

O R D I N A N C E  
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AN ORDINANCE OF CHARLOTTE COUNTY, FLORIDA, REPEALING ARTICLE V, CHAPTER 3-8, CHARLOTTE COUNTY CODE; CREATING ARTICLE V, CHAPTER 3-8, CHARLOTTE COUNTY CODE, RELATING TO DISCHARGES INTO CHARLOTTE COUNTY UTILITIES WASTEWATER FACILITIES; PROVIDING PURPOSE, DEFINITIONS; PROVIDING GENERAL SEWER USE REQUIREMENTS; ESTABLISHING A PRETREATMENT PROGRAM; PROVIDING PERMIT PROCEDURES, REPORTING AND COMPLIANCE PROCEDURES; PROVIDING ENFORCEMENT AND REMEDIES AND AFFIRMATIVE DEFENSES; PROVIDING FOR RATES, FEES AND CHARGES; PROVIDING FOR MANDATORY CONNECTION ASSESSMENTS; PROVIDING FOR ON-SITE SEWAGE TREATMENT AND DISPOSAL, TRANSPORTED LIQUID WASTE, BUILDING SEWERS AND CONNECTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, Article VII, Section 1, of the Florida Constitution, and Chapter 125, Florida Statutes, grant to the Board of County Commissioners all powers of local self-government to perform County functions and to render services for County purposes including the management, operation, and control of its wastewater facilities in a manner not inconsistent with general or special law, and such power may be exercised by the enactment of County ordinances; and

WHEREAS, in compliance with the provisions of the Federal Water Pollution Control Act (“Clean Water Act”) 33 United States Code 125, the United States Environmental Agency has adopted general pretreatment regulations (40 CFR Part 403); and

WHEREAS, the Florida Department of Environmental Protection has adopted rules and regulations (Florida Administrative Code Section 62-625) pursuant to Section 403.0885, Fla. Stat., providing pretreatment requirements for existing and new sources of pollution; and

WHEREAS, the Board of County Commissioners may reasonably anticipate continued growth in Charlotte County, including industrial growth and the potential effect of such growth on wastewater facilities; and

WHEREAS, the Board of County Commissioners finds it prudent to adopt rules and regulations providing for general sewer use and establishing a pretreatment program modeled after those developed by federal and state law;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Charlotte County, Florida:

Section 1. Article V, Chapter 3-8, Charlotte County Code, (Ordinance #95-045) is hereby repealed in its entirety.

Section 2. Article V, Chapter 3-8, Charlotte County Code, is hereby created to read as follows:

**ARTICLE V. WASTEWATER COLLECTION AND TREATMENT SYSTEM**

**DIVISION 1. GENERALLY**

**Sec. 3-8-101. Purpose and policy.**

The purpose of this ordinance is to provide for the public health and welfare and to maintain the efficient, economic, and safe operation of Charlotte County Utilities (“CCU”) by regulating the quality and quantity of wastes discharged into CCU wastewater facilities; to establish uniform requirements for users of CCU’s wastewater facilities; to provide for the county’s compliance with

all applicable state and federal laws and regulations; and to establish pretreatment program standards modeled after those of the Federal Water Pollution Control Act and the Clean Water Act (33 United States Code 1251, *et seq.*); and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403) and Florida Administrative Code (“F.A.C.”) 62-625.

The objectives of this article are:

- (1) To prevent the introduction of pollutants into CCU’s wastewater facilities which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the county wastewater system which will pass through the system, inadequately treated, into the environment or otherwise be incompatible with the system;
- (3) To protect both the general public and the county wastewater facilities’ personnel who may be affected by wastewater and sludge in the course of their employment;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the county wastewater system;
- (5) To establish a pretreatment program, including permit, reporting and compliance procedures, enforcement, remedies and affirmative defenses;
- (6) To enable the county to comply with its permit conditions, sludge use and disposal requirements, as required by federal or state laws to which CCU is subject;
- (7) To ensure that wastewaters and sludges from the system meet all regulatory requirements applicable to either the recycling or reclamation of such wastewaters and sludges;
- (8) To provide regulation of direct and indirect contributors to the county wastewater facilities through the issuance of permits to certain non-domestic users and through enforcement of

general requirements for the other users; to authorize monitoring, compliance, and enforcement activities; and to provide for connecting of private wastewater disposal systems;

