

RESOLUTION NO. U.A. 2005-11

A RESOLUTION REVISING THE RULES AND REGULATIONS FOR CUSTOMERS OF THE WASTEWATER SYSTEM OF THE FORT PIERCE UTILITIES AUTHORITY, FORT PIERCE, FLORIDA; REQUIRING THE USE OF PUBLIC SEWERS; REGULATING BUILDING SEWERS AND CONNECTIONS; PROVIDING FOR THE ISSUANCE AND CANCELLATION OF PERMITS; PROVIDING FOR FEES FOR PERMITS AND RENEWALS OF PERMITS; PROHIBITING CERTAIN DISCHARGES; PROVIDING FOR DETERMINATIONS OF QUALITY AND QUANTITY OF DISCHARGES; PROVIDING FOR THE ENFORCEMENT OF RULES AND REGULATIONS SET FORTH HEREIN, INCLUDING PENALTIES FOR NONCOMPLIANCE; REPEALING CONFLICTING RESOLUTIONS OR PARTS OF RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, Fort Pierce Utilities Authority was created and established by the City Commission of the City of Fort Pierce, Florida, through a referendum election held in said City on May 30, 1972; and

WHEREAS, under the Charter of the City of Fort Pierce, Florida, Article XII, Fort Pierce Utilities Authority is charged with responsibility for the development and maintenance of the water and Wastewater systems in the City of Fort Pierce, Florida; and

WHEREAS, it is necessary to establish new rules and regulations and to modify existing rules and regulations governing Wastewater disposal inside and outside the City of Fort Pierce, Florida; and

WHEREAS, Fort Pierce Utilities Authority desires to have an equitable system of cost recovery whereby assessments of costs upon Discharges of industrial waste correspond to the cost of the waste treatment, taking into account the volume and strength of the Wastewater Discharges treated, and techniques of treatment required.

WHEREAS, this resolution shall apply to all Customers of the Fort Pierce Utilities Authority Domestic Wastewater facilities located within the City of Fort Pierce. In accordance with Chapter 180.02, Florida Statutes, this resolution shall also apply to all Customers who are located within the Retail Service Area of Fort Pierce Utilities Authority.

NOW, THEREFORE, BE IT RESOLVED BY FORT PIERCE UTILITIES
AUTHORITY (FPUA), FORT PIERCE, FLORIDA:

FORT PIERCE UTILITIES AUTHORITY
RULES AND REGULATIONS
WASTEWATER SYSTEM

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ARTICLE I
DEFINITIONS AND GENERAL PROVISIONS

SECTION I-1 – Penalties

It shall be deemed unlawful to violate any of the provisions of this subpart. Any person(s), natural or corporate, violating any provision contained herein shall be punished as provided for under Section 403.161, Florida Statutes, and Florida Administrative Code Section 62.625.500 for each act of violation, for each day of violation. Each day of occurrence is a new violation.

SECTION I-2 - PURPOSE AND POLICY

- A. These Rules and Regulations set forth uniform requirements for waste Discharges into the Fort Pierce Utilities Authority (FPUA) Wastewater System and enable FPUA to comply with applicable state and federal laws required by the Clean Water Act, as amended, the National Pollutant Discharge Elimination System (NPDES) permit regulations (40 CFR Part 122), and the Pretreatment Requirements for Existing and Other Sources of Pollution (Chapter 62-625, F.A.C.).

- B. The objectives of these Rules and Regulations are to prevent the introduction of Pollutants into the FPUA Wastewater System that:
 - 1. Will interfere with the normal operation of the System or contaminate the resulting sludges;

 - 2. Do not receive adequate treatment, and that will pass through the treatment system into the environment or otherwise be incompatible with the treatment system;

 - 3. May cause a hazard to the life or health of FPUA personnel or the general public;

 - 4. May cause or contribute to violations of regulatory rules, regulations, laws, or permits.

- C. These Rules and Regulations provide for the regulation of industrial waste Discharges to the Wastewater System through the issuance of Wastewater Discharge Permits to certain Industrial Customers, through enforcement of general requirements for all Industrial Customers, through monitoring and enforcement activities, and through Industrial Customer reporting.

SECTION I-3 - DEFINITIONS

- A. Unless the context specifically indicates otherwise, the meaning of the terms used in these Rules and Regulations shall be as follows:

1. **Act.** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended.
2. **Approval Authority.** The State of Florida Department of Environmental Protection.
3. **Authorized Representative of the Industrial Customer.**
 - a. If the Industrial Customer is a corporation, the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.
 - b. If the Industrial Customer is a partnership or sole proprietorship, a general partner or proprietor, respectively.
 - c. If the Industrial Customer 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.
 - d. The individuals described in paragraphs 3a through 3c, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall

operation of the facility from which the Discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Director of Utilities.

4. **Baseline Monitoring Report.** A report establishing a baseline of Pollutant concentrations in the waste stream of Wastewater System Customer; describes the compliance status of the Customer in meeting Pretreatment Standards; identifies Pretreatment technology that is in place or proposed to be put in place to enable the Customer to meet Pretreatment Standards where Standards are not being met; conforms to Chapter 62-625.600, F.A.C. (1) (a) – (g).

5. **Building Sewer.** That part of horizontal piping of a drainage system that extends beyond the ends of the building drain and conveys it to a public, private or individual sewage disposal system, or other point of disposal.

6. **Categorical Industrial Customers.** Industrial Customers subject to categorical Pretreatment Standards under Chapter 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.

7. **Categorical Pretreatment Standard.** Any regulation containing Pollutant Discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act which apply to a specific category of Industrial Customers and which appear in 40 CFR Chapter I, Subchapter N, Parts 425-471.

8. **Control Manhole.** A manhole through which the total Industrial Wastewater from a facility flows, and which contains equipment for wastewater sampling and flow measurement.

9. **Cooling Water.** The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only Pollutant added is heat.

10. **Director.** The Director of Utilities for FPUA or his/her duly authorized agent, or representative.

11. **Discharge.** The introduction of Pollutants into the FPUA Wastewater System from any source, directly or indirectly, by means of pipes, conduits, pumping stations, ditches, or tank trucks, and all constructed devices and appliances appurtenant thereto.

12. **Domestic Customer.** A customer that generates only Domestic Wastewater.

13. **Domestic Wastewater.** Wastewater derived principally from dwellings, business buildings, institutions, and other non- industrial sources.

14. **Existing Source.** Any source of Discharge, the construction or operation of which began before publication by EPA of proposed Pretreatment Standard Pretreatment Standards, which will be applicable to such source if the Standard is thereafter promulgated in accordance with Section 307 of the Act.

15. **Extra Strength Surcharge Parameters**

- a. BOD. See definition under “Wastewater Standard Parameters.”
- b. CF. Conversion factor to obtain dry weight of Pollutant in pounds.
- c. CONC. Average Pollutant concentration per utility billing cycle, as determined by FPUA, over and above the standard strength for Wastewater (i.e., average BOD or TSS minus 250 mg/l).
- d. COST. FPUA’s unit cost per pound for conveying, treating and disposing of a Pollutant (BOD or TSS).
- e. LOAD. Mass of Pollutant discharged, in pounds.
- f. SUR. Extra strength surcharges assessed for a billing month.
- g. TSS. See definition under “Wastewater Standard Parameters.”
- h. VOL. Wastewater Discharge volume in million gallons per utility billing cycle, obtained from FPUA’s billing system.

16. **Flow Proportioned Composite Sample.** A combination of individual samples of equal volume taken at equal intervals of flow from a waste stream, without consideration of the time between individual samples; or, a combination of individual samples each of volume proportional to the waste flow rate at the time of sampling and taken at equal intervals of time.

17. **FPUA Wastewater System.** Any Wastewater treatment works and the sewers and conveyance appurtenances discharging thereto, owned and operated by FPUA.

