RESOLUTION NO. UA 2022-13

A RESOLUTION AMENDING, SUPERSEDING AND RESCINDING THE RULES AND REGULATIONS CONTAINED IN RESOLUTION NO. UA 2013-09 FOR CUSTOMERS OF THE WASTEWATER SYSTEM OF FORT PIERCE UTILITIES AUTHORITY, FORT PIERCE, FLORIDA; AMENDING SECTIONS I-3 II-2 II-10 II-13 II-15 IV-12 AND V-14 TO REDEFINE FOOD SERVICE CLASSIFICATIONS, REDEFINE PRESENT FOOD CLASSIFICATIONS, INCLUDE DENTAL AMALGAM, PHARMACEUTICAL AND ANIMAL GROOMING FACILITIES; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; 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; and

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 (33 USC. 1251 et. seq.) 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, FAC).

B. The objectives of these Rules and Regulations are:

1. To prevent the introduction of Pollutants into the FPUA Wastewater System that

   a. Will obstruct or otherwise interfere with the normal operation of the System or contaminate the resulting residuals;

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

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

   d. May cause or contribute to violations of regulatory rules, regulations, laws, or permits;

2. To promote reuse and recycling of industrial wastewater and residuals from the FPUA Wastewater System;

3. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the FPUA Wastewater System and;

4. To enable FPUA to comply with its NPDES permit conditions, sludge and disposal requirements, and any other federal or state laws: and

5. To protect the general public and FPUA wastewater personnel who may be affected by wastewater and sludge in the course of their employment.

C. These Rules and Regulations apply to all users of the FPUA Wastewater System and provide for the regulation of food service facilities and 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** or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC section 1251 et seq.

2. **Animal Grooming Facility.** Any facility, other than residential, that washes, cuts, or grooms dogs, cats, or houses animals.

3. **Approval Authority**. The State of Florida Department of Environmental Protection.

4. **Authorized or Duly Authorized Representative of the Industrial Customer**.

a. If the Industrial Customer is a corporation:

i. 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.

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

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 a duly 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 of the company, and the written authorization is submitted to the Director of Utilities.

5. **Baseline Monitoring Report.** A report establishing a baseline of Pollutant concentrations in the wastestream 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, FAC (1) (a) – (g).

6. **Best Management Practices or BMPs**. Includes schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in subsections 62-625.400(1)(a) and (2), FAC BMPs. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

7. **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.

8. **Categorical Industrial Customers.** Industrial Customers subject to categorical Pretreatment Standards under Chapter 62-625.410, FAC, including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, hereby adopted and incorporated by reference.

9. **Categorical Pretreatment Standard**. Any regulation containing Pollutant Discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 USC section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

10. **Commissary.** A location that FPUA has deemed to be an acceptable location to store food, obtain potable water and has an FPUA approved interceptor for wastewater disposal.

11. **Control Authority.** Fort Pierce Utilities Authority.

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

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

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

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

16. **Dental Industrial User (DIU).** Any dental facility that may at any time remove or replace filling that may contain mercury and/or other heavy metals that may be deemed harmful to the environment and/or the waters of the US.

17. **Director.** The person designated by FPUA to supervise the operation of the FPUA's Wastewater System, and who is charged with certain duties and responsibilities by this Resolution**.** The term also means a Duly Authorized Representative of the Director.

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

19. **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.

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

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

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

23. **Existing Facilities.** For the purposes of sizing and installation of Grease Interceptors, all food service facilities in existence date hereof shall be permitted to operate and maintain existing Grease Interceptors or Grease Traps provided their Grease Interceptors or Grease Traps are in efficient operating condition.
On or after the effective date of these Rules and Regulations, the Director may require an existing food service facility to install, operate and maintain a new Grease Interceptor or Trap that complies with the requirements herein to modify or repair any noncompliant plumbing or existing Interceptor or Trap within 90 days of written notification by the Director when any one or more of the following conditions exist.

a. The facility is found to be contributing oils and Grease in quantities sufficient to cause line stoppages or necessitate increased maintenance on the FPUA Wastewater System.

b. The facility does not have a Grease Interceptor or Trap.

c. The facility has an undersized, irreparable or defective Grease Interceptor or Trap.

d. Remodeling of the food preparation or kitchen waste plumbing system is performed which requires a plumbing permit to be issued by the City of Fort Pierce.

e. The existing facility is sold or undergoes a change of ownership.

f. The existing facility does not have plumbing connections to a Grease Interceptor or Trap in compliance with these Rules and Regulations.

g. The facility fails to submit a completed Notice of Intent to discharge form to FPUA.

24. **Existing Source.** Any source of Discharge that is not a "New Source."

25. **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. average O&G minus 100 mg/L).

d. COST. FPUA's unit cost per pound for conveying, treating and disposing of a Pollutant (BOD, TSS or O&G).

e. LOAD. Mass of Pollutant discharged, in pounds.

f. Oil & Grease (O&G). See definition under "Wastewater Standard Parameters."

g. SUR. Extra strength surcharges assessed for a billing month.

h. TSS. See definition under "Wastewater Standard Parameters."

i. VOL. Wastewater Discharge volume in million gallons per utility billing cycle, obtained from FPUA's billing system.

26. **Flow Proportioned Composite Sample.** A combination of individual samples of equal volume taken at equal intervals of flow from a wastestream, 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.

27. **Food Service Facility.** Any facility which prepares and/or packages food or beverages for sale or consumption, on or off site, with the exception of private residences. Food service facilities shall include, but are not limited to: food courts, food manufacturers, food packagers, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches, schools and all other food service facilities not listed above.

a. **Class I Food Service Facility**. Any facility preparing or manufacturing food items and implementing the use of deep fryer equipment, stoves, cook tops (flame or non), or food processing equipment; or producing or selling Ice cream products that were not prepackaged for individual consumption, from another location.

b. **Class II Food Service Facility**. Any facilities implementing the use of crock pots or soup pots, toaster ovens, hot dog rollers or other small cooking equipment that does not require cooking oil to operate. Any facility that has a three compartment sink and does not fit into the Class I Food Service Facility criteria.

28. **Food Truck.** Any large motorized vehicle, such as a van or a trailer equipped to cook, prepare, serve and/or sell food.

29. **FPUA Wastewater System**. Any Wastewater treatment works, Sewers, and conveyance appurtenances discharging thereto as defined by section 212 of the Act (33 USC section 1292), owned and operated by FPUA; including any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

30. **Garbage Disposal.** Means a device which shreds or grinds up waste materials into smaller portions for discharge into the FPUA Wastewater System.

31. **Grab Sample**. An individual discrete sample collected at a specific time. A grab sample includes all sub-samples or aliquots (e.g., individual containers for specific analytes or analyte groups), sample fractions (e.g., total and filtered samples), and all applicable field quality control samples (e.g., field sample duplicates or split samples) collected at the same locations within a time not exceeding 15 minutes.

32. **Gray Water.** All of the liquid contained in a Grease Interceptor that lies below the floating Grease layer and above the food solids layer.

33. **Grease.** A material, either liquid or solid, composed primarily of fat, oil and Grease from animal or vegetable sources. The terms "fats oils and Grease (FOG), "oil and Grease" or "oil and Grease substances" shall all be included within this definition.

34. **Grease Hauler.** A person who collects the contents of a Grease Interceptor or trap and transports it to an approved recycling or disposal facility. A Grease hauler may also provide other services to a food service facility related to Grease Interceptor maintenance.

35. **Grease Interceptor.** A device located underground and outside of a food service facility designed to collect, contain or remove food wastes and Grease from the wastestream while allowing the balance of the liquid waste to discharge to the FPUA Wastewater System by gravity.

36. **Grease Trap.** A device located inside a food service facility either in the floor or under a sink, designed to collect, contain or remove food wastes and Grease from the wastestream, while allowing the balance of the liquid waste to discharge to the FPUA Wastewater System by gravity. Traps shall have a removable lid on the top to facilitate easy accessibility for inspection, cleaning and maintenance.

37. **Hazardous waste pharmaceutical**. A pharmaceutical that is a solid waste, as defined in Title 40 of the Code of Federal Regulations (40 CFR) section 261.2, and exhibits one or more characteristics identified in 40 CFR part 261 subpart C or is listed in 40 CFR part 261 subpart D.

38. **Healthcare facility**. Any location that is lawfully authorized to:

a) Provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or

b) Distribute, sell, or dispense pharmaceuticals. This definition includes, but is not limited to, wholesale distributors, third-party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals.