(9) To provide for fees adequate to cover the entire cost of processing permits and program management; for reviewing and acting upon any permit application; and to cover the cost of surveillance, inspection, sampling, monitoring, any other field services and any other costs of establishing and implementing the program.

This article shall apply to all users of CCU's wastewater facilities. Compliance with this article does not eliminate the user's responsibility to comply with other applicable federal or state regulations. Except as otherwise provided herein, the director of utilities of the county shall administer, implement and establish policies and rules to enforce provisions and standards of this article.

**Sec. 3-8-102. Definitions.**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

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

*Administrator.* The chief administrative officer of the county or his designee.

*Approval Authority.* Florida Department of Environmental Protection or its successor.

*Ammonia.* The concentration of NH<sub>3</sub>, expressed as nitrogen in milligrams per liter (mg/L).

*Assessment.* An annual special assessment imposed against property to fund the cost of wastewater collection facilities.

*Authorized representative of industrial user.*

(1) If the user is a corporation:

(a) 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; or

(b) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding 25 million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

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

(4) The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the county.

*Available.* Sewer is available as defined by Section 381.0065, Fla. Stat.

*Biochemical oxygen demand (BOD).* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter [mg/L]).

*Board or BCC.* The board of county commissioners of Charlotte County, Florida

*Building Drain.* That part of the piping of a building which collects wastewater inside the building and conveys it to outside the building wall.

*Building sewer.* The extension of the inside building drain to the public sewer or other place of disposal, also called house connection, sewer connection or service lateral.

*Categorical standards.* Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

*Carbonaceous biochemical oxygen demand (“CBOD”)* means a measure of oxygen required to oxidize organic matter and oxidizable inorganic compounds in water.

*Charlotte County's wastewater treatment facilities (“CCU”).* A publicly-owned treatment works (“POTW”) or “treatment works,” as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the county. This definition includes 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. The county’s wastewater treatment system shall also include any sewers that convey wastewater to the county facilities from persons outside the county who are, by contract or agreement with the county, users of the county’s system.

*Chemical oxygen demand (COD).* A measure of oxygen, equivalent to that portion of the organic matter in a sample, that is susceptible to oxidation by a strong chemical oxidant.

*Connection fees.* An equitable and proportionate charge made at the time sewer service is newly requested or required to cover the growth related capital cost of construction for master pumping stations, master force mains, treatment and effluent disposal facilities and collection system required to provide service to new connections to the sewer system by new users.

*County.* Charlotte County, Florida, a political subdivision of the State of Florida or its agent.

*Direct discharge.* The discharge of treated or untreated wastewater directly to the waters of the State of Florida.

*Director of utilities.* The person designated by the board of county commissioners to administer the utility department, or his designee.

*Domestic wastewater.* The sewage produced from non-commercial or non-industrial activities, and which results from normal human living processes, and which are substantially similar in origin and strength to those typically produced in households.

*Drainfield.* A system of open-jointed or perforated piping, approved alternative distribution units, or other treatment facilities designed to distribute effluent for filtration, oxidation and absorption by the soil within the zone of aeration.

*Environmental Protection Agency or EPA.* The U.S. Environmental Protection Agency.

*Equivalent Residential Connection (ERC).* The basis for one wastewater ERC is the production of 190 gpd of wastewater.

*Excess strength.* Wastewater discharges into CCU's facilities that are in excess of normal domestic wastewater.

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

will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

*Florida Department of Environmental Protection or FDEP.* The Florida governmental agency charged with protecting waters of the state.