18. **Grab Sample.** A sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

19. **Industrial Customer.** Any Customer other than a Domestic Wastewater Customer.

20. **Industrial Wastewater.** Any discharge to the FPUA Wastewater System other than segregated domestic wastes or wastes from sanitary conveniences.

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

22. **Interference.** A Discharge which, alone or in conjunction with a Discharge or Discharges from other sources, is a cause of both: (a) an inhibition or disruption of the FPUA Wastewater System, its treatment processes or operations, or its Domestic Wastewater residuals processes, use or disposal; and (b) a violation of any requirement of the FPUA's NPDES or Florida Department of Environmental Protection (FDEP) permits (including an increase in the magnitude or duration of a violation) or of the prevention of Domestic Wastewater residuals use or disposal by FPUA in compliance with local regulations or rules of the FDEP and Chapter 403, F.S.

23. **May.** Permissive.

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

25. **New Source.**

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

i. The building, structure, facility, or installation is constructed at a site at which no other source of Discharge is located; or

ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the Discharge of Pollutants at an Existing Source; or

iii. The production or Wastewater generating processes of the building structure, facility, or installation are substantially independent of an Existing Source of Discharge at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source shall be considered;

b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of (a)(ii) or (a)(iii)

above but otherwise alters, replaces, or adds to existing process or production equipment; or

c. Construction of a new source, as defined herein, has commenced if the owner or operator has

i. Begun, or caused to begin as part of a continuous on-site construction program (a) any placement, assembly, or installation of facilities or equipment, or (b) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment, or

ii. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that 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.

26. **Pass Through.** The Discharge of Pollutants through the FPUA Wastewater System into waters of the State or of the United States in quantities or concentrations, which, alone or in conjunction with Discharges from other sources, is a cause of a violation of any requirement of the FPUA's NPDES or FDEP permits (including an increase in the magnitude or duration of a violation).

27. **Person.** Person shall mean any individual, firm, company, association, society, corporation or group.

28. **Pollutant.** Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar

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

29. **Pretreatment.** The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such Pollutants into the FPUA Wastewater System.

30. **Pretreatment Requirements.** Any substantive or procedural requirement related to Pretreatment imposed on an Industrial Customer, other than a Pretreatment Standard.

31. **Pretreatment Standards or Standards.** Prohibited discharge standards, Categorical Pretreatment Standards, and local limits.

32. **Prohibited Discharge Standards or Prohibited Discharges.** Absolute prohibitions against the Discharge of certain substances; these prohibitions appear in Section II-3 of these Rules and Regulations.

33. **Retail Service Area.** The Retail Service Area established for FPUA by the Interlocal Agreement signed by FPUA and St. Lucie County on February 10, 2004, or as subsequently amended.

34. **Septic Tank Waste.** Any Wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

35. **Sewer.** Any pipe, conduit, or other device used to collect and transport Wastewater and to which storm, surface, or groundwater is generally excluded.

36. **Shall.** Mandatory.

37. **Significant Industrial Customer or Significant Industrial User (SIU).** Any Industrial Customer of the FPUA Wastewater System that:
- a. Is subject to Pretreatment Standards: Categorical Pretreatment Standards under Chapter 62-625.410, F.A.C., and 40 CFR Chapter I, Subchapter N.
 - b. Discharges an average of 25,000 gallons per day or more of process Wastewater to the FPUA Wastewater System (excluding sanitary, non-contact cooling and boiler blowdown Wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the FPUA treatment plant; or is designated as such by the control authority on the basis that the Industrial Customer has a reasonable potential for adversely affecting the Water Reclamation Facility's (WRF's) operation or for violating any Pretreatment Standard or requirement in accordance with Rule 62-625.500(2)(e), F.A.C.
 - c. Upon a finding that an Industrial Customer has no reasonable potential for adversely affecting the FPUA Wastewater System's operation or for violating any Pretreatment Standard or requirement, the FPUA may, at any time, on its own initiative or in response to a petition received from an Industrial Customer and in accordance with Rule 62-625.500(2)(e), F.A.C., if applicable, determine that such Industrial Customer is not a Significant Industrial Customer.
38. **Significant Noncompliance.** The designation given to an Industrial Customer if its violation meets one or more of the criteria given in Section V-6 of these Rules and Regulations, which subject the Industrial Customer to annual publication requirements.
39. **Slugload.** Any substance released in a Discharge at a rate or concentration that causes Interference with the FPUA Wastewater System.
40. **Standard Industrial Classification.** A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.

41. **Standard Methods.** The current edition of "Standard Methods for the Examination of Water and Wastewater" as prepared and published by the American Public Health Association, American Water Works Association, and the Water Environment Federation.
42. **Storm Sewer.** Shall mean a sewer that carries storm and surface waters and drainage, but excludes Wastewater and polluted industrial wastes.
43. **Time Composite Sample.** A combination of individual samples of equal volume taken at equal intervals of time from a waste stream, without consideration of the flow within the waste stream.
44. **Toxic Pollutant.** Any Pollutant or combination of Pollutants listed as toxic by the Administrator of the Environmental Protection Agency under the provisions of Section 307(a) of the Act and listed in 40 CFR 401.15.
45. **Upset.** An exceptional incident in which an Industrial Customer unintentionally and temporarily is in a state of noncompliance with the standards adopted under these Rules and Regulations or established as part of its Wastewater Discharge Permit, due to factors beyond the reasonable control of the Industrial Customer, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operations thereof.
46. **Wastewater.** Industrial or Domestic Wastewater from dwellings, commercial buildings, industrial facilities, and institutions together with any groundwater, surface water and stormwater that may be naturally present, whether treated or untreated, which is discharged into the FPUA Wastewater System.
47. **Wastewater Discharge Permit.** Wastewater Discharge Permit issued by the FPUA to all Significant Industrial Customers pursuant to these Rules and Regulations.

48. **Wastewater Standard Parameters.**

- a. **B.O.D.** (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C. (68° F), expressed in parts per million by weight, and determined by Standard Methods.
- b. **C.O.D.** (Chemical Oxygen Demand) shall mean the quantity of dissolved oxygen required for the chemical oxidation of decomposable matter under aerobic conditions, as determined by Standard Methods.
- c. **pH** shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution, as determined by Standard Methods.
- d. **ppm or mg/l** shall mean parts per million, a ratio by weight, and interchangeable with milligrams per liter.
- e. **TSS or Total Suspended Solids** shall mean solids that either float on the surface of, or in suspension in, the Wastewater, expressed in ppm, as determined by Standard Methods.
- f. **Total Solids** shall mean the total weight, expressed in ppm, of all settleable, suspended, or dissolved solids in the Wastewater, as determined by Standard Methods.

SECTION I-4 - ABBREVIATIONS

The following abbreviations shall have the designated meanings:

ASTM - American Society for the Testing of Materials

CFR - Code of Federal Regulations

EPA - U.S. Environmental Protection Agency

F.A.C. – Florida Administrative Code

FDEP - Florida Department of Environmental Protection

FPUA - Fort Pierce Utilities Authority

F.S. – Florida Statutes

NPDES - National Pollutant Discharge Elimination System

RCRA - Resource Conservation and Recovery Act

WEF – Water Environment Federation

WRF - FPUA's Water Reclamation Facility

ARTICLE II
REGULATIONS

SECTION II-1 - CONNECTION TO WASTEWATER SYSTEMS

- A. Connection to Wastewater System - Generally fall within the City or County Building and Plumbing Codes.
- B. Codes - Building codes regulate all construction within a private land parcel and specify minimum standards for electrical, mechanical and plumbing systems.