Healthcare facility does not include pharmaceutical manufacturers.

39. **Indirect Discharge or Discharge.** The introduction of pollutants into the FPUA Wastewater System from any nondomestic source.

40. **Industrial Customer or Industrial User.** Any Customer other than a Domestic Customer.

41. **Industrial Wastewater.** Any Discharge, including gray water or waters discharged from any type of Interceptor, to the FPUA Wastewater System other than segregated domestic wastes or wastes from sanitary conveniences.

42. **Inspector.** A member of the staff of the FPUA Industrial Pretreatment Program appointed by the Director to conduct periodic inspections of Food Service facilities and Industrial Customer facilities to assess compliance with these Rules and Regulations.

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

44. **Interceptor.** A device located underground and outside of a commercial or industrial facility including a food service facility designed to collect, contain or remove food wastes and Grease, lint, oil, sand or solid waste from the wastestream while allowing the balance of the liquid waste to discharge to the FPUA Wastewater System by gravity.

45. **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 FPUA's NPDES and/or Florida Department of Environmental Protection (FDEP) permit (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, FS.

46. **Lint Trap.** A device designed to collect, contain or remove lint, trash or residue from the wastestream of laundering operations while allowing the balance of the liquid waste to discharge to the FPUA Wastewater System by gravity.

47. **Local Limit.** Specific Discharge limits developed and enforced by FPUA upon industrial or commercial facilities to implement the general and specific Discharge prohibitions listed in Section II-3.

48. **May**. Permissive.

49. **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.

50. **Monthly Average.** The sum of all “daily Discharges” measured during a calendar month divided by the number of “daily Discharges” measured during that month.

51. **Monthly Average Limit.** The highest allowable average of "daily Discharges" over a calendar month, calculated as the sum of all "daily Discharges" measured during a calendar month divided by the number of "daily Discharges" measured during that month.

52. **New Facilities.** On or after the effective date hereof, food service facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to install, operate and maintain a Grease Interceptor or Grease Trap according to the requirements contained herein. Grease Interceptors or Grease Traps shall be installed prior to the issuance of a certificate of occupancy.

53. **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.

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 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.

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

55. **Oil/Water Separator.** A device located underground and outside of any facility that engages in operations that would otherwise without such device installed, introduce oils or other hydrocarbons to the FPUA Wastewater System. Such devices shall be designed to have adequate capacity to collect, contain or remove solid waste material from the wastestream while allowing the balance of the liquid waste to discharge to the FPUA Wastewater System by gravity.

56. **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 FPUA's NPDES or FDEP permits (including an increase in the magnitude or duration of a violation).

57. **Pharmaceutical.** Any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials). This definition includes, but is not limited to, dietary supplements, as defined by the Federal Food, Drug and Cosmetic Act; prescription drugs, as defined by Title 21 of the Code of Federal Regulations part 203.3(y); over-the-counter drugs; homeopathic drugs; compounded drugs; investigational new drugs; pharmaceuticals remaining in non-empty containers; personal protective equipment contaminated with pharmaceuticals; and clean-up material from spills of pharmaceuticals. Pharmaceutical does not include dental amalgam or sharps.

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

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

60. **Potable Water.** Water that is safe to drink or to use for food preparation, also known as drinking water.

61. **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, toxicity, or odor).

62. **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. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

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

64. **Pretreatment Standards or Standards**. Any regulation containing pollutant discharge limits promulgated by the EPA under Sections 307(b) and (c) of the Act or by FDEP under Chapter 403, FS, which applies to Industrial Users. This term includes prohibitive discharge limits established in Rule 62-625.400, FAC.

65. **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.

66. **Responsible Corporate Officer.**

a. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

b. The manager of one or more manufacturing, production, or operating facilities, provided, the manager.

i. Is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations.

ii. Is authorized to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations.

iii. Can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements.

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

67**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.

68. **Reverse distributor.** Any person that receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit. Any person, including forward distributors, third-party logistics providers, and pharmaceutical manufacturers, that processes prescription pharmaceuticals for the facilitation or verification of manufacturer credit is considered a reverse distributor.

69. **Sand Separator.** A device located underground and outside of any facility that engages in operations that would otherwise without such device installed, introduce sand, grit or other solid material to the FPUA Wastewater System. Such devices shall be designed to have adequate capacity to collect, contain or remove solid waste material from the wastestream while allowing the balance of the liquid waste to discharge to the FPUA Wastewater System by gravity.

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

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

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

73. **Shall**. Mandatory.

74. **Significant Industrial Customer or Significant Industrial User (SIU)**. A Significant Industrial User is any industrial customer of the FPUA Wastewater System, except as provided in paragraph below of this section, that is subject to Pretreatment Standards: Categorical Pretreatment Standards under Chapter 62-625.410, FAC, and 40 CFR Chapter I, Subchapter N., or;

Is an Industrial User that:

a. 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 blow down wastewater);

b. Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the FPUA Treatment Plant; or

c. 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), FAC.

d. 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, 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), FAC, if applicable, determine that such Industrial Customer is not a Significant Industrial Customer.

75. **Significant Noncompliance**. The designation given to an Industrial Customer if its violation meets one or more of the criteria given in Section V-7 of these Rules and Regulations, which subject the Industrial Customer to annual publication requirements.

76.**Slug Discharge or Slug Load.** Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards of this Resolution. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the regulations, Local Limits, NPDES, or FDEP permit conditions of the FPUA Wastewater System.

a. 77.**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.

b. 78.**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.

79. **Storm Sewer**. Shall mean a sewer that carries storm and surface waters and drainage, but excludes Wastewater and polluted industrial wastes.

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

81. **Time Composite Sample**. A combination of individual samples of equal volume taken at equal intervals of time from a wastestream, without consideration of the flow within the wastestream.

82. **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.

83. **Upset.** An exceptional incident in which an Industrial Customer unintentionally and temporarily is in a state of noncompliance with the categorical Pretreatment 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.

84. **Wastewater**. Industrial or Domestic Wastewater from dwellings, commercial buildings, industrial facilities, and institutions together with any groundwater, surface water and Storm Water that may be naturally present, whether treated or untreated, which is Discharged into the FPUA Wastewater System.

85. **Wastewater Discharge Permit**. An Individual Wastewater Discharge Permit issued on a one on one basis by FPUA to all Significant Industrial Customers pursuant to these Rules and Regulations. FPUA may elect to issue Wastewater Discharge Permits to Minor or Non-significant Industrial Customers where the potential exists for discharges that cause pass through or interference.

86. **Wastewater Standard Parameters.**

BOD (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.

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.

ppm or mg/L shall mean parts per million, a ratio by weight per volume, and interchangeable with milligrams per liter.

d. **TSS or Total Suspended Solids** shall mean solids that either float on the surface of, or in suspension in, Water, Wastewater, or other liquid expressed in ppm, as determined by Standard Methods, and that is removable by laboratory filtering.

e. **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.

f. Oil and Grease shall mean a material, either liquid or solid, composed primarily of fat, oil and Grease from animal, vegetable or petroleum

hydrocarbon sources expressed in parts per million by weight, and determined by Standard Methods.

87. **Wastewater Treatment Plant or Treatment Plant.** That portion of the FPUA Wastewater System which is designed to provide treatment of municipal sewage and industrial waste known as the FPUA Water Reclamation facility.

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
FAC – Florida Administrative Code
FDEP - Florida Department of Environmental Protection
FPUA - Fort Pierce Utilities Authority
FS – Florida Statutes
GMP – Good Manufacturing Practice
NPDES - National Pollutant Discharge Elimination System
PDI – Plumbing and Drainage Institute
RCRA - Resource Conservation and Recovery Act
USC – United States Code
WEF – Water Environment Federation
WRF - FPUA's Water Reclamation Facility

Section I-5 – REQUIREMENTS FOR DENTAL FACILITIES THAT REMOVE OR PLACE AMALGAM FILLINGS.

(a) Definitions. For the purposes of this section the following words and phrases shall be as defined herein.

(1) "Amalgam separator" is a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.

(2) "Amalgam waste" means and includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

(3) "ANSI/ADA Standard No. 108" is the American National Standards Institute and American Dentistry association standard for amalgam separators.

(4) “Existing Source” is any any facility subject to this Section whose first discharge to the sewer collection system occurred on or before July 14, 2017.

(5) “ISO 11143” is the International Organization for Standardization’s standard for amalgam separators.