*FDOH.* The Florida Department of Health including its division, the Charlotte County Health Department (“CCHD”).

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

*Health officer.* The county health department director or his designee.

*Holding tank waste.* Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

*Indirect discharge.* The discharge or the introduction of non-domestic pollutants from any source into CCU’s wastewater facilities (including holding tank waste discharged into the system).

*Industrial user.* User producing wastewater not otherwise defined as domestic wastewater and a source of indirect discharge to wastewater facilities (including holding tank waste discharged into the system).

*Industrial waste survey (“IWS”).* A survey, form or questionnaire prepared by CCU to determine which users are subject to pretreatment standard; which users currently discharging into the facilities have a potential to have an adverse effect on the facilities; and to inform CCU of the characteristics of the wastes being discharged into the facilities.

*Infiltration/inflow.* Groundwater and surface water which enters into the sewers through cracked pipes, joints, and manholes or other openings.

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

*Interference.* A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the county wastewater system, its treatment processes or operations or its sludge processes, use or disposal, and, therefore, is a cause of a violation of county's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

*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.

*National categorical pretreatment standard or pretreatment standard.* Any regulation containing pollutant discharge limits promulgated by the EPA which applies to industrial users.

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

*Natural outlet.* An outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface ground water.

*New Source.*

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the promulgation of pretreatment standards under Section 307(c) of the Act provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

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

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

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

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program

- (I) any placement, assembly or installation of facilities or equipment; or
- (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

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

*Normal domestic wastewater.* Wastewater discharged into CCU's facilities which the average concentration of CBOD is not more than 200 mg/L, the average Total Suspended Solids not more than 250 mg/L, the average total COD concentration not more than 400 mg/L, and an average ammonia concentration of 35 mg/L.

*Onsite sewage treatment and disposal system ("OSTDS").* Also referred to as a sewage treatment and disposal facility, which may contain a standard subsurface, filled, or mound drain field system, an aerobic treatment unit, a graywater system tank, a laundry wastewater system tank, a septic tank, a grease, oil and sand interceptor, a dosing tank, a solids or effluent pump, a waterless, incinerating, or organic waste-composting toilet or a sanitary pit privy that is installed or proposed to

be installed beyond a building sewer on land of the owner or on other land to which the owner or owners have a legal right to install a system.

*Package plant.* Self-contained sewage treatment facilities built to serve developed areas to which sanitary sewers are not yet available.

*Pass through.* A discharge which exits CCU's wastewater facilities into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of county NPDES permit, including an increase in the magnitude or duration of a violation.

*Person.* Any individual, owner, lessee, tenant, partnership, co-partnership, firm, company, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

*PH.* The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

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

*Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the county's wastewater facilities. 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.

*Pretreatment requirements.* Any substantive or procedural requirement related to pretreatment other than a national categorical pretreatment standard imposed on a non-domestic wastewater discharge.

*Process water.* Any water which, during manufacturing or processing comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

*Properly shredded garbage.* The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2-inch (1.27 centimeters) in any dimension.

*Publicly-owned treatment works (“POTW”).* Charlotte County’s Wastewater Treatment Facilities.

*Public notice.* Notice published in a daily newspaper of general circulation within Charlotte County.

*Public sewer.* A common pipe controlled by a governmental agency or public utility.

*Sanitary sewer.* A pipe which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

*Septic tank.* A subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes.

*Septic tank waste.* Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

*Sewage.* A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present, even though unintentional. Equivalent term is wastewater.

*Sewage works.* All facilities for collecting, pumping, treating and disposing of sewage.

*Sewer.* A pipe or conduit for carrying sewage.