SECTION II-2 - CONSTRUCTION OF BUILDING SEWERS AND CONNECTIONS

- A. All costs and expenses incident to the installation and connection of the Building Sewer shall be borne by the owner. The owner shall indemnify FPUA from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.
- B. A separate and independent Building Sewer shall be provided for every building unless waived by the Director based on very unusual circumstances.
- C. The size, slope, alignment, materials of construction of a Building Sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Fort Pierce, St. Lucie County, and/or the FPUA. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and Water Environment Federation (WEF) Manual of Practice No. 9 shall apply. Special clean-out connections shall be made at the building and at the property line.
- D. Whenever possible, the Building Sewer shall be brought to the building at an elevation below the lowest floor. In all buildings in which any building drain is too low to permit gravity flow to the public Sewer, Wastewater carried by such building drain shall be lifted by an approved means and discharged to the Building Sewer.

- E. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface or groundwater runoff to a Building Sewer or building drain, which in turn is connected directly or indirectly, to the FPUA Wastewater System.

- F. The connection of the Building Sewer into the public Sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Fort Pierce, St. Lucie County, the FPUA, or the procedures set forth in appropriate specifications of the ASTM and the WEF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director before installation.

- G. All excavations for Building Sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to FPUA.

- H. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private, residential living quarters as approved by the Director; and shall be located as to be readily and easily accessible for cleaning and inspection. All grease traps that connect to the FPUA Wastewater System shall be designed to meet the requirements of the current FPUA Grease Trap Policy and shall be operated in accordance with said policy.

- I. Where preliminary treatment or flow-equalizing facilities are provided for any Wastewater, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

- J. Any cross-connection between potable water supply and any Wastewater System shall be prohibited. For guidelines, see U.A. Resolution No. UA 82-15, Cross Connection Control Program.

SECTION II-3 - PROHIBITED DISCHARGES

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated Cooling Water, or unpolluted industrial process waters to any Wastewater System operated by FPUA, unless specifically authorized by the Director.
- B. Stormwater and all other unpolluted drainage shall be discharged to such Wastewater Systems as are specifically designated as Storm Sewers, or to a natural outlet approved by the local, state and federal agencies having jurisdiction. Industrial Cooling Water or unpolluted process waters may be discharged to Storm Sewers, on approval of the local, state and federal agencies having jurisdiction.
- C. No person shall introduce or cause to be introduced into the FPUA Wastewater System any Pollutant or Wastewater, which causes Pass Through or Interference. These general prohibitions and the specific prohibitions in (D) below apply to all Customers of the FPUA Wastewater System whether or not they are subject to other Pretreatment Standards, or any national, State, or local Pretreatment Requirements.
- D. Except as hereinafter provided, no person shall discharge or cause to be discharged directly or indirectly any of the following described wastes, waters, or Wastewaters to the FPUA Wastewater System:
 - 1. Any liquid or vapor having a temperature higher than 130° F (54.4° C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case Wastewater which causes the temperature of the Discharge from the treatment plant to exceed 104°F (40°C).

2. Any wastes, waters, or Wastewaters which may contain more than seventy-five (75) parts per million, by weight, of fat, oil or grease, or other substance that will solidify or become viscous at temperatures 32° Fahrenheit (0° C) and 90° Fahrenheit (32.2° C).
3. Any Pollutants which create a fire or explosion hazard in the FPUA Wastewater System, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in ASTM standards D-93-02, or D3278-96. This prohibition does not apply to any aqueous solution containing less than 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 140 degrees Fahrenheit or 60 degrees Centigrade.
4. Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in concentrations greater than 100 ppm.
5. Any Pollutants which result in the presence of toxic gases, vapors, or fumes within the FPUA Wastewater System in a quantity that may cause acute worker health and safety problems.
6. Any wastes, waters, or Wastewaters that contain more than ten (10) parts per million by weight of hydrogen sulfide, sulfur dioxide or nitrous oxide.
7. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, offal, plastics, wood, whole blood, paunch, manure, hair and flashings, entrails, lime residues, beer or distillery slops, chemical residues, fiberglass, paint or ink residues, cannery waste, bulk solids, or any other solid or viscous substance capable of causing obstruction to the flow in Wastewater System, or other Interference with the proper operation of the Wastewater System without proper Pretreatment and Wastewater Discharge Permits, or written approval of the Director.
8. Any wastes, waters, or Wastewaters having a pH lower than 5, or higher than 10, at any time, or having any other corrosive property capable of causing damage or hazard to structures, equipment, personnel of the Wastewater System, or the treatment process.

9. Any wastes, waters, or Wastewaters containing toxic or poisonous substance in such concentrations as to constitute a hazard to humans or animals, or to interfere with any treatment process, or to create any hazard in the receiving waters of the treatment plant, or which exceed the limitations set forth in either a Wastewater Discharge Permit or a Federal Categorical Pretreatment Standard, if applicable.

10. Any wastes, waters, or Wastewaters containing suspended or total solids of such character and quantity that unusual provisions, attention, or expense is required to handle such materials in the Wastewater System.

11. Any noxious or malodorous gas or substance, capable of creating a public nuisance or hazard to life or preventing entry into the Wastewater System for maintenance, inspection, and repair.

12. Any wastes, waters, or Wastewaters containing any radioactive wastes, except when the Industrial Customer is authorized to use radioactive material by the Nuclear Regulatory Commission or other governmental agency empowered to regulate the use of radioactive materials and when the Wastewater is discharged in strict conformity with current Nuclear Regulatory Commission regulations for safe disposal and in compliance with all rules and regulations of state and local regulatory agencies.

13. Any concentrated dye wastes, spent tanning solutions, or other wastes which are highly colored, or wastes which are of unusual volume, concentration of solids or composition that may create obstruction to the flow in the Wastewater System or other Interference with proper operation and treatment at the treatment plant without proper Pretreatment and Wastewater Discharge Permits, or written approval of the Director.

14. Any wastes, waters, or Wastewaters containing substances which are not amendable to treatment or reduction by the Wastewater treatment processes employed, or are amendable to treatment only to such degree that the Wastewater Water Reclamation Facility (WRF) effluent cannot meet the requirements of other agencies having jurisdiction over Discharge of said effluent.

15. Any wastes, waters, or Wastewaters containing more than 2,000 ppm total solids.
16. Any substance that may cause the FPUA Wastewater System's treatment residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
17. Any substance that will cause the FPUA to violate its FDEP or NPDES permit.
18. Any Pollutants, including oxygen-demanding Pollutants, released at a flow rate or concentration that will interfere with the normal operation of the FPUA Wastewater System.
19. Any trucked or hauled Pollutants, except at Discharge points designated by the FPUA and approved in writing by the Director.
20. Any trucked or hauled Wastewater from sources other than Customers of the FPUA, unless approved in writing by the Director.

SECTION II-4 - SPECIFIC DISCHARGE LIMITATIONS: NON-CATEGORICAL

- A. No person shall discharge Wastewater containing Pollutants in excess of the local limits for those Pollutants which have been established for the FPUA WRF using standard procedures, calculations and methods acceptable to FDEP to protect against Pass-Through, Interference, protection of WRF employees, and adverse affects on Wastewater residuals disposal. No Industrial Customer 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 Significant Industrial Customer (SIU) Wastewater Discharge Permit issued.
- B. The established local limits are subject to change and shall be modified as needed based on regulatory requirements and standards; WRF operation, performance and processes; the Industrial Customer base; potable water quality and Domestic Wastewater

characteristics. Modifications to the established local limits must be reviewed and approved by FDEP prior to implementation. Implementation shall be effective 30 days from notice of acceptance of the modified limits by FDEP.

C. Implementation shall include:

1. Written notice of new local limits to all Permitted Significant Industrial Users (SIUs) within 30 days from notice of acceptance of the modified limits by FDEP.
2. Permitted SIUs shall acknowledge receipt of notification of new local limits by returning a signed statement within 30 days of receiving such written notice.
3. Permitted SIUs shall also be issued an addendum to their Wastewater Discharge Permit containing the new local limits.
4. In cases where a local limit becomes more stringent than the previous limit, affected SIUs will be given a reasonable time schedule to achieve compliance, if necessary, as provided under Section III-5, Permit Modifications, Subsection C.