(6) “New Source” is any facility subject to this Section whose first discharge to the sewer system occurs after July 14, 2017 and must comply immediately upon commencement of discharge.

(b) All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following reporting and waste management practices:

(1) For existing sources, the One-Time Compliance Report is due no later than October 12, 2020 or no later than 90 days after transfer of ownership.
(2) For new sources, the One-Time Compliance Report is due within 90 days of the start of discharge to the sewer collection system.
(3) No person shall rinse chairside traps, vacuum screens, or amalgam separators equipment in a sink or other connection to the sanitary sewer.
(4) Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and fixer-containing solutions and shall maintain training records that shall be available for inspection by the superintendent or designee during normal business hours.
(5) Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.
(6) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.
(7) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.

(c) All owners and operators of dental vacuum suction systems, except as set forth in subsections (d) and (e) of this section, shall comply with the following:

(1) An ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator or equivalent device shall be installed for each dental vacuum suction system on or before July 14, 2020; provided, however, that all dental facilities that are newly constructed on and after the effective date of this ordinance shall include an installed ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator device. The installed device must be ISO 11143 or ANSI/ADA Standard No. 108 certified as capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified.

(2) Proof of certification and installation records shall be submitted to the superintendent within 30 days of installation.

(3) Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request therefor by the superintendent or designee during normal business hours. Records shall be maintained for a minimum of three years.

(d) Facilities with vacuum suction systems that meet all the following conditions may apply to the superintendent for an exemption to the requirements of subsection (c) of this section:

(1) The system is a dry vacuum pump system with an air-water separator.
(2) The sedimentation tank is non-bottom draining, with the drain above the anticipated maximum level of accumulated sludge.
(3) Evidence of regular pump outs by a licensed hauler (a minimum of once a year, or more often if either directed by the manufacturer or necessary to keep solids from exiting through the drain) is maintained and open to inspection by the superintendent during normal business hours.
(4) The system has no direct discharge pipe to the sewer on the bottom of the sedimentation tank.

An owner or operator whose facility meets conditions (1) through (4) may apply for this exemption by written letter to the superintendent. The superintendent or designee will review the system and, if the exemption is approved, shall provide a written letter of exemption.

An exemption obtained pursuant to this subsection (d) shall expire upon installation of a new vacuum system. Upon expiration of the exemption, the facility shall comply with subsection (c) of this section before commencing further operation.

(e) Dental dischargers that exclusively practice one or more of the following specialties are not subject to the requirements of this section: (1) Orthodontics; (2) Periodontics; (3) Oral and maxillofacial surgery; (4) Radiology; (5) Oral pathology or oral medicine; (6) Endodontistry and prosthodontistry.

(f) Dental practices that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, are exempt from the requirements of this part, provided the dental practice:

(1) Submits the following statement to the (City/County/Utility/Authority), signed by a responsible corporate officer, general partner, proprietor, or a duly authorized representative by the applicable compliance deadline identified in Section I-5:

"This facility is a dental discharger subject to this rule and does not place or remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances. I am a responsible corporate officer, a general partner or proprietor (if the facility is a partnership or sole proprietorship), or a duly authorized representative in accordance with the requirements of § 403.12(l) of the above named dental facility, and 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.";

(2) Removes dental amalgam for limited emergency or unplanned, unanticipated circumstances; and

(3) The dental practice notifies the (City/County/Utility/Authority) of any changes affecting the applicability of this certification.

(g) Disposal of hauled wastewater from dental facilities to the sanitary sewer must be in accordance with Section II-15 and Section IV-7.

ARTICLE II

REGULATIONS

SECTION II-1 - CONNECTION TO WASTEWATER SYSTEM

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 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, 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. Interceptors.

1. Grease Interceptors shall be provided for industry sector facilities including, but not limited to, Food Truck Commissaries, automotive repair centers, car and truck wash facilities, equipment and heavy equipment rental and maintenance facilities, hospitals, laundries, or oily waste recovery/recycling facilities when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing Grease in excessive amounts, lint, oil or any flammable wastes, sand, solid waste, or other harmful ingredients. Other industry sector facilities may be added if approved by the Director as needed, or required by other governing agencies, and shall be located as to be readily and easily accessible for cleaning and inspection. Such Interceptors shall not be required for private, residential living quarters. All Grease Trap/Interceptors that connect to the FPUA's Wastewater System shall adhere to FPUA design and construction standards.

2. Plumbing connections for Grease Interceptors or Traps shall be located in the food service facility's lateral sewer line between all fixtures which may introduce Grease into the sewer system and the connection to the FPUA Wastewater System. Such fixtures shall include but not be limited to, sinks, dishwashers, garbage disposals, automatic hood wash units, floor drains in food preparation and storage areas, and any other fixture which is determined to be a potential source of Grease. Wastewater from sanitary facilities and

other similar fixtures shall not be introduced into the Grease Interceptor or Trap under any circumstances.

3. Grease Interceptors shall be installed at all new food service facilities except where physical space is limited as described in H. 4. of this section, and all renovated facilities where new or additional equipment are installed. All new and existing Grease Interceptors shall meet the following criteria:

a. Interceptor design and location. Grease Interceptors shall be capable of separation and retention of Grease and storage of settled solids. Interceptor design shall conform to the requirements of Florida Plumbing Code Sections 1003 and 1004. A Control Manhole over each compartment for monitoring purposes shall be required and installed at the owner/operator's sole expense. Covers shall have a gas tight fit. The Grease Interceptor shall be designed, constructed and installed for adequate load-bearing capacity. Flow control devices shall be required where the water flow through the Interceptor may exceed its rated flow. Interceptors shall be installed in a location outside of the building which provides easy access at all times for inspections, cleaning and proper maintenance, including pumping.

b. Interceptor capacity. Grease Interceptor capacity calculations shall be performed by each food service facility based on size and type of operation according to the formula contained in Table 1003.3.4.1 and Table 1003.5.1 of the Florida Plumbing Code and the sizing methods contained in PDI-G101 and its appendix A1.0 thru A1.7 where applicable. Minimum capacity of any one unit shall be 1,000 gallons and maximum capacity shall be one thousand, two hundred fifty (1,250) gallons as required by the Florida Plumbing Code. Where sufficient capacity cannot be achieved with a single unit, installation of Grease Interceptors in series is required. Interceptor capacity calculations shall be approved by the GMP official prior to the installation of the Interceptor(s). The capacity of the Grease Interceptor required for food manufacturing or processing facilities which are not covered by the Florida Plumbing Code shall be approved by the GMP official according to the mass and type of food prepared, the wastewater volume produced from food preparation or manufacturing, total hours of operation per day and a load tor depending on the installed equipment.

4. Grease Traps shall be prohibited and Interceptors required for all new food service facilities and renovated facilities where new or additional equipment are installed, except for new Class II Food Service Facilities which may have either Grease Trap or Interceptor. Food Truck Commissaries must have a grease interceptor. A grease trap will not be permitted for a Food Truck Commissary. Where space does not allow a Grease Interceptor for new Class I Food Service facilities, the customer must make a request to the Director for a Waiver allowing the customer to install a Grease Trap that meets the requirements set forth in this section. This Waiver request must be made before a Commercial Service Application can be approved for utilities service. Each Waiver request will be reviewed on an individual basis. The following criteria are the minimum requirements:

a. Trap design and location. Grease Traps shall conform to the standards in the Plumbing and Drainage Institute (PDI) Standards G101. Grease Traps shall be installed in strict accordance with the manufacturer's instructions. Grease Traps shall be constructed of an approved material that is resistant to corrosion and degradation, equipped with a cover that can be easily opened for inspection or sampling and that contains a mechanism for a secure closing.

b. Trap capacity for Class II Food Service Facility. The capacity of the Grease Trap shall be related to the flow rate as indicated in Table 1 and the appendix of the PDI Standards G101 document. At no time shall the Grease Trap's capacity for a Class II Food Service Facility be less than 50 pounds for any individual installation.

c. Trap capacity for Waivered Class I Food Service Facility. The capacity of the Grease Trap shall be related to the flow rate as indicated in Table 1 and the appendix of the PDI Standards G101 document. At no time shall the Grease Trap's capacity for a Waivered Class I Food Service Facility be less than 100 pounds for any individual installation.

d. Waivered Class I Food Service Facility with a commercial dishwasher shall require a separate Grease Trap for the dishwasher. The capacity of the Grease Trap shall be related to the flow rate as indicated in Table 1 and the appendix of the PDI Standards G101 document. At no time shall the Grease Trap's capacity for the Waivered Class I Food Service Facility's dishwasher be less than 50 pounds for any individual installation.