*Significant industrial user (“SIU”).* Any industrial user of the county's wastewater system who: (1) is an industrial user for which categorical standards have been defined by EPA (equals a categorical industrial user); or (2) discharges 25,000 gallons or more per day of processed wastewater; or (3) contributes a processed waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the county's treatment system plants on a per plant basis; or (4) has a reasonable potential, in the opinion of the utility director, to adversely affect the county's wastewater facilities. Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the county's wastewater system or for violating any pretreatment standard or requirement, the county may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

*Significant non-compliance (“SNC”).* An SIU shall be in significant non-compliance when any one or more of the following criteria are satisfied:

(1) Chronic violations of wastewater discharge limits when 66 percent or more of the measurements taken during a six-month period exceed (by any magnitude) the maximum limit or average limit (if applicable) for the same pollutant parameter;

(2) Technical review criteria (TRC) violations when 33 percent or more of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the maximum limit or average (if applicable) multiplied by the applicable TRC:

- a. For conventional pollutants, TRC= 1.4 or 40 percent over the limit;
- b. For all other pollutants, TRC = 1.2 or 20 percent over the limit;

(3) When the SIU fails to respond within ten days of receipt of a notice of violation (NOV) issued by the director;

(4) When the SIU fails to accurately report non-compliance;

(5) When the SIU reports false “information”;

(6) When the SIU intentionally or negligently violates a permit condition or requirement;

(7) When the SIU refuses to permit entry to the director or his designee for inspection, etc., as specified in this article;

(8) When any violation occurs that the Director reasonably believes has caused, alone or in combination with other discharges, interference (*e.g.*, slug loads) or pass through; or endangered the health of CCU’s employees or the general public;

(9) When any discharge occurs which causes imminent endangerment to human health, welfare or to the environment or results in CCU’s use of its emergency authority to halt or prevent such a discharge;

(10) When violations of Industrial Wastewater Discharge Permit (IWDP) or other required compliance schedules occur such as, but not limited to, failure to start or complete construction, or failure to attain final compliance by the compliance schedule date;

(11) When periodic compliance reports, base-line monitoring reports or other required reports are not received by the director within 30 days after due date; or

(12) When any violation or group of violations occurs which, in the judgement of the director, may reasonably be expected to have a significant adverse impact on the operation or implementation of the pretreatment program, the wastewater treatment system, the quality of sludge, the system's reclaimed water quality or air emissions generated by the systems or has the potential to endanger CCU's employees.

*Sludge.* The solid, or semisolid, residue removed during the treatment of municipal wastewater.

*Slug.* Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater facilities.

*Storm drain (building).* A building drain used for conveying rain water, surface water, ground water, subsurface water, condensate, cooling water or other similar discharge to a building storm sewer or a combined building sewer extending to a point outside the building wall.

*Stormwater sewer.* A sewer used to convey rain water, surface water, condensate, cooling water or other similar liquid wastes.

*Superintendent.* The person designated by CCU's director to supervise the operation of the county wastewater facilities and who is charged with certain duties and responsibilities by this article, or a duly authorized representative.

*Suspended solids.* Solids that are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

*Toxic pollutant.* Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the Act (Clean Water Act) or other Acts.

*Trailer.* A facility which provides for living, sleeping, eating, cooking, and/or sanitation, whether of a residential or commercial (office) nature.

*Transported liquid waste.* Certain domestic wastes, including primarily those liquid wastes removed from septic tanks, temporary domestic waste holding tanks, portable toilets, and marine vessels that are not able to discharge their domestic wastewater directly into the county's wastewater treatment facilities through approved discharged points designated by the county, are transported to the facilities by liquid waste transport or similar trucks. Transported liquid waste is subject to the restrictions provided in Sections 3-8-122 and 3-8-124.

*Transported waste discharge permit ("TWDP").* A transport waste discharge permit (TWDP) issued by the director is required for any person who proposes to discharge domestic sewage wastes from liquid waste transport trucks to the facilities.

*Uniform Extension Policy.* The rule and regulations of CCU contained in Resolution 94-236 as may be amended from time to time, designed to set forth the service and financial relationship

between CCU and property owners, builders or developers seeking to obtain water or sewer service for the benefit of other properties.