D. The established local limits apply at the point where the Wastewater is discharged to the Water Reclamation Facility (WRF). 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.

E. A copy of the approved local limits is available upon request at the FPUA WRF. The local limits shall apply to the total Discharge from an Industrial Customer, including Domestic Wastewater and uncontaminated Cooling Water, and are maximum allowable Discharge limits based upon a composite sample.

SECTION II-5 - STATE OF FLORIDA LIMITATIONS

No Customer may discharge to the FPUA Wastewater System any Wastewater in violation of a State of Florida Discharge limitation, including, but not limited to regulations contained in Chapter 62-610.670, F.A.C.

SECTION II-6 - FEDERAL CATEGORICAL PRETREATMENT STANDARDS

- A. Upon the promulgation of Federal Categorical Pretreatment Standards, pursuant to Section 307(b) of the Act, as amended, said standards, if more stringent than any limitation imposed under these Rules and Regulations, shall apply and it shall be unlawful for any Customer to Discharge into any public Sewer in violation of said Standards.

- B. Customers subject to Federal Categorical Pretreatment Standards shall submit reports as required under Chapter 62-625.600, F.A.C. The FPUA will process all required reports and will conduct follow-up on such reports as required. The applicable reporting requirements under 40 CFR, Section 403.12 are as given in Section IV-3 of these Rules and Regulations.

SECTION II-7 - RIGHT OF REVISION

The FPUA reserves the right to amend these Rules and Regulations to provide for more stringent limitations or requirements on Discharges to the FPUA Wastewater System, where deemed necessary to comply with the objectives set forth in Section I-1 of these Rules and Regulations.

SECTION II-8 - DILUTION

- A. No Customer shall increase the use of potable or processed water or, in any way, attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in these Rules and Regulations or any other applicable standard, limitation, or regulation.
- B. The FPUA shall impose mass limitations on Customers that are using dilution to meet the requirements of these Rules and Regulations, or in other cases where the imposition of mass limitations is deemed appropriate by the FPUA.

SECTION II-9 - ACCIDENTAL DISCHARGES

- A. Each Customer shall provide protection from the accidental Discharge of prohibited or regulated materials or substances established by these Rules and Regulations. Where necessary, facilities to prevent the accidental Discharge of prohibited materials shall be provided and maintained at the Customer's expense. Customers shall notify the FPUA immediately upon the occurrence of an accidental Discharge of substances prohibited by these Rules and Regulations. The notification shall include location of Discharge, date and time thereof, type of waste, concentration and volume, and corrective actions taken. In addition, the Customer shall immediately notify the Florida Department of Environmental Protection (FDEP) of the accidental spill or Discharge.
- B. Within five days following an accidental Discharge, the Customer shall submit to FPUA a detailed written report describing the cause of the Discharge and measures to be taken by the Customer to prevent similar future occurrences.
- C. Such written notification shall not relieve the Customer of any expense, loss, damage or other liability that may be incurred as a result of damage to the FPUA Wastewater System; nor shall such notification relieve the Customer of any fines, civil penalties or other liabilities that may be imposed by these Rules and Regulations or any other applicable laws.

- D. The report required in paragraph B above shall be signed by the Customer, a principal executive officer of the Customer's company, or an authorized representative.
- E. Each Customer shall develop internal emergency notification procedures to insure the FPUA will be notified immediately upon the determination by the Customer that an accidental spill has taken place.

SECTION II-10 - NOTICE OF INTENT

- A. The following Customers shall file a written notice of intent with the FPUA at least 30 days before commencing Discharge into the FPUA Wastewater System:
 - 1. Customers purchasing an existing facility from which a Discharge of Industrial Wastewater into the FPUA Wastewater System is proposed.
 - 2. Customers constructing a new facility from which a Discharge of Industrial Wastewater into the FPUA Wastewater System is proposed.
 - 3. Customers proposing to discharge Industrial Wastewater into the FPUA Wastewater System from a facility which currently does not discharge Industrial Wastewater.
 - 4. Customers planning to alter or change the activity at the Customer's facility that will significantly increase or decrease the volume or alter the content of any Existing Source of Wastewater Discharge into the FPUA Wastewater System. This does not include changes in volume or content resulting from shifts in existing production levels at the Customer's facility. For purposes of this subparagraph, a significant increase or decrease is defined as a 20 percent increase or decrease in the volume of Industrial Wastewater currently being discharged. An alteration is defined as any change in chemicals utilized within a process that will significantly alter the characteristics of the Discharge.

5. Customers proposing to alter or change the listed or characteristic hazardous wastes for which the Customer has submitted notification under 40 CFR 403.12(p).
- B. The notice of intent shall be submitted in writing on a form provided by FPUA and shall contain such information as required to allow the FPUA to evaluate the effect of the proposed Discharge on its facilities and operations and to assure compliance with these Rules and Regulations. The notice of intent shall be signed by the Customer, a principal executive officer of the Customer's company, or an authorized representative. The Customer must receive written approval of the notice of intent from the FPUA before commencing Discharge. Based upon the FPUA's evaluation of the notice of intent, the Customer may be issued a Wastewater Discharge Permit or a Permit modification, as appropriate, in accordance with Article III of these Rules and Regulations.

SECTION II-11 - CONTROL MANHOLE

- A. The following buildings shall be required to have a suitable Control Manhole constructed in accordance with the FPUA Design and Construction Standards: (1) Buildings equipped with a grease trap, lint trap, or oil/sand interceptor; (2) Buildings with restroom facilities used by the public; (3) Multi-family dwelling units of 3 or more units; and (4) Buildings discharging Industrial Wastewater. All Control Manholes are to be installed at the owner's expense.
- B. Any Customer discharging a New Source of Industrial Wastewater into the FPUA Wastewater System shall, unless this requirement is waived in writing by the Director upon formal request, construct and maintain a Control Manhole to allow inspection, sampling and flow measurement of each Industrial Wastewater Discharge to the FPUA Wastewater System.
- C. Any Customer discharging an Existing Source of Industrial Wastewater into the FPUA Wastewater System, shall, at the request of the FPUA, construct and maintain a Control Manhole to allow inspection, sampling and flow measurement of each Industrial Wastewater Discharge to the FPUA Wastewater System.

- D. Each Control Manhole shall be situated on the Customer's premises at the right-of-way line (Customer's property line), except where such a location will be impractical or cause undue hardship on the Customer. FPUA may allow the Control Manhole to be constructed in the public street or sidewalk area, provided that the facility is located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such Control Manhole to allow accurate sampling and preparation of samples for analysis. The facility shall be maintained at all times in a safe and proper operating condition at the expense of the Customer. Access to the Control Manhole shall be available at all times.

- E. To assure that any Control Manhole constructed is acceptable for use by the FPUA, drawings and specifications for such facilities shall be submitted to the FPUA for review and must be approved in writing by the FPUA before construction of the facility.

SECTION II-12 - FPUA INSPECTION AND SAMPLING

- A. The FPUA may inspect the monitoring facilities and Wastewater Pretreatment facilities of any Customer to determine compliance with the requirements of these Rules and Regulations. The Customer shall allow the FPUA or its representatives, exhibiting proper credentials and identification, to enter upon the premises of the Customer's property at all reasonable hours, for the purposes of inspection, sampling, or records examination.
- B. Reasonable hours in the context of inspection and sampling will include any time the Customer is operating any process that results in a processed Wastewater Discharge to the FPUA Wastewater System.
- C. The FPUA will have the right to set up on the Customer's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, or metering operations.
- D. Where a Customer has security measures in force that will require proper identification and clearance before entry into its premises, the Customer shall make necessary

arrangements with its security guards so that, upon presentation of suitable identification, personnel from FPUA shall be permitted to enter without delay for the purposes of performing their specific responsibilities.

- E. If FPUA has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of these Rules and Regulations, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the FPUA designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director may seek issuance of a search warrant from the local court of jurisdiction.