e. Flow-through rate. Flow-through rates shall be calculated in accordance with the procedures in the PDI Standard G101.

f. Flow control device. Grease Traps shall be equipped with a device to control the rate of flow through the unit. The rate of flow shall not exceed the manufacturer's rated capacity recommended in gallons per minute for the unit.

g. Venting. The flow-control device and the Grease trap shall be vented in accordance with the Florida Plumbing Code current edition. The vent shall extend not less than six (6) inches above the flood-rim level or in accordance with the manufacturer's instructions.

h. Food Service Facility Reclassification from Class II to Class I. A Class II Food Service Facility that wishes to reclassify to a Class I Food Service Facility where adequate space is available shall meet the requirements of Section II-2, H 1-3. of this Resolution/Ordinance. Class II Food Service Facility that wishes to reclassify to a Class I Food Service Facility where inadequate space is available, shall meet the following criteria:

1. Inadequate physical space is available for Grease Interceptor

2. Shall apply for reclassification through FPUA Pretreatment Program.
3. Shall meet the requirements of Section II-2, H.4 of this Resolution/Ordinance.
4. Shall submit to FPUA's Engineering Department, blueprints of all changes to be made
5. Shall receive approval for reclassification from the Director before any construction commences.

i. Food Service Facility Reclassification from Class I to Class II. Any Food Service Facility that wishes to reclassify to a Class II Food Service facility, shall meet the following criteria:

1. Shall apply for reclassification through FPUA Pretreatment Program
2. Shall meet all the requirements of Section I-3.A24.b. and Section II-2 H.4 of this Resolution/Ordinance.

j. Garbage disposal units are prohibited for Class II and Waivered Class I Food Service Facilities.

1. 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 or her expense.

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

3. Connection of Private Collection Systems. The Director may develop a program to govern discharges from private collection systems discharging or proposing to discharge to the FPUA Wastewater System.

4. Amalgam Separators shall be installed in all dental facilities that on a regular basis removes dental fillings as part of a dental practice. Amalgam separators must meet FPUA requirements of retention of both amalgam particles and suspended solids.

5. Screens with the capability of capturing small particles of animal hair/fur must be put in place to capture any animal hair/fur, before entering the wastewater system.

SECTION II-3 - PROHIBITED DISCHARGES

A. General Prohibitions. No user 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 (B) below apply to all users of the FPUA Wastewater System whether or not they are subject to other Pretreatment Standards, or any national, State, or local Pretreatment Requirements.

B. Specific Prohibitions. No User shall introduce or cause to be introduced into the FPUA Wastewater System the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosive hazard in the FPUA Wastewater System, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21.

2. Wastewater having a pH less than 5.0 or higher than 10.0 Standard Units, or otherwise causing corrosive structural damage to the FPUA Wastewater System or equipment.

3. Solid or viscous substances in amounts which will cause obstruction of the flow within any part of the FPUA Wastewater System.

4. Pollutants, including oxygen demanding pollutants (BOD, etc.), released in a Discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference in the FPUA Wastewater System.

5. Any wastewater, liquid or vapor having a temperature greater than 130 degrees F (54.4 degrees C), or which will inhibit biological activity in the Treatment Plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the Treatment Plant to exceed 104 degrees F (40 degrees C).

6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, or in concentrations greater than 100 ppm or in amounts that will cause Interference or Pass Through.

7. 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, or 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.

8. Trucked or hauled pollutants, except at Discharge points designated by FPUA and approved in writing by the Director.

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

10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes or spent tanning solutions, which consequently imparts color to the Treatment Plant's effluent, thereby violating FPUA's NPDES permit, or other wastes which are highly colored, or wastes which are of unusual

volume, concentration of solids or composition that may cause Interference with proper operation and treatment at the Treatment Plant without proper Pretreatment.

11. Wastewater containing any radioactive wastes or isotopes 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.

12. Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, uncontaminated Cooling Water, or unpolluted industrial process waters to any Wastewater System operated by FPUA, unless specifically authorized by the Director.

13. Sludges, screenings, or other residues from the pretreatment of industrial wastes.

14. Medical Wastes, except as specifically authorized by the Director in a Wastewater Discharge Permit.

15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.

16. Detergents, surfactant agents, or other substances which might cause excessive foaming in the FPUA Wastewater System.

17. Any hazardous waste pharmaceuticals from healthcare facilities and reverse distributors.

18. Any wastes, waters, or Wastewaters which may contain more than one Thousand (1000) parts per million, by weight, of total fat, oil or Grease, or other substance that will solidify or become viscous at ambient temperature.

19. Any wastes, waters, or Wastewaters that contain more than ten (10) parts per million by weight of hydrogen sulfide, sulfur dioxide or nitrous oxide.

20. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the FPUA Wastewater System, or at any point in the FPUA Wastewater System, of more than ten percent (10%) or any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

21. 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 the FPUA Wastewater System, or other Interference with the proper operation of

the FPUA Wastewater System without proper Pretreatment and Wastewater Discharge Permits, or written approval of the Director.

22. 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 FPUA Wastewater System.

23. Any wastes, waters, or Wastewaters containing substances which are not amenable to treatment or reduction by the Wastewater treatment processes employed, or are amenable 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.

24. Any substance that may cause the Water Reclamation Facilities treatment of residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

25. Any trucked or hauled wastewater from sources other than customers of FPUA, unless permitted by the FPUA's Industrial Pretreatment Program.

26. Any substance that will cause FPUA to violate its FDEP or NPDES permit.

C. Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the FPUA Wastewater System.

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

A. The Director is hereby authorized to establish Specific Discharge Limitations (Local Limits) pursuant to 40 CFR 403.5(c) using standard procedures, calculations and methods acceptable to FDEP to protect against Pass-Through, or Interference of the FPUA Wastewater System, for the protection of WRF employees, and to protect against adverse affects of Wastewater residuals disposal.

B. No person shall discharge Wastewater containing Pollutants in excess of the local limits for those Pollutants which have been established for the FPUA WRF.

C. No person shall discharge process wastestream, unregulated wastestream, or dilute wastestream, 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.

D. No person shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limit unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Director may impose mass limitations on

SIUs who are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate.

E. 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.

F. 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, and Subsection C.

G. 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.

H. The Director may develop Best Management Practices (BMPs), in addition to, or, in lieu of local limits by ordinance or in Wastewater Discharge Permits.

I. 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 non-contact Cooling Water, and are daily maximum allowable Discharge limits based upon composite samples for metals and conventional pollutants with the exception of grab samples for, cyanide, hydrogen sulfide, oil and Grease and pH.

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, FAC.

SECTION II-6 - FEDERAL CATEGORICAL PRETREATMENT STANDARDS

A. Industrial Customers must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471, hereby incorporated by reference. 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 Rule 62-625.600, FAC. 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.

C. Where a Federal Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, FPUA may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c), (Rule 62-625.410(4), FAC.).

D. When wastewater subject to a Federal Categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, FPUA shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e), (Rule 62-625.410(6), FAC.

E. A Customer may obtain a variance from a Federal Categorical Pretreatment Standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its Discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard. (Rule 62-625.700, FAC.).

F. A Customer may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. (Rule 62-625.820, FAC.).

SECTION II-7 - RIGHT OF REVISION

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, except where expressly authorized to do so by an applicable pretreatment standard or requirement.

B. 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 FPUA.

SECTION II-9 SLUG DISCHARGE CONTROL PLANS

FPUA shall evaluate whether each SIU needs an accidental Discharge/slug Discharge control plan or other action to control Slug Discharges. The Director may require any industrial customer to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. All slug discharge control plans shall address the following:

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

B. Description of stored chemicals;

C. Procedures for immediately notifying FPUA of any accidental or Slug Discharge; and

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

SECTION II-10 - NOTICE OF INTENT

A. Customers owning and/or operating a Food Truck must notify FPUA of their intent and supply FPUA with the following before commencing business:

1. Contact information, (Name, Address, phone number) of commissary. If commissary is outside of FPUA jurisdiction, Food Truck must be moved to commissary location nightly. Grease Interceptor is required at commissary. Any locations with Grease traps will not be considered acceptable.

2. Record of waste disposal to include date and amount discharged.

3. Name and location of Food Truck.

B. The following Customers shall file a written notice of intent with 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).