*User.* Any person who contributes, causes, or permits the contribution of the wastewater into the county's wastewater facilities, or any owner of property or tenant/lessee of property required to connect to the county's wastewater system.

*Wastewater.* The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and/or institutions, together which may be present, whether treated or untreated, which is contributed into or permitted to enter the county's wastewater treatment plants. Equivalent term is sewage.

*Wastewater facilities ("WWF").* Shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent. Equivalent term is sewage works.

*Waters of the state.* Any surface or ground water located within the boundaries of the State of Florida or over which the State of Florida exercises jurisdiction.

*Abbreviations:* The following abbreviations shall have the designated meanings:

- . CBOD - Carbonaceous Biochemical Oxygen Demand
- . CFR - Code of Federal Regulations
- . COD - Chemical Oxygen Demand
- . EPA - U.S. Environmental Protection Agency
- . gpd - gallons per day
- . L - Liter
- . mg - Milligrams

- . mg/L - milligrams per liter
- . NPDES - National Pollutant Discharge Elimination System
- . RCRA - Resource Conservation and Recovery Act
- . SIC - Standard Industrial Classification
- . TSS - Total Suspended Solids
- . U.S.C. - United States Code

## **DIVISION 2. GENERAL WASTEWATER USE REQUIREMENTS**

### **Sec. 3-8-121. Industrial waste survey (“IWS”).**

The director of utilities may require any user or potential user to complete and submit an IWS. Once required, the user must submit the completed IWS within 20 days of its issuance. Falsification of information or failure to submit the IWS will result in the imposition of a fine, termination of service, denial of request for service, discharge permit revocation, imposition of any enforcement and remedies of Division 7, or any combination thereof.

### **Sec. 3-8-122. Prohibited discharges.**

(a) Generally:

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which causes pass through or interference of the county's wastewater facilities. These general discharge prohibitions and the specific prohibitions in (b) below apply to all users of the county's wastewater facilities whether or not the user is subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(b) Specifically:

A user may not contribute the following substances to any county wastewater facilities:

(1) *Dangerous discharges.* Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the county's wastewater treatment system or to the operation of the county's wastewater treatment system. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in

the system) be more than five percent nor any single reading over ten percent of the Lower Explosive Limit (LEL) of the meter. In addition, specific prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, fuel oil, solvents, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substance which the county, the FDEP or EPA has notified the user is a fire hazard or a hazard to the system.

(2) *Any solid, semi-solid or viscous substance.* Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the county's wastewater treatment system such as, but not limited to: grease, garbage, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes. Specifically prohibited is the heating or chemical dissolving of the contents of grease traps and its discharge to the county system.

(3) *pH exclusions.* Any wastewater having a pH less than 6.0 or greater than 8.5, unless the county's wastewater treatment facilities are specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the county's wastewater treatment system.

(4) *Toxic pollutants.* Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the county's wastewater treatment system, or to exceed the limitation set forth in

a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act, or other acts, be they national, state or local, with the more stringent limit subject to enforcement.

(5) *Noxious and malodorous materials.* Any noxious or malodorous liquids, gases or solids, which either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance and repair.

(6) *Materials affecting effluent and sludge disposal.* Any substance which may cause the county's wastewater treatment system effluent or any other product of the county's wastewater treatment system such as residues or sludges, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the county's wastewater treatment system cause the county's wastewater treatment system to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 503 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(7) *Substance causing violation.* Any substance which will cause the county's wastewater treatment system to violate its NPDES and/or FDEP Permit or the receiving water quality standards.

(8) *Color.* Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(9) *High temperature wastewater.* Any wastewater having a temperature which will inhibit biological activity in the county's wastewater treatment system resulting in Interference, but in no case wastewater with a temperature at the introduction into the county's wastewater treatment system which exceeds 40 degrees C (104 degrees F).