SECTION II-13 - WASTEWATER PRETREATMENT FACILITIES

- A. All Categorical Industrial Customers shall prepare an Application for Wastewater Discharge Permit (Baseline Monitoring Report) and submit it to FPUA at least 90 days prior to discharging Wastewater to the FPUA Wastewater System. At FPUA's discretion, Significant Industrial Customers may be required to submit an Application for Wastewater Discharge Permit. Based on this report, FPUA will decide whether a Wastewater Discharge Permit will be required for the Customer's facility. Customers shall provide necessary Wastewater treatment as required to comply with these Rules and Regulations and shall achieve compliance within the time limitations specified by the FPUA in the Wastewater Discharge Permit or in compliance orders issued by FPUA. All Industrial Wastewater Pretreatment facilities and programs shall also comply with FPUA's Industrial Pretreatment Manual and Pretreatment Enforcement Response Plan. Any facilities required to pretreat Wastewater to a level acceptable to the FPUA shall be provided, operated, and maintained at the Customer's expense.
- B. Detailed drawings and specifications showing the Pretreatment facilities and operating procedures shall be sealed by a Professional Environmental Engineer and submitted to the FPUA for review before commencement of Discharge from the facility. The review of such drawings, specifications, and operating procedures will not relieve the Customer from the responsibility of modifying the facility as necessary to produce an effluent

acceptable to FPUA under the provisions of these Rules and Regulations. The addition or introduction of bacteria, chemical compounds or enzymes are not considered as viable methods of Pretreatment and are discouraged. Written approval from the Director must be obtained prior to the introduction of any such product to the Wastewater System.

- C. Any subsequent changes in the Pretreatment facilities or method of operation shall be reported to and approved by FPUA before the Customer's initiation of the changes.

SECTION II-14 - EXCESS STRENGTH DISCHARGES

- A. If any waters or Wastewaters are discharged, or are proposed to be discharged to the FPUA Wastewater System, which contain substances in excess of the standard strength for Wastewater, those Discharges shall be subject to Sewer surcharge fees (Excess Strength Surcharge) to defray the additional cost of receiving, transporting, and treatment of those substances.

These surcharges are in addition to standard Service Charges and Wastewater Discharge Permit fees. The Excess Strength Surcharge shall be in accordance with Section II-14.C of these Rules and Regulations. The established Excess Strength Surcharges are subject to change and shall be modified as needed based on regulatory requirements and standards, WRF operation, performance and processes, the Industrial Customer base, potable water quality and Domestic Wastewater characteristics. An annual "Cost of Treatment" adjustment shall be made in accordance with Section II-14.C.1 of these Rules and Regulations.

The standard strength for Wastewater is defined as follows:

	<u>Standard Strength</u>	<u>Maximum Allowable</u>
B.O.D.	250 mg/l	1000 mg/l
Suspended Solids (SS)	250 mg/l	1000 mg/l

B. FPUA shall determine the average concentration or strength of the discharged Wastewater. FPUA may take samples without advance notice. Test results made and approved by the FPUA shall be final in fixing the applicable rate, provided however, the Customer may request in writing and secure a portion of the sample for independent laboratory testing, in which case the average of the two tests results shall be used.

1. Unless otherwise provided, the quantity of Wastewater discharged to the FPUA Wastewater System shall be assumed to be the same as the volume of water delivered and metered through the FPUA water system. In the event that water is obtained from a non-FPUA source, that source shall be metered and meter readings made available to FPUA, or the amount of Wastewater discharged may be estimated by the FPUA.

2. Where large proportions of metered water are not discharged as Wastewater to the FPUA Wastewater System, the Director may consider establishing a constant ratio, factor, or percentage to be applied to the metered water quantity in accordance with FPUA Resolution No. U.A. 2004-5, Section I.A(2)(b), or as amended.

All sample collection, handling, preservation and laboratory analysis methods upon which Excess Strength Surcharges are to be based shall be determined in accordance with the latest edition of the State of Florida, Department of Environmental Protection Standard Operating Procedure DEP-SOP-001/01. Contents of DEP-SOP-001/01 are accessible at <http://www.dep.state.fl.us/labs/qa/qadocument.htm>

C. Extra Strength Surcharge Calculation – The Extra Strength Surcharge is intended to recoup FPUA's cost of treating the higher strength Wastewater. The cost of this additional treatment includes increased power consumption, chemical addition, biosolids disposal, and labor. These costs are converted to cost per pound for BOD and TSS removal (COST) according to the procedures contained in Section 10 of the FPUA Industrial Pretreatment Program Manual. The initial COST for the year beginning with the effective date of this resolution is \$0.20 per pound for BOD and \$0.13 per pound for TSS.

1. Authority is hereby given to the Director of Utilities, or a designee, to review and adjust the COST annually according to the procedures contained in Section 10 of the

FPUA Industrial Pretreatment Program Manual. Annual adjustment of the COST shall be made without further action or approval of the FPUA Board and/or City Commission. The COST shown in Section II.14.C.2 below is for illustrative purposes and may not reflect the actual COST levied one year or more beyond the effective date of this resolution.

2. Example Calculations – An Industrial Customer of the FPUA Wastewater System discharges one million gallons of Wastewater over one utility billing Cycle. Average Pollutant concentrations for the period are 750 mg/L BOD and 1,250 mg/L TSS. Definitions of all terms are provided under “Extra Strength Surcharge Parameters” in Article I-2 of these Rules and Regulations.

BOD SURCHARGE EXAMPLE

Average BOD over 250 mg/L (CONC)	Usage (VOL)	Conversion Factor (CF)	BOD loading (LOAD)	BOD cost/lb (COST)	Excess BOD Surcharge (SUR)
[(500 mg/L)	(1.0 mg)	(8.34 lbs)] =	(4,170 lbs)	(\$0.20) =	\$834.00

TSS SURCHARGE EXAMPLE

Average TSS over 250 mg/L (CONC)	Usage (VOL)	Conversion Factor (CF)	TSS loading (LOAD)	TSS cost/lb (COST)	Excess TSS Surcharge (SUR)
[(1,000 mg/L)	(1.0 mg)	(8.34 lbs)] =	(8,340 lbs)	(\$0.13) =	\$1,084.20

SECTION II-15 - HAULED WASTEWATER

- A. Septic tank waste and hauled Industrial Wastewater may be introduced into the FPUA Wastewater System only at locations designated by the Director, and at such times as are established by the Director. The Director may require septic tank haulers and generators of hauled Industrial Wastewater to obtain Wastewater Discharge Permits. The Discharge of septic tank waste and hauled Industrial Wastewater is subject to all requirements of these Rules and Regulations.
- B. Industrial Wastewater haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the hauler, truck

identification, names and addresses of sources of Wastewater, and volume and characteristics of Wastewater. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

- C. No load may be discharged without prior consent of FPUA. The FPUA may collect samples of each hauled load to ensure compliance with applicable standards. The FPUA may require the Industrial Wastewater hauler to provide a Wastewater analysis of any load prior to Discharge.

SECTION II-16 - BYPASS

Bypass means the intentional diversion of waste streams from any portion of a Customer's treatment facility. Bypass is prohibited, and the Director may take enforcement action against a Customer for a bypass, except as allowed under Section V-16 of these Rules and Regulations.

ARTICLE III
WASTEWATER DISCHARGE PERMITS

SECTION III-1 - WASTEWATER DISCHARGE PERMIT REQUIREMENT

- A. No Industrial Customer shall discharge Wastewater into the FPUA Wastewater System without first applying for a Wastewater Discharge Permit from the Director.
- B. The Director may require other Industrial Customers to obtain Wastewater Discharge Permits as necessary to carry out the purposes of these Rules and Regulations.
- C. Any violation of the terms and conditions of a Wastewater Discharge Permit shall be deemed a violation of this ordinance and subjects the permittee to the sanctions set out in Article IV of these Rules and Regulations. Obtaining a Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standard or requirements or with any other requirements of Federal, State, and local law. Any Industrial Customer required to obtain a Wastewater Discharge Permit must obtain such permit prior to commencing Discharge. An application for this Wastewater Discharge Permit must be filed at least 90 days prior to the date upon which any Discharge will commence.