C. 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 authorized representative of the industrial customer. The Customer must receive written approval of the notice of intent from FPUA before commencing discharge. Based upon 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’s Design and Construction Standards:

1. Buildings equipped with a Grease Interceptor, Grease trap, Lint Trap, oil, or sand separator;

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 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.

E. 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.

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

SECTION II-12 - FPUA INSPECTION AND SAMPLING

A. FPUA may inspect the monitoring facilities and Wastewater Pretreatment facilities of any customer to determine compliance with the requirements of these Rules and Regulations, and any individual Wastewater Discharge Permit or order issued hereunder. The Customer shall allow FPUA or its representatives, exhibiting proper credentials and identification, to enter upon the premises of the Customer's property at all reasonable hours. Customers shall allow FPUA ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or the performance of any additional duties.

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. 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 of the Customer’s operations.

D. FPUA may require Customers to install monitoring equipment as necessary. The facility’s sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the Customer at its own expense. All devices used to measure wastewater flow and quality shall be calibrated monthly to ensure their accuracy.

E. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the Customer at the written or

verbal request of the director and shall not be replaced. The costs of clearing such access shall be borne by the Customer.

F. Interceptors, Grease Interceptors and Grease Traps.

1. Customers Self Inspections. Customers shall be responsible for ensuring that Interceptors, Grease Interceptors and Grease Traps are thoroughly inspected at each pump out interval immediately after all wastes have been removed to ensure that the Interceptor is properly cleaned out, that it is structurally sound, and that all fittings and fixtures inside the Interceptor are in working condition and functioning properly. Grease Haulers shall report all deficiencies found during pump-outs and shall document these deficiencies as required in Section IV-12 of this Resolution/Ordinance. Failure of Grease Haulers to submit required report is a violation, subject to enforcement and penalties, as stated in Article V of this Resolution/Ordinance. This failure may also result in requiring the customer to have Interceptor re-pumped to allow for Inspection of interceptor by an FPUA inspector.

2. Frequency of Inspections by FPUA. FPUA may conduct semi-annual, quarterly, monthly, or weekly Interceptor inspections as determined by the Director as necessary to prevent the discharge of prohibited waste materials to the FPUA Wastewater System as delineated herein in Section II-3. Inspection fees will apply as stated in FPUA Service Charge Resolution.

3. Interceptor Inspection Acceptance Criteria. FPUA Inspectors may fail Interceptor, Grease Interceptor or Grease Trap inspections under any one the following conditions:

a. The overall structural and functional integrity of the Interceptor is found to be in a condition such that is no longer suitable for providing reasonably good service for the application in which the Interceptor is installed. (There are structural defects e.g., eroded concrete with reinforcement bars showing.)

b. Inspection covers are missing.

c. Inlet and outlet tees are missing or have become disconnected.

d. The remaining functional capacity of the Grease Interceptor or Grease trap is such that the total volume of captured Grease and settled solid material exceeds or displaces more than 25% of the capacity of the Interceptor as determined using a core sampler to find the depth of the Interceptor and the thickness of settled solids on the bottom and floating materials on the sure, or the Interceptor is no longer capable of retaining/capturing oils and Greases or other waste materials.

4. Re-inspections. FPUA may re-inspect Customer facilities that have Interceptors, Grease Interceptors or Grease Traps which received deficiency notices after the original inspection. FPUA may inspect any repairs or other deficiencies and may provide written notice of compliance or non-compliance as the case may be. In the event that the Customer facility has returned to compliance with all of the deficiencies, there shall be no

charge for the re-inspection. In the event of continuing non-compliance, successive re-inspections will be scheduled and appropriate inspection fees shall be charged to the Customer in question for the first and all successive re-inspections, as stated in FPUA Service Charge Resolution. A first re-inspection for an Interceptor, Grease Interceptor or Grease Trap that failed inspection because the volume of waste material exceeded the 25% acceptance criteria specified in Section II-12 F. 3. d shall be performed by FPUA after 15 business days have elapsed to allow the Customer to arrange to have the device pumped.

5. 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, representatives from FPUA shall be permitted to enter without delay for the purposes of performing their specific responsibilities.

6. 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 FPUA designed to verify compliance with this Resolution 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 Industrial Customers shall provide necessary Wastewater treatment as required to comply with these Rules and Regulations and shall achieve compliance within the shortest and most stringent time limitations specified by EPA, the State, or FPUA in Wastewater Discharge Permits 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 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 FPUA for review before such facilities are constructed and before the 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.

D. Additional Pretreatment Measures.

1. Whenever deemed necessary, FPUA may require Customers to restrict their Discharge during peak flow periods, designate that certain wastewater be Discharged only into specific sewers, relocate and/or consolidate points of Discharge, separate sewage wastestream from industrial wastestream, and such other conditions as may be necessary to protect the WRF, or determine Customer compliance with the requirements of these Rules and Regulations.

2. The Director may require any person discharging to the FPUA Wastewater System to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. A Wastewater Discharge Permit may be issued solely for flow equalization.

3. Grease, lint, oil, sand, and/or solid waste Interceptors, including amalgam separators shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of any one or a combination of wastes; except that such Interceptors shall not be required for domestic users. All interception units shall be of a type and capacity approved by FPUA, and shall be so located to be easily accessible for cleaning and inspection. Such Interceptors shall be inspected, cleaned, repaired and maintained by the Customer, or person operating the facility, at their expense.

4. Interceptor or Grease Trap Pumping Frequency. FPUA Customers occupying or operating facilities that require an Interceptor, Grease Interceptor or Grease Trap shall have its Interceptor(s)/trap(s) pumped at a minimum frequency required to prevent instances in which the remaining functional capacity of the Interceptor, Grease Interceptor or Grease trap is such that the total volume of captured Grease. Lint, sand settled solid material or oil exceeds or displaces more than 25% of the capacity of the Interceptor.

5. Pumping Frequency. The Director may require a Customer to increase its pumping frequency upon 2 (two) sequential failures of Interceptor, Grease Interceptor or Grease Trap inspections conducted by FPUA as determined using the 25% criteria above.

6. Repairs. Each customer shall be responsible for the cost and scheduling of all repairs to its Interceptor, Grease Interceptor or Grease Trap. Repairs shall be performed within 15 (fifteen) calendar days after the date of written notice of requiring the repairs is received by the facility or unless notice from the Director establishes a different compliance date.

7. Disposal. Wastes removed from each Interceptor, Grease Interceptor or Grease Trap shall be disposed of at a facility permitted to receive such wastes. Neither Grease nor solid materials removed from an Interceptor, Grease Interceptor or Grease Trap shall be returned to any Interceptor, Grease Interceptor or Grease Trap, private sewer line or to any portion of the FPUA Wastewater System.

8. Alternative Grease removal devices or technologies. Alternative devices and technologies such as automatic Grease removal systems shall be subject to written approval by the Director prior to installation. Approval of the device shall be based on demonstrated (proven) removal efficiencies and reliability of operation. The Director may approve these types of devices depending on manufacturer's specifications on a case by case basis.

9. Garbage Disposal. The Director may order food service facilities to discontinue using garbage disposals when their use accelerates the accumulation of sludge and food waste in a Grease Interceptor or Grease Trap causing repeated failed inspections, or the Director may order the food service facility to increase their pumping frequency to compensate for the accelerated loading of the Grease Interceptor or Grease Trap.

10. Interceptor additives. Any chemicals, enzymes, emulsifiers, live bacteria or other Grease cutters or additives shall be approved by the Director prior to their use by the food service facility or the Grease Hauler. MSDS sheets and any other applicable information concerning the composition, frequency of use and mode of action of the proposed additive shall be sent to the FPUA Wastewater System together with a written statement outlining the proposed use of the additive(s). Based upon the information received and any other information solicited from the potential user or supplier, the Director may permit or deny the use of the additive in writing.

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

F. In June 2017, the Environmental Protection Agency (EPA) enacted the Dental Amalgam Rule listed in the Federal register, 40 CFR 441. The intent of the rule is to reduce Mercury found in dental amalgam from entering wastewater collection systems and receiving water bodies, with minimal impact to the dental facilities. Existing dental facilities, as of June 14, 2017, are required to complete a one-time report, and if necessary, install or replace their amalgam separator/s on or before June 14, 2027, as listed in the rule. New dental facilities that have begun operations on or after June 14, 2017, are subject to the regulations immediately upon startup. New amalgam separators must be approved by FPUA before installation.

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 and Section II-14.D.1 of these Rules and Regulations.