(10) *Unacceptable flow rates.* Slugs - Any pollutants, including oxygen demanding pollutants (BOD, etc) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the county's wastewater treatment system. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantities or flow during normal operation.

(11) *Radioactive wastes.* Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable state or federal regulations.

(12) *Hazardous wastes.* Any wastewater which causes a hazard to human life, creates a public nuisance or is defined as a hazardous waste under 40 CFR Part 261.

(13) *Non-treatable substances.* Waters or wastes containing substances, including non-biodegradable detergents, which are not amenable to treatment or reduction by the sewage treatment process employed or are amenable to treatment only to the degree that the sewage treatment plant effluent cannot meet the requirement of other agencies having jurisdiction over discharge or violates any contract, resolution, law, rule, regulation, permit or approval applicable to the industrial, commercial or agricultural use of reclaimed water.

(14) *Storm water*, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the director of utilities.

(15) *Sludges*, screenings, or other residues from the pretreatment of industrial wastes.

(16) *Medical wastes*, except as specifically authorized by the director of utilities or his designee in a wastewater discharge permit;

(17) *Transported or hauled pollutants*, except at discharge points designated by the director of utilities.

### **Sec. 3-8-123. National categorical pretreatment standards**

Pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which are discharged to the county's wastewater facilities by an existing or new industrial user, in specific industrial subcategories, are established as separate federal regulations. These categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated by reference.

(1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the director of utilities may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director of utilities shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

(3) A user may obtain a variance from a 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.

(4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

If the provisions of this article are more stringent than those imposed by federal pretreatment standards, the provisions of this article shall apply.

**Sec. 3-8-124. Specific pollutant limitations/surcharge and fine.**

*Table A: Conventional Parameters*

Parameter	Maximum Concentration mg/L (24-hour flow proportional composite sample)
Carbonaceous Biochemical Oxygen Demand (CBOD)	200
Chemical Oxygen Demand (COD)	400
Total Suspended Solids (TSS)	250
Oil and Grease (Petroleum and/or mineral)	100
Total Nitrogen	50
Total Phosphorus	10
Total Dissolved Solids (TDS)	2500
Fluoride	8
Chlorides	300

The surcharge for all high strength wastes above the maximum concentration for normal domestic wastewater for TSS, CBOD and COD shall be established by resolution of the board. Concentrations in excess of the amounts specified in Table A, other than for TSS, CBOD and COD, will be subject to a fine of \$1,000 per violation, per day.

No discharge to the East Port Water Reclamation Facility shall be permitted in excess of 1349 mg/L for CBOD, 2682 mg/L for COD, and 2235 mg/L for TSS. Concentrations in excess of these limits will be subject to a fine of \$1,000 per violation, per day.

No discharge to the West Port Wastewater Facility shall be permitted in excess of 2463 mg/L for CBOD, 1384 mg/L for COD, and 2008 mg/L for TSS. Concentrations in excess of these limits will be subject to a fine of \$1,000 per violation, per day.

*Table B: Toxic Parameters*

In order to demonstrate the ability to legally enforce the specific standards outlined in Tables A and B, a technical analysis of the impact of pollutants of concern was performed to determine whether they are sufficiently stringent to protect against pass-through, interference, and sludge contamination.

Parameter	Maximum Allowable Industrial Loading Lbs/day
Arsenic (As)	0.01
Cadmium (Cd)	0.01
Chromium - Total (Cr)	0.98
Copper (Cu)	0.41
Cyanide (CN, T)	0.16

Lead (Pb)	0.10
Mercury (Hg)	0.01
Molybdenum (Mo)	0.02
Nickel (Ni)	0.06
Selenium (Se)	0.01
Silver (Ag)	0.44
Zinc (Zn)	0.29

Industrial Waste Discharge Permit application will be used to develop user-specific local limits when necessary to ensure that the WWF's maximum allowable headwork's loading is not exceeded for particular pollutants of concern.