SECTION III-2 - WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS

- A. All Industrial Customers required to obtain a Wastewater Discharge Permit must submit a permit application. The Director may require all Industrial Customers to submit as part of an application the following information:
 - 1. Waste stream analytical data as requested by FPUA;
 - 2. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the FPUA Wastewater System;

3. Number and type of employees, hours of operation, and proposed or actual hours of operation;
4. Each product produced by type, amount, process or processes, and rate of production;
5. Type and amount of raw materials processed (average and maximum per day);
6. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of Discharge;
7. Time and duration of Discharges; and
8. Any other information as may be deemed necessary by the Director to evaluate the Wastewater Discharge Permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the Industrial Customer for revision.

- B. All Wastewater Discharge Permit applications and Industrial Customer reports must be signed by an authorized representative of the Industrial Customer and contain the following certification statement:

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

- C. The Director will evaluate the data furnished by the Industrial Customer and may require additional information. Within 30 days of receipt of a complete Wastewater Discharge Permit Application, the Director will determine whether or not to issue a Wastewater Discharge Permit.

SECTION III-3 - PERMIT CONDITIONS

- A. Wastewater Discharge Permits shall be subject to all provisions of these Rules and Regulations and all other applicable regulations. Fees are addressed in Section III-6, "Permit Duration and Fee."
- B. Permits must contain:
 - 1. A statement that indicates Wastewater Discharge Permit duration, which in no event shall exceed five years;
 - 2. A statement that the Wastewater Discharge Permit is nontransferable without prior notification to the Director in accordance with Section III-7 of these Rules and Regulations, and provisions for furnishing the new owner or operator with a copy of the existing Wastewater Discharge Permit;
 - 3. Effluent limits based on applicable Pretreatment Standards;
 - 4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of Pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local laws; and
 - 5. A statement of applicable administrative, civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local laws.

C. Permits may contain any or all of the following conditions:

1. Limits on the average or maximum Wastewater constituents and characteristics that may be discharged.
2. Limits on average or maximum rate and time of Discharge or requirements for flow regulation and equalization.
3. Requirements for installation and maintenance of sampling and monitoring facilities.
4. Requirements for the development and implementation of spill control plans, waste minimization plans, or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine Discharges..
5. Compliance schedules.
6. Requirements for maintaining and retaining plant records related to Discharge and accidental spills as specified by the FPUA and affording the FPUA access thereto.
7. Requirements for notification of the Director of any new introduction of Wastewater constituents or any substantial change in the volume or character of the Wastewater constituents being introduced into the FPUA Wastewater System.
8. Other conditions as deemed appropriate by the Director to ensure compliance with these Rules and Regulations.

Fees are addressed in Section III-6, "Permit Duration and Fee."

SECTION III-4 - PERMIT APPEALS

- A. The Director shall provide public notice of the issuance of a Wastewater Discharge Permit. Any person, including the Industrial Customer, may petition the Director to

reconsider the terms of a Wastewater Discharge Permit within 45 days of notice of its issuance. The effectiveness of the Wastewater Discharge Permit shall not be stayed pending the appeal. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

- B. In its petition, the appealing party must indicate the Wastewater Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Wastewater Discharge Permit.

- C. If the Director fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider Wastewater Discharge Permit conditions, not to issue a Wastewater Discharge Permit, or not to modify a Wastewater Discharge Permit shall be considered final administrative actions for purposes of judicial review. Aggrieved parties seeking judicial review of the final administrative Wastewater Discharge Permit decision must do so by filing a complaint with the local court of jurisdiction.

SECTION III-5 - PERMIT MODIFICATIONS

- A. The terms and conditions of a Wastewater Discharge Permit may be subject to modification by the Director at any time as limitations or requirements as identified in Section II-4 are modified or other just causes exist.

- B. A Wastewater Discharge Permit may also be modified to incorporate special conditions resulting from the issuance of a special order in accordance with Article IV of these Rules and Regulations.

- C. Any modifications that result in new conditions in the Permit shall include a reasonable time schedule for compliance, if necessary.

SECTION III-6 - PERMIT DURATION AND FEE

- A. All Permits will be issued for a term of one year, subject to amendment or revocation as provided in these Rules and Regulations.
- B. At least 60 calendar days before expiration of a Permit, the permittee shall submit a Permit reapplication in accordance with Paragraph C below.
- D. The reapplication for the Permit shall consist of a written request for reissuance of the Permit, including a statement that all terms and conditions of the existing Permit and these Rules and Regulations are being complied with. This written statement shall be signed and sworn to by the Industrial Customer, a principal executive officer of the Industrial Customer's company, or an authorized representative.
- E. Initial Permits and Permit renewal fees shall be set by FPUA Resolution.

SECTION III-7 - LIMITATIONS ON PERMIT TRANSFER

Wastewater Discharge Permits are issued to a specific Industrial Customer for a specific operation and are not assignable to another Industrial Customer or transferable to any other location without the prior written approval of the Director. Sale of the source company shall obligate the purchaser to seek a new Permit prior to Discharge to the FPUA Wastewater System.

SECTION III-8 - SAMPLING REQUIREMENTS FOR INDUSTRIAL CUSTOMER SELF-MONITORING

All samples collected by Industrial Customers for the purpose of completing an Application for Wastewater Discharge Permit or periodic compliance status reports shall be Flow Proportioned Composite Samples collected over a time period of 24 hours if the regulated Discharge occurs over a 24-hour period. The samples shall be collected over the period of regulated Discharge if less than 24 hours. In situations where an Industrial Customer's monitoring facilities have not yet been upgraded to allow the obtaining of a Flow Proportioned Composite Sample, a Time Composite Sample will be acceptable provided it is collected only during the period when processed Wastewater will be present in the wastestream being sampled. The Director may allow the use of either Time Composite Samples or Grab Samples in situations where these sampling

techniques will result in the obtaining of representative samples. Use of sampling techniques other than Flow Proportioned Composite Samples must have prior written approval by the Director.

SECTION III-9 - SAMPLE ANALYSIS REQUIREMENTS

Sampling and analysis for the purposes of satisfying the requirements of these Rules and Regulations shall be performed in accordance with the techniques prescribed in Chapter 62-160, F.A.C. Where Chapter 62-160, F.A.C. does not contain sampling or analytical techniques for the Pollutant in question, sampling and analysis shall be performed in accordance with procedures approved by FDEP.

ARTICLE IV
REPORTING REQUIREMENTS

SECTION IV-1 - BASELINE MONITORING REPORTS

- A. FPUA's Application for Wastewater Discharge Permit contains all information required by the Baseline Monitoring Report, as defined by EPA, and for the purposes of these Rules and Regulations, the two report terms are considered synonymous with each other. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a), whichever is later, existing Categorical Industrial Customers currently discharging to, or, scheduled to Discharge to the FPUA Wastewater System shall submit to the Director a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their Discharge, new sources, and sources that become Categorical Industrial Customers subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Director a report which contains the information listed in paragraph B, below. A new source shall report the method of Pretreatment it intends to use to meet applicable Categorical Standards. A new source also shall give estimates of its anticipated flow and quantity of Pollutants to be Discharged.
- B. Industrial Customers described above shall submit the information set forth below.
1. Identifying Information. The name and address of the facility, including the name of the operation and owner.
 2. Environmental Permits. A list of any environmental control permits held by or for the facility.
 3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such Industrial Customer. This description should include a schematic process diagram, which

indicates points of Discharge to the FPUA Wastewater System from the regulated processes.

