authorized representatives reasonable access to the user's premises in order for the ~~county water utilities department~~ PBCWUD to perform inspections, monitoring, sampling, copying of records, or investigations.

Notification to users that a violation(s) has occurred shall be in accordance with procedures as set forth in this article and as detailed in the ~~county water utilities department~~ UPAP, as amended from time to time.

(3) *Notice of violation.* Notwithstanding the provisions as set forth in paragraph (1) hereinabove, the ~~county water utilities department~~ PBCWUD shall, upon discovery of a violation of this article, notify the user by certified mail of said violation. The notice of violation shall set forth the specific violation, the corrective action to be taken by the user, and the period of time by which the user must correct the violation. The ~~county water utilities department~~ PBCWUD shall refer the matter to the Palm Beach County environmental control office if the violation continues beyond the specified time for correction; if an activity was conducted without a required permit or approval; if the violation created a health threat; or, if a fine is to be assessed against the user. In the event the matter is referred, the Palm Beach County environmental control officer shall request the Palm Beach County environmental control hearing board ("environmental control hearing board") to issue a show cause order to the user. Said show cause order shall be sent by certified mail and shall include the time, place and nature of the hearing to be held before the environmental control hearing board. The hearing shall be conducted in accordance with the procedures of the environmental control hearing board as set forth in Chapter 77-616, Special Acts, Laws of Florida, as amended, and Palm Beach County Ordinance 78-5, as amended. The decision of the environmental control hearing board shall be final.

Upon determination that the user has caused a violation of this article, the environmental control hearing board may levy a fine of ~~up to one thousand five hundred dollars~~ (\$51,000.00) per violation per day. Said fine may include costs relating to the violation specified in the show cause order that were incurred by the ~~county water utilities department~~ PBCWUD including, but not be limited to, expenses for sampling, monitoring, inspections and corrective action. Issuance of a fine by the environmental control hearing board shall not be a prerequisite for taking any other action against the user and shall not release the user from liability for any violation, including any continuing violation.

In addition to and independent of levying a fine against the user, the environmental control hearing board may:

(1) *Suspend the user's authorization to discharge or industrial wastewater discharge permit.* The environmental control hearing board may suspend the user's authorization to discharge or the industrial wastewater discharge permit, and upon doing so shall establish a time certain for the period of suspension. Prior to the end of such time certain,

the user shall correct the violation for which the suspension was imposed; otherwise, the suspended authorization to discharge or the suspended industrial wastewater discharge permit shall be automatically revoked.

(2) *Revoke the user's authorization to discharge or industrial wastewater discharge permit.* The environmental control hearing board may revoke the user's authorization to discharge or the industrial wastewater discharge permit and, upon doing so, the user shall not be eligible to reapply for a new authorization to discharge or industrial wastewater discharge permit until the violation as specified in the notice of violation has been corrected. Upon application for a new industrial wastewater discharge permit, the user shall be required to remit the full permit fee to ~~the county water utilities department~~ PBCWUD.

Sec. 27-77. Judicial enforcement.

Should any person discharge wastewater, industrial wastewater, medical waste, holding tank waste, domestic waste, or other waste into the PBCWUDWWS contrary to any provision of this article, or any order, authorization or permit issued hereunder, the county may commence an action for appropriate legal and/or equitable relief in the circuit court for Palm Beach County. It is the purpose of this article to provide additional cumulative remedies.

(1) *Injunctive relief.* Whenever a person has violated or continues to violate any provision of this article, or any order, authorization or permit issued hereunder, the county may petition the circuit court for Palm Beach County to issue a temporary or permanent injunction or both, as may be appropriate, which restrains or compels the specific performance of the permit, order or other requirement imposed by this article. Such other actions which are appropriate for legal and/or equitable relief may also be sought by the county. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a person by ~~the county water utilities department~~.

(2) *Penalties.* Failure to comply with the provisions as set forth in this article, or any order, authorization or permit issued hereunder shall constitute a violation of a county ordinance and shall be punished, upon conviction, pursuant to section 125.69(1), Florida Statutes, by ~~a fine civil and criminal penalties of not to exceed onetwe~~ one ~~two~~ thousand dollars (\$21,000.00) per violation per day for as long as the violation continues, or imprisonment not exceeding sixty (60) days, or both such fine or imprisonment. In addition, the ~~county water utilities department~~ may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including inspection, sampling and monitoring expenses and the cost of any actual damages incurred by the county. The county shall petition the court to impose, assess, and recover such sums. Such other actions which are appropriate for legal and/or equitable relief may also be sought by the county. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against said user by the ~~county water utilities department~~.

Sec. 27-78. Appropriation and budgeting of funds.

The establishment of a comprehensive pretreatment program and the regulation of usage of the PBCWUDWWS is declared to be for a county purpose, and the board of county commissioners of Palm Beach County is authorized to appropriate funds to carry out the purposes of this article. Notwithstanding the administrative cost as set forth in section 27-76 hereinabove, all funds received by the county pursuant to this article shall be deposited in the ~~county water utilities department~~ PBCWUD fund to be used for the purposes associated with this article or other purposes associated with the operation and maintenance of ~~the county water utilities department~~ PBCWUD.

Sec. 27-79. Publication of significant violators.

~~The county water utilities department~~ PBCWUD shall annually publish in the largest daily newspaper circulated in the area where the wastewater system is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable standards and requirements as defined in this article.