The standard strength for Wastewater is defined as follows:

	Standard Strength	Maximum Allowable
BOD	250 mg/l	6000 mg/l
Suspended Solids (SS)	250 mg/l	6000 mg/l
Oil and Grease	100 mg/l	1000 mg/l

B. FPUA shall determine the average concentration or strength of the discharge. FPUA may take samples without advance notice. Test results made and approved by 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 FPUA. 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

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 Resolution No. UA 2011-4, Section I.A (2) (b), or as amended.

C. Extra Strength Surcharge Calculation for BOD and TSS – 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, contract laboratory services 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 $0.33 per pound for BOD and $0.22 per pound for TSS.

1. Authority is hereby given to the Director, 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.1 below is for illustrative purposes and may not reflect the actual COST levied one year or more beyond the effective date of this resolution.

a. 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-3 of these Rules and Regulations.

SURCHARGE EXAMPLES

Average BOD over 250 mg/L (CONC)	**Usage (VOL)**	**Conversion tor (CF)**	**BOD loading (LOAD)**	**BOD cost/lb (COST)**	**Excess BOD Surcharge (SUR)**
[(500 mg/L)	(1.0 mg)	(8.34 lbs)] =	(4,170 lbs)	($0.33) =	$1,376.10

Average TSS over 250 mg/L (CONC)	**Usage (VOL)**	**Conversion tor (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)	($0.22) =	$1,834.80

D. Extra Strength Surcharge Calculation for Oil and Grease - The Extra Strength Surcharge is intended to recoup FPUA's costs associated with higher strength discharges from Industrial Customers. The additional costs include cleaning, repairing and/or replacing pipes and equipment in the FPUA wastewater system. These costs also include additional contract laboratory services and labor. The costs are converted to cost per pound for Oil and Grease and are based on the previous year's costs. The initial COST for the year beginning with the effective date of this resolution is $0.24 per pound for Oil and Grease.

1. Authority is hereby given to the Director, 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.D.1 below is for illustrative purposes and may not reflect the actual COST levied one year or more beyond the effective date of this resolution.

a. 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 Oil and Grease. Definitions of all terms are provided under "Extra Strength Surcharge Parameters" in Article I-3 of these Rules and Regulations.

Average O&G over 100 mg/L (CONC)	Usage (VOL)	Conversion tor (CF)	O&G loading (LOAD)	O&G cost/lb (COST)	Excess O&G Surcharge (SUR)
[(650 mg/L)	(1.0 mg)	(8.34 lbs)] =	(5,421 lbs)	($0.24) =	$1,301.04

SECTION II-15 - HAULED WASTEWATER

A. Hauled Industrial Wastewater excluding septic tank waste, food service facility Interceptor/Grease Trap waste, or any other substance that violates the prohibited discharges herein in Section II-3, 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 generators of hauled Industrial Wastewater to obtain Wastewater Discharge Permits. The Discharge of hauled Industrial Wastewater is subject to all requirements of these Rules and Regulations.

B. Industrial Wastewater haulers must generate a waste-tracking manifest 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 customer, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. Waste manifests shall be submitted to FPUA by the means and within the time requirements provided herein in Section IV-12. Waste haulers shall also submit to FPUA a copy of the of the landfill manifest that coincides with the FPUA waste manifests. Failure to comply with FPUA requirements shall result in removal of pumper's permission to operate in the FPUA service area.

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

D. Grease Hauler pump out services shall include the initial complete removal of all contents, including floating materials, wastewater and bottom Sludge and solids from food service facility Interceptors, Grease Interceptors or Grease Traps. The return of gray water back into such device from which the wastes were removed is prohibited. Interceptor, Grease Interceptor or Grease Trap cleaning shall include scraping excessive solids from the walls, floors, baffles and all piping. It shall be the responsibility of each Customer to observe the pumping and cleaning procedure to ensure that the device is properly cleaned out and that all fittings and fixtures inside the device are in working condition and functioning properly.

SECTION II-16 - BYPASS

A. Bypass means the intentional diversion of wastestream from any portion of a Customer's treatment facility resulting in a violation of Pretreatment Standards or

requirements. Bypass is prohibited, and the Director may take enforcement action against a Customer for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

2. There were no technically feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.

B. Customers shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to FPUA within twenty-four hours from the time the Customer becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Customer becomes aware of the bypass. The written submission shall contain:

1. A description of the bypass and its cause;

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

3. Steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

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. For the purpose of carrying out the requirements of these Rules and Regulations, FPUA limits the issuance of Individual Wastewater Discharge Permits to all individual Significant Industrial Customers. FPUA shall not issue General Permits to any industry sector.

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 V 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 Standards 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.

D. Wastewater Analysis - When requested by the Director, Industrial Customers must submit information on the volume, nature and pollutant characteristics of wastewater discharged to the FPUA Wastewater System within sixty (60) days of the request. The Director is authorized to prepare a wastewater discharge characterization form for this purpose and may periodically require Industrial Customers to update this information.

SECTION III-2 - WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS

A. All Industrial Customers required to obtain a Wastewater Discharge Permit must submit a permit application.

B. Existing Industrial Customers with an expiring Wastewater Discharge Permit shall apply for Wastewater Discharge Permit reissuance by submitting a complete permit application, at least sixty calendar days before expiration of the permit, in accordance with Paragraph C below.

C. 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 authorized representative of the industrial customer.

D. The Director may require all Industrial Customers to submit as part of an application the following information:

1. Identifying Information. Industrial Customers shall submit the name and address of the facility, including the name of the operator and owner(s).

2. Description of activities, facilities, and plant production 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.

a. A listing of any environmental control permits held by or for the facility;

b. Description of Operations:

i. Number and type of employees, hours of operation, and proposed of operation.

ii. Each product produced by type, amount, process or processes, and rate of production and Standard Industrial Classifications of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram, which indicates points of discharge to the FPUA Wastewater System from the regulated processes.

c. Type and amount of raw materials processed (average and maximum per day).

d. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the FPUA Wastewater System.

3. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of Discharge.

4. Time and duration of Discharges.

5. The location for monitoring all wastes covered by the Wastewater Discharge Permit.

6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the FPUA's Wastewater System from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in subsection 62-625.410(6), FAC.

7. Measurement of Pollutants.

a. Industrial Customers shall identify the pretreatment standards applicable to each regulated process.

b. Additionally, Industrial Customers shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Pretreatment Standard or FPUA) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the pretreatment standard requires compliance with BMP's or pollution prevention alternative, Industrial Customers shall submit documentation as required by FPUA or the applicable standards to determine compliance with the standard;

c. Industrial Customers shall take a minimum of one representative sample to demonstrate data is in compliance with these requirements;

d. Samples shall be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the Industrial Customer shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of subsection 62-625.410(6), FAC., in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with subsection 62-625.410(6), FAC., this adjusted limit, along with supporting data, shall be submitted.

8. Any other information as may be deemed necessary by the Director to evaluate the Wastewater Discharge Permit application.

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

F. Application Signatories and Certifications

1. All Wastewater Discharge Permit applications and Industrial Customer reports must be signed by an authorized representative of the Industrial Customer and contain the certification statement in subsection F.3., below:

2. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director prior to or together with any reports to be signed by an Authorized Representative.

3. "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."

G. 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 and may deny any permit application.

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. All Permits must contain:

1. A statement of duration not to exceed five years, the date of issuance, the effective date, and the date on which the Permit expires;

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, including BMP's, based on applicable Pretreatment Standards including limits on the average or maximum Wastewater constituents and characteristics that may be discharged;

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 law; 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 law.

6. Requirements to control Slug Discharge, if determined by the Director to be necessary.

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

1. Limits on average or maximum rate and time of Discharge or requirements for flow regulation and equalization.

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

3. Requirements for the development and implementation of spill control plans, or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.

4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the FPUA Wastewater System.

5. Compliance schedules.

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

7. Requirements for maintaining and retaining plant records related to Discharge and accidental spills as specified by FPUA and affording FPUA access thereto.