4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the FPUA Wastewater System from regulated process streams and other streams, as necessary, to allow use of the Combined Wastestream Formula set out in 40 CFR 403.6(e).

5. Measurement of Pollutants. The Categorical Pretreatment Standards applicable to each regulated process, and the results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Director, of regulated Pollutants in the Discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentration, or mass, where require, shall be reported.

The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Article III-9 of these Rules and Regulations. Sampling must be performed in accordance with procedures set out in Article III-8 of these Rules and Regulations.

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

7. Compliance Schedule. If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the Industrial Customer will provide such additional Pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section IV-2 of these Rules and Regulations.

8. Signature and Certification. All Baseline-Monitoring Reports must be signed and certified in accordance with Section III-2-B of these Rules and Regulations.

SECTION IV-2 - COMPLIANCE SCHEDULE PROGRESS REPORTS

The following conditions shall apply to the compliance schedule required by Section IV-1(B)(7) of these Rules and Regulations:

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the Industrial Customer to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
2. No increment referred to above shall exceed nine (9) months;
3. The Industrial Customer 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 Customer to return to the established schedule; and
4. In no event shall more than nine (9) months lapse between such progress reports to the Director.

SECTION IV-3 - REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a new source following commencement of the introduction of Wastewater into the FPUA Wastewater System, any Industrial Customer subject to such Pretreatment Standards and requirements shall submit to the Director a report containing the information described in Section IV-1(B)(4-6) of these Rules and Regulations. For Industrial Customers subject to equivalent mass or concentration limits, this report shall contain a reasonable measure of the Industrial Customer's long-term production rate. For all other Industrial Customers subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant Discharge per unit of production (or other measure of operation), this report shall include the Industrial Customer's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section III-2(B) of these Rules and Regulations.

SECTION IV-4 - PERIODIC COMPLIANCE STATUS REPORTS

- A. All Significant Industrial Customers shall, at a frequency determined by the Director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of Pollutants in the Discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section III-2(B) of these Rules and Regulations.

- B. All Wastewater samples must be representative of the Industrial Customer's Discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an Industrial Customer to keep its monitoring facility in good working order shall not be grounds for the Industrial Customer to claim that sample results are unrepresentative of its Discharge.

- C. If an Industrial Customer subject to the reporting requirement in this Section monitors any Pollutant more frequently than required by the Director of these Rules and Regulations, the results of this monitoring shall be included in the report.

SECTION IV-5 - REPORTS OF CHANGED CONDITIONS

Each Industrial Customer must notify the Director of any planned significant changes to the Industrial Customer's operations or system that might alter the nature, quality, or volume of its Wastewater at least 60 days before the change.

1. The Director may require the Industrial Customer to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an Application for Wastewater Discharge Permit under Section III-2 of these Rules and Regulations.
2. The Director may issue a Wastewater Discharge Permit under Section III-2(C) of these Rules and Regulations or modify an existing Wastewater Discharge Permit under Section III-5.

SECTION IV-6 - NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTES

- A. Any Industrial Customer who commences the Discharge of hazardous waste shall notify FPUA, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any Discharge into the FPUA Wastewater System of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of Discharge (continuous, batch, or other). If the Industrial Customer Discharges more than one hundred (100) kilograms of such waste per calendar month to the FPUA Wastewater System, the notification also shall contain the following information to the extent such information is known and readily available to the Industrial Customer: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar

month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place within 180 calendar days after the Discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged.

However, notifications of changed conditions must be submitted under Section IV-5 of these Rules and Regulations. This requirement does not apply to Pollutants already reported under the self-monitoring requirements of Sections IV-1, IV-3, and IV-4 of these Rules and Regulations.

- B. Discharges are exempt from the 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 40 CFR 261.30(d) and 261.33(e). 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 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial Customer Discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance of a hazardous waste, the Industrial Customer must notify the Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste 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 Customer shall certify that it has a program in place to reduce the volume and toxicity of wastes generated to the degree it has determined to be economically practicable.
- E. This provision does not create a right to Discharge any substance not otherwise permitted to be discharged by these Rules and Regulations, a permit issued there under, or any applicable federal or state law.

SECTION IV-7 - REPORTS FROM UNPERMITTED INDUSTRIAL CUSTOMERS

All Industrial Customers not required to obtain an Industrial Wastewater Discharge Permit shall provide appropriate reports to the Director as the Director may require.

SECTION IV-8 - TIMING OF REPORT DELIVERY

Written reports will be deemed to have been submitted on the date postmarked. For reports that 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.

SECTION IV-9 - REPEAT SAMPLING AND REPORTING

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

SECTION IV-10 - CONFIDENTIAL INFORMATION

Information and data on an Industrial Customer obtained from reports, surveys, an Application for Wastewater Discharge Permits, Industrial Wastewater Discharge Permits, and monitoring programs, and from the FPUA's inspection and sampling activities, shall be available to the public without restriction, unless the Industrial Customer specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the Industrial Customer furnishing a report that such information should be held confidential, the portions of a report which might

disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or Pretreatment Program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other “effluent data” as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

ARTICLE V
ENFORCEMENT AND PENALTIES

SECTION V-1 - EMERGENCY SUSPENSION OF SERVICE AND PERMIT

- A. The Director without notice, may authorize the physical disconnection of the Wastewater service and/or cancel the Wastewater Discharge Permit of an Industrial Customer by special order when it appears to the Director that an unusual or threatened Discharge presents or may present an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, interfere with the operation of FPUA Wastewater System, or cause FPUA to violate any condition of its NPDES or FDEP Discharge Permits.
- B. Any Industrial Customer notified of the discontinuance of Wastewater service shall, within a reasonable period of time as determined by the Director, cease all Discharges.
- C. Any Industrial Customer notified of the discontinuance of the Industrial Customer's Wastewater Discharge Permit shall, within a reasonable period of time as determined by the Director, cease all Discharges regulated under these Rules and Regulations.
- D. In the event of failure of the Industrial Customer to comply voluntarily with the discontinuance order within the specified time, FPUA may commence judicial proceedings, immediately thereafter to compel the Industrial Customer's compliance with such order.
- E. The Director may reinstate the Wastewater Discharge Permit or the Wastewater service and terminate pending judicial proceedings upon proof by the Industrial Customer of the elimination of the non-complying Discharge or conditions creating the threat of imminent or substantial danger.

SECTION V-2 - REVOCATION OF PERMIT

- A. The FPUA may revoke the Wastewater Discharge Permit of any Industrial Customer for any of the following reasons:
1. Failure to factually report the Wastewater constituents and characteristics of the Industrial Customer's Discharge.
 2. Failure to report significant changes in Wastewater constituents or characteristics.
 3. Failure to reapply for a Wastewater Discharge Permit within the time period specified.
 4. Refusing reasonable access to the Industrial Customer's premises by representatives of the FPUA for the purpose of inspection or monitoring.
 5. Violating the conditions of a Wastewater Discharge Permit or these Rules and Regulations or any final judicial order with respect thereto.
 6. Failure to pay monthly bills for water and/or Wastewater services when due.
- B. Any Industrial Customer whose Wastewater Discharge Permit has been revoked shall, within a reasonable period of time as determined by the Director, cease all Discharges regulated under these Rules and Regulations.

SECTION V-3 - NOTICE OF VIOLATION

Except as provided in Section V-1 above, whenever the Director finds that any Industrial Customer has violated or is violating these Rules and Regulations, its Wastewater Discharge Permit, or any prohibition, limitation, or requirement contained herein, the Director may issue a written notification of violation. The notification of violation will be delivered personally or by registered mail, return receipt requested, and will state the nature of the alleged violation. Any

Industrial Customer receiving a written notification of violation shall respond to the allegations contained therein within 30 calendar days.

SECTION V-4 - COMPLIANCE ORDERS

When the Director finds that an Industrial Customer has violated, or continues to violate, any provision of this ordinance, an Industrial Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may issue an order to the Industrial Customer responsible for the Discharge directing that the Industrial Customer come into compliance within a specified time.

If the Industrial Customer does not come into compliance within the time provided, Wastewater service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of Pollutants discharged to the Wastewater System. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or requirement, nor does a compliance order relieve the Industrial Customer of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for taking any other action against the Industrial Customer.

SECTION V-5 - INJUNCTIVE RELIEF

When the Director finds that an Industrial Customer has violated, or continues to violate, any provision of this ordinance, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or requirement, the Director may petition a court of competent jurisdiction through the FPUA's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Wastewater Discharge Permit, order, or other requirement imposed by this ordinance on activities of the Industrial Customer. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Industrial Customer to conduct

environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against an Industrial Customer.

SECTION V-6 - ANNUAL PUBLICATION OF SIGNIFICANT VIOLATORS

A list of all Industrial Customers that have been in significant noncompliance with applicable Pretreatment Standards and requirements during the 12 previous months will be annually published by FPUA in the largest daily newspaper published in the City of Fort Pierce. For purposes of this Section, an Industrial Customer is in significant noncompliance if its violation meets one or more of the following criteria:

1. Chronic violations of Wastewater Discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same Pollutant parameter,
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each Pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, Total Oil and Grease, and 1.2 for all other Pollutants except pH),
3. Any other violation of a Pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other Discharges, Interference or pass through (including endangering the health of FPUA personnel or the general public),
4. Any Discharge that has resulted in the FPUA's exercise of its emergency authority under Chapter 62-625.500(2)(a)5.b to halt or prevent such a Discharge,
5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance,

6. Failure to provide, within 30 days after the due date, required reports such as Baseline Monitoring Reports, 90-day Compliance Reports, periodic Self-Monitoring Reports, and reports on compliance with compliance schedules,
7. Failure to accurately report noncompliance, and
8. Any other violation or group of violations that the FPUA determines will adversely affect the operation or implementation of the Pretreatment program.

SECTION V-7 - RIGHT TO ADMINISTRATIVE RULING

As long as no notice of violation has been issued, any affected Industrial Customer or any person who would be affected, shall have the right to request, in writing, an interpretation by FPUA of any matter covered by these Rules and Regulations and shall be entitled to a prompt written reply.

SECTION V-8 - OPERATING UPSETS

- A. Any Industrial Customer that experiences an Upset in operations that places the Customer in a temporary state of noncompliance with these Rules and Regulations or a Wastewater Discharge Permit issued pursuant hereto shall inform FPUA thereof within 24 hours of first awareness of the commencement of the Upset. The Customer shall also repeat the sampling and analysis and submit the results of the repeat analysis to the FPUA within 30 calendar days after becoming aware of the violation.
- B. Where such information is given orally, a written follow-up report shall be filed by the Customer with FPUA within 5 calendar days providing the following information:
 1. Description of the Upset, the cause thereof, and the Upset's impact on a Customer's compliance status.

2. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.
 3. All steps taken or to be taken to reduce, eliminate, and prevent reoccurrence of such an Upset or other conditions of noncompliance.
- C. A documented and verified bona fide operating Upset for which a written report was timely filed containing the matters required in Paragraph B above shall be an affirmative defense to any enforcement action brought by FPUA against an Industrial Customer for any noncompliance with these Rules and Regulations or any Wastewater Discharge Permit issued pursuant hereto, which arises out of violations alleged to have occurred during the period of the Upset.
- D. All written reports shall be signed by the Industrial Customer, a principal executive officer of the Industrial Customer's company, or an authorized representative.

SECTION V-9 - RECORDS RETENTION

- A. Except as provided in Paragraph B below, all Industrial Customers subject to these Rules and Regulations shall retain and preserve for no less than 5 years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof related to monitoring, sampling, and chemical analyses made by or on behalf of a Industrial Customer in connection with its regulated Discharge.
- B. All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by FPUA shall be retained and preserved by the Industrial Customer until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

SECTION V-10 – ADMINISTRATIVE OR CIVIL PENALTIES

Any person, firm or corporation violating any of the above provisions contained herein shall be punished as provided for under Section 403.151, Florida Statutes and Florida Administrative Code Section 62-625.500 for each act of violation, for each day of violation. Each day is a new violation.

SECTION V-11 - RECOVERY OF COSTS INCURRED BY FPUA

Any Industrial Customer violating any of the provisions of these Rules and Regulations, or who discharges or causes a Discharge producing an obstruction or a violation of FPUA, FDEP, or NPDES Discharge Permits, or who causes damage to or impairs the FPUA Wastewater System shall be liable to FPUA for any expense, loss, or damage caused by such violation or Discharge.

FPUA will bill the Industrial Customer for the costs incurred by FPUA for any cleaning, repair, or replacement work caused by the violation or Discharge. Refusal to pay the assessed costs shall constitute a violation of these Rules and Regulations enforceable under Article V and subject the Industrial Customer to discontinuance of service.

SECTION V-12 - CRIMINAL PROSECUTION

- A. Any Industrial Customer who willingly or negligently violates any provision of these Rules and Regulations, a Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or requirement shall be punishable as provided for under Section 403.161, Florida Statutes and Florida Administrative Code Section 62-625.500, for each act of violation, for each day of violation.

- B. Any Industrial Customer who willfully or negligently introduces any substance into the FPUA Wastewater System that causes personal injury or property damage shall, upon conviction, be subject to a penalty or imprisonment, or both. The penalty shall be in

addition to any other cause of action for personal injury or property damage available under state or federal law.

- C. Any person who knowingly makes any false statement or certification in any application, records, report, plan, or other document filed or required to be maintained pursuant to these Rules and Regulations, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these Rules and Regulations, may be punished under the criminal laws of Florida and shall, upon conviction, be punished by a fine of not less than \$1,000 per day, per violation.

SECTION V-13 - PROPERTY DAMAGE

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is a part of the FPUA Wastewater System. Any person violating this provision shall be punished in accordance with applicable law.

SECTION V-14 - SANCTIONS

In addition to sanctions provided for by these Rules and Regulations, the FPUA is entitled to exercise sanctions provided for by the other Resolutions of the FPUA for failure to pay the bill for water and/or Wastewater service when due.

SECTION V-15 - VALIDITY

All Resolutions or parts of Resolutions in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence or provision of these Rules and Regulations shall not affect the validity of any other part of these Rules and Regulations that can be given effect without such invalid part or parts.

SECTION V-16 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

- A. An Industrial Customer shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section II.3 of these Rules and Regulations if it can prove that it did not know, or have reason to know, that its Discharge, alone or in conjunction with Discharges from other sources, would cause pass through or Interference and that either: (1) A local limit exists for each Pollutant discharged and the Industrial Customer was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or (2) No local limit exists, but the Discharge did not change substantially in nature or constituents from the Industrial Customer's prior Discharge when the FPUA was regularly in compliance with its Discharge permits, and in the case of Interference, was in compliance with applicable Domestic Wastewater residuals use or disposal requirements.
- B. An Industrial Customer may allow any bypass to occur which (1) does not cause Pretreatment Standards or Requirements to be violated and is for essential maintenance to assure efficient operation; (2) was unavoidable to prevent loss of life, personal injury, or severe property damage; or (3) was unavoidable because there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. All such bypasses shall be reported to FPUA.

ARTICLE VI
RESOLUTION IN FORCE

SECTION VI-1 - GENERAL

This resolution shall be in full force and effect from and after its passage, approval, recording, the public welfare requiring it.

SECTION VI-2 - ADOPTION

Passed and adopted by the Fort Pierce Utilities Authority of the City of Fort Pierce, Florida, on the 6th day of September, 2005.

ATTEST:

SECRETARY

CHAIRMAN

Approved as to Form and Correctness

By: _____
R.N. Koblegard, III, Attorney for
Fort Pierce Utilities Authority