8. Requirements for notification to 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.

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

10. Facility Closing Plan.

All existing Industrial Customers operating under an FPUA issued Wastewater Discharge Permit shall complete and submit a facility closing plan to the Director sixty (60) calendar days prior to closing said facility, or within the time specified in the Wastewater Discharge Permit. Facility closing plans shall address each of the following:

a. Facility anticipated closing date.

b. Is the facility closure temporary or permanent? If temporary, what date is the facility scheduled to reopen?

c. What provisions have or will be made to secure, dispose of, or remove raw materials and chemicals from the facility premises? (Include copies of waste or transport manifests for all chemicals transported offsite).

d. Will the facility be demolished? If so, what provisions have or will be made to protect the FPUA Wastewater System from potentially hazardous discharges during facility closure and demolition? (FPUA may require the physical disconnection of all wastewater discharge lines prior to facility demolition.)

e. Plans submitted for permanent facility closure shall include a request to void the existing Wastewater Discharge Permit upon the effective date of facility closure. (All required self-monitoring, reporting and other permit conditions shall apply until such date as the permit becomes void.)

f. Submit a signed certification statement that all of the facility is compliant with all permit conditions.

11. Other conditions as deemed appropriate by the Director to ensure compliance with these Rules and Regulations, and Federal and State laws, rules, and regulations.

SECTION III-4 - PERMIT APPEALS

A. 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. The effectiveness of the Wastewater Discharge Permit shall not be stayed pending the appeal.

D. 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. 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.

E. 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-3 are modified or other just causes exist such as:

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

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

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

4. Information indicating that the permitted discharge poses a threat to FPUA employees, WRF effluent receiving waters, or beneficial use of residuals;

5. Violation of any terms or conditions of the Wastewater Discharge Permit;

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

7. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;

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

9. To reflect a transfer of the facility ownership or operation to a new owner or operator in accordance with Section III-7.

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 Wastewater Discharge 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. Initial Permit and renewal fees shall be set by FPUA Service Charge Resolution.

C. All fees, surcharges, penalties and any other costs are addressed in FPUA Service Charge 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 - REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS

A. If another municipality, or Industrial User located within another jurisdiction, contributes wastewater to the FPUA Wastewater System, the Director shall enter into a multi-jurisdictional agreement with the contributing jurisdiction.

B. Prior to entering into an agreement required by paragraph 1., above, the Director shall request the following information from the contributing jurisdiction:

1. A description of the quality and volume of wastewater to be discharged to the FPUA Wastewater System by the contributing jurisdiction;

2. An inventory of all Industrial Users located within the contributing jurisdiction proposing to discharge to the FPUA Wastewater System;

3. Such other information as the Director may deem necessary.

4. A multi-jurisdictional agreement, as required by paragraph 1., above, shall contain the following conditions:

a. A requirement for the contributing jurisdiction to adopt a sewer use ordinance which is at least as stringent as this ordinance, and Local Limits, including required Baseline Monitoring Reports (BMR) which is at least as stringent as those set out in Section IV-1 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to this ordinance or Local Limits;

b. A requirement for the contributing jurisdiction to submit a revised Industrial User inventory on at least an annual basis;

c. A provision specifying which pretreatment implementation activities, including Individual Wastewater Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing jurisdiction; which of these activities will be conducted by FPUA; and which of these activities will be conducted jointly by the contributing jurisdiction and FPUA;

d. A requirement for the contributing jurisdiction to provide the Director with access to all information that the contributing jurisdiction obtains as part of its pretreatment activities;

e. Limits on the nature, quality, and volume of the contributing jurisdiction's wastewater at the point where it discharges to the FPUA's Wastewater System;

f. Requirements for monitoring the contributing jurisdiction's discharge;

g. A provision ensuring FPUA access to the facilities of Industrial Users located within the contributing jurisdiction's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director; and

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

SECTION III-9 - SAMPLING REQUIREMENTS FOR INDUSTRIAL CUSTOMER SELF-MONITORING

A. All samples collected by industrial customers (or sampling organization representatives) for the purpose of completing an application for Wastewater Discharge Permit or periodic compliance status reports shall be twenty four hour flow proportional composite samples, except as indicated in paragraphs E and F below. Samples shall be collected over the period of regulated Discharge if less than 24 hours.

B. In situations where an Industrial Customer's monitoring facilities have not yet been upgraded to allow the obtaining of a 24-hour flow proportional composite sample, time proportional composite sampling or grab sampling will be acceptable provided it is collected only during the period when processed Wastewater will be present in the wastestream being sampled to ensure that samples are representative of the discharge. The Director may authorize the use of either time-proportional composite samples or grab samples in other situations where these sampling techniques will result in the obtaining of representative samples. Use of sampling techniques other than 24-hour flow proportioned composite samples must have prior written approval by the Director.

C. Sampling activities shall be performed according to procedures specified in the Florida Department of Environmental Protection "Standard Operating Procedures for Field Activities," DEP-SOP-001/01, which are hereby adopted and incorporated by reference. And, using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and Grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Director, as appropriate.

D. Grab samples may be required to show compliance with Instantaneous limits.

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

F. For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections IV-1 and IV-3, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and Grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by paragraphs Section IV-4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements, as determined by the Director.

G. If a sampling procedure is not available or none of the approved procedures are appropriate for collecting the samples, the sampling organization, with the approval of the Industrial Customer and FPUA, shall identify and propose a method for use in accordance with Rule 62-160.220, FAC.

SECTION III-10 - SAMPLE ANALYTICAL REQUIREMENTS

All 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 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the analyte in question (e.g., insufficient sensitivity), the laboratory, with the approval of the Industrial Customer and FPUA, shall identify and propose a method for use in accordance with Rules 62-160.300 and 62-160.330, FAC.

ARTICLE IV

REPORTING REQUIREMENTS

SECTION IV-1 - BASELINE MONITORING REPORTS

A. All Categorical Industrial Customers shall prepare an Application for Wastewater Discharge Permit with a Baseline Monitoring Report (BMR) and submit it to FPUA prior to discharging Wastewater to the FPUA Wastewater System. At FPUA's discretion, Non-Categorical 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. FPUA's Application for Wastewater Discharge Permit contains all information required by the BMR, 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. Name and address of the facility, including the name of the operator and owner.

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

3. Description of Operations. A brief description of the nature, average rate of production, and Standard Industrial Classifications of the operation(s) carried out by such 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.

6. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section III-10 of these Rules and Regulations. Sampling must be performed in accordance with procedures set out in Section III-9 of these Rules and Regulations.

7. Certification. A statement, reviewed by the Industrial Customer's authorized representative and certified by a qualified professional Engineer, 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.

8. 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 can provide such modifications is required. 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.

9. Signature and Certification. All Baseline-Monitoring Reports must be signed and certified in accordance with Section III-2-F 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-1B.,8., of these Rules and Regulations:

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

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

C. 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

D. 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-2F.,(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. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Director, or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with Section III-2F., 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 regulated pollutant more frequently than required by the Director using the procedures prescribed in Section III-9., of this Resolution, the results of that 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.

A. 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.

B. The Director may issue a Wastewater Discharge Permit under Section III-1 of these Rules and Regulations or modify an existing Wastewater Discharge Permit under Section III-5 in response to changed conditions or anticipated changed conditions.

SECTION IV-6 – REPORTS OF POTENTIAL PROBLEMS

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 any Discharge, including, but not limited to, accidental discharges, discharges of a non routine, episodic nature, a non customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the WRF. This 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 (5) days following such 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, natural resources, or any other damage to person or property; 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 authorized representative of the industrial customer.

E. Each Customer shall develop internal emergency notification procedures to insure FPUA will be notified immediately upon the determination by the Customer that a discharge described in paragraph A, above has taken place. A notice shall be permanently posted on the Customer's bulletin board or other prominent place advising employees who to call in the event of such a discharge. Employers shall ensure that all employees, who

could cause such a discharge to occur, are advised of the emergency notification procedure.

F. SIUs are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

SECTION IV-7 - 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. Industrial customers 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 FDEP 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 practical.

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 hereunder, or any applicable federal or state law.

SECTION IV-8 - 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-9 - 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-10 - 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, or if FPUA has performed the sampling and analysis in lieu of the Industrial Customer.

SECTION IV-11 - 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 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.

SECTION IV-12- REPORTS FROM GREASE HAULERS

Grease Haulers performing pump out or cleaning services for FPUA Customers on Customer Facility Grease Interceptors, Grease Traps, lint Traps, oil/water separators or Sand separators shall, generate and report within 48- (forty eight-) hours of pump out and submit to the FPUA Pretreatment Coordinator a copy of each completed Waste Manifest. Commercial and industrial waste cannot be combined with residential waste in the same truck. Along with FPUA waste manifest, waste hauler must include a copy of the manifest from the landfill that the waste is being discharge to. (Blank FPUA Waste Manifest forms are available at www.FPUA.com.) Acceptable means of Waste Manifest submittal shall be facsimile or scanned copy electronically mailed. Contact information for the FPUA Pretreatment Coordinator is provided on FPUA's web page.

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 their 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. FPUA may revoke the Wastewater Discharge Permit of any Industrial Customer for any of the following reasons:

1. Failure to fully 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.

C. Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section V-3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the User.

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 Individual Wastewater Discharge Permit, or any order issued hereunder, or any other Pretreatment Standard, 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 45 calendar days. In addition to explaining the violation, the Industrial Customer shall submit a plan including specific required actions for the satisfactory correction and prevention of future violations. Submission of such a plan in no way relieves the Customer of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

SECTION V-4 – NOTICE TO CORRECT

The Director may issue a Notice of Violation for any deficiencies observed by FPUA Inspectors during Interceptor, Grease Interceptor or Grease Trap inspections to Customers operating facilities that require the use of such devices. Notice of Violation may be issued to Customers for substandard conditions, including but not limited to:

A. Failure to properly maintain the Interceptor, Grease Interceptor or Trap in accordance with the provisions contained herein.

B. Failure to report changes in operations, or wastewater constituents and characteristics.

C. Failure to report pumping activities or keep copies of pump out manifest reports or receipts.

D. Failure to maintain logs, files, records or access for inspection or monitoring activities.

E. Any other inconsistency with the Interceptor, Grease Interceptor or Grease Trap in question.

Any deficiencies observed by FPUA Inspectors during an inspection of an Interceptor, Grease Interceptor or Grease Trap will be noted in a written notice to correct document. A copy will be provided to the Customer giving notification that a tentative date for a first re-inspection will be conducted within twenty-one (21) calendar days of the notice to correct document.

SECTION V-5 - COMPLIANCE ORDERS

A. Consent Orders. The Director may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any industrial customer responsible for noncompliance. Such documents shall include specific action to be taken by the Customer to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Section V-4 of these Rules and Regulations and shall be judicially enforceable.

B. Show Cause Hearing. The Director may order a User which has violated, or continues to violate, any provision of this ordinance, an individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the Industrial Customer specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the Customer show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the Customer as defined in Article I. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the Industrial User.

C. Compliance Orders. When the Director finds that an Industrial Customer has violated, or continues to violate, any provision of this Resolution, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may issue an order to the Customer responsible for the Discharge directing that the 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 FPUA 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 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 Customer.

D. Cease and Desist Orders. When the Director finds that an Industrial Customer has violated, or continues to violate, any provision of this ordinance, an individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the Customer's past violations are likely to recur, the Director may issue an order to the Customer directing it to cease and desist all such violations and directing the User to:

1. Immediately comply with all requirements; and

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

SECTION V-6 - INJUNCTIVE RELIEF

When the Director finds that an Industrial Customer has violated, or continues to violate, any provision of this ordinance, a 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 be a prerequisite for, taking any other action against an Industrial Customer.

SECTION V-7 - 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 a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the FPUA Wastewater System. The term Significant Noncompliance shall be applicable to all Significant Industrial Customers or any other Industrial Customer if its violation meets one or more of the following criteria:

A. Chronic violations of Wastewater Discharge limits, defined here as those in which sixty-six (66) percent or more of all of the measurements taken for the same pollutant parameter during a six- (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Article I;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements for each Pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined in Article I

multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, Total Oil and Grease, and 1.2 for all other Pollutants except pH)**;**

C. Any other violation of a Pretreatment Standard or Requirement as defined by Article I (Daily Maximum, long term average, Instantaneous Limit, or narrative limit) that the Director 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)**;**

D. Any Discharge that has resulted in FPUA exercising of its emergency authority under Chapter 62-625.500(2)(a)5.b to halt or prevent such a Discharge;

E. Failure to meet, within ninety (90) days of the schedule date, a compliance schedule milestone contained in an Individual Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide, within forty-five (45) days after the due date, required reports such as BMRs, 90-day Compliance Reports, periodic Self-Monitoring Reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; and

H. Any other violation or group of violations which may include a violation of BMPs, which FPUA determines will adversely affect the operation or implementation of the Pretreatment Program.

SECTION V-8 - 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-9 - OPERATING UPSETS

A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial Customer. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. Any Industrial Customer that experiences an Upset in operations that places the Industrial Customer in a temporary state of noncompliance with these Rules and Regulations or an Individual Wastewater Discharge Permit issued pursuant hereto, shall inform FPUA thereof within twenty-Four (24) hours of first awareness of the commencement of the Upset. The Industrial Customer shall also repeat the sampling and analysis and submit the results of the repeat analysis to the FPUA within thirty (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 Industrial Customer with FPUA within five (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. (The affirmative defense provision outlined herein will not apply to the specific prohibitions in Section II-3.)

D. All written reports shall be signed by the authorized representative of the Industrial Customer.

SECTION V-10 - RECORDS RETENTION

A. Except as provided in Paragraph B below, all Industrial Customers subject to these Rules and Regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these Rules and Regulations, any additional records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof or other such information pursuant to monitoring, sampling, and chemical analyses made by or on behalf of a Customer independent of such requirements, and, documentation associated with Best Management Practices established under Section III-3B.3. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years.

B. Interceptor, Grease Interceptor and Grease Trap Records.

Customers or facility operators shall maintain records of the date and time of all cleaning and maintenance of each Grease Interceptor, Grease Trap, lint trap, oil/water separator or Sand separator. Records to be maintained include: pump out, maintenance and repair invoices, hauler generated waste manifests, manufacturer’s written protocol concerning

Grease trap cleaning and maintenance procedures. All such records shall be made available to FPUA Inspectors upon request.

Each food service facility shall also maintain a file on site which contains the following information:

1. The (as-built) drawings of the plumbing system.

2. Records of inspections.

3. Receipts.

4. Log of pumping activities.

5. Log of maintenance activities.

6. Hauler information.

7. Disposal information.

8. Monitoring data.

The file shall be available at all times for inspection and review by the GMP official.

C. 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 either all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired, or the Customer has been given a longer retention period by the Director.

SECTION V-11 – ADMINISTRATIVE PENALTIES

A. When the Director finds that any Customer, person, firm or corporation has violated, or continues to violate, any provision of these Rules and Regulations, an individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may assess Administrative penalties against such Customer, person, firm or corporation in an amount not to exceed $1,000 (one thousand dollars) for each violation, for each day. Each day is a new violation. In the case of monthly or other long term discharge violations, penalties shall be assessed for each day during the period of violation.

B. Unpaid Administrative charges, fines, and penalties may result in an interruption of service to the Customer, person, firm or corporation until such time as the charges, fines, and penalties are paid.

C. Any Customer, person, firm or corporation desiring to dispute Administrative penalties must file a written request for the Director to reconsider the penalties along with full

payment of the penalties amount within thirty (30) days of being notified that penalties have been assessed. Where a request has merit, the Director may convene a hearing on the matter. In the event the appeal is successful, the payment shall be returned to the Customer, person, firm or corporation in the form of a check or account credit. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalties amount.

D. Issuance of Administrative penalties shall not bar against, or become a prerequisite for, taking any other action against the Customer, person, firm or corporation.

SECTION V-12 - CIVIL PENALTIES

A. Any Customer, person, firm or corporation who has violated, or continues to violate, any provision of this ordinance, an individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to FPUA for a civil penalty of not less than $1,000 per violation, per day. In the case of a monthly or other long term discharge violations, penalties shall accrue for each day during the period of the violation.

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

C. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against the Customer, person, firm or corporation.

SECTION V-13 - 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 may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling, monitoring expenses, the cost of any actual damages incurred by FPUA, and the cost of annual publication of Significant Violators.
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-14 - CRIMINAL PROSECUTION

A. Any 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, upon conviction, 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 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 order issued, 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.

D. Remedies Nonexclusive - The remedies provided for in this Resolution are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant Customer, person, firm or corporation. Enforcement of pretreatment violations will generally be in accordance with FPUA's enforcement response plan. However, the Director may take other action against any Customer, person, firm or corporation when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant Customer, person, firm or corporation.

SECTION V-15 - PROPERTY DAMAGE

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, delete, 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-16 - SANCTIONS

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

SECTION V-17 - 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-18 - 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 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 Fort Pierce Utilities Authority of the City of Fort Pierce, Florida, on this 21 day of June, 2022.

ATTEST:

SECRETARY

CHAIRMAN

Approved as to Form and Correctness

By:

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