**Sec. 3-8-125. Fines for Maximum Concentration Limits.**

Fines for concentrations in excess of the amounts specified in Table B of Section 3-8-124 of this article shall be established by resolution of the board.

These fines may be amended by the board by resolution or ordinance.

**Sec. 3-8-126. Fines for ph.**

The allowable limits for ph is 6.00 to 8.50. Fines for ph in excess of the allowable limits shall be established by resolution of the board.

**Sec. 3-8-127. County's Right of Revision.**

The county reserves the right to establish, by ordinance or resolution, more stringent standards or requirements on discharges to the county wastewater system than are provided in this article.

**Sec. 3-8-128. Dilution.**

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

**DIVISION 3. PRETREATMENT OF WASTEWATER**

**Sec. 3-8-129. Pretreatment facilities.**

Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set

out in Section 3-8-122 of this article within the time limitations specified by EPA, the state, or the director of utilities, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the director or his designee for review and shall be acceptable to the director of utilities before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to county under the provisions of this article.

**Sec. 3-8-130. Additional pretreatment measures.**

(1) Whenever deemed necessary, the director of utilities may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the county wastewater system and determine the user's compliance with the requirements of this article.

(2) The director of utilities may require any person discharging into the county wastewater system to install and maintain, on his property and at his 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) Fat, oil and grease (F.O.G), oil, and sand interceptors shall be provided when, in the opinion of the director of utilities or his designee, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity

approved by the director of utilities and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the user at their expense. See Section 3-8-150, Grease Trap/oil Separator Requirements.

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

#### **DIVISION 4. PERMIT PROCEDURES**

##### **Sec. 3-8-131. Wastewater discharges.**

It shall be unlawful to discharge to the county's wastewater facilities any wastewater, except as authorized by the county by a duly issued permit therefor, or in accordance with the provisions of this article.

##### **Sec. 3-8-132. Wastewater discharge permits**

All significant industrial users proposing to connect to or to contribute to the county's wastewater treatment system shall obtain a county wastewater discharge permit before connecting to or contributing to the county's wastewater treatment system. All existing significant industrial users connected to or contributing to the county's wastewater treatment system shall obtain a wastewater discharge permit within 180 days after the effective date of this article. The director of utilities shall notify persons who have made incomplete submissions of the permit application and will provide 30 days in which to remedy the deficiency.

**Sec. 3-8-133. Permit application.**

Users required to obtain a county wastewater discharge permit shall complete and file with the county, an application in the form prescribed by the county and accompanied by the permit fee established by the rates, fees and charges. Existing users shall apply for a wastewater discharge permit within 30 days after the effective date of this article, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the county's wastewater treatment system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) All information required by Section 3-8-144 of this article.
- (2) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
- (3) Number and type of employees, hours of operation, and proposed or actual hours of operation.
- (4) Each product produced by type, amount, process or processes, and rate of production.
- (5) Type and amount of raw materials processed (average and maximum per day).
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
- (7) Time and duration of discharges.
- (8) Authorization for director or other authorized county employees bearing proper credentials to enter at a reasonable time all properties and premises for purposes of inspection, observation, monitoring, samplings, measurements, testing and inspection and copying of records.

(9) Any other information as may be deemed by the county to be necessary to evaluate the permit application.

The director will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the county may issue a wastewater discharge permit subject to terms and conditions provided herein. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

**Sec. 3-8-134. Application signatories and certification.**

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

**Sec. 3-8-135. Wastewater discharge permit decisions/appeals.**

The director will evaluate the data furnished by the user 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. The director may deny on reasonable grounds any application for a wastewater discharge permit.

Within 30 days of the issuance of the determination, an applicant desiring to appeal the decision must file a written request for the director to reconsider. Where the director determines that a request has merit, the director may convene a hearing on the matter. If so, the hearing will be held

within 30 days of receipt of the request. The director of utilities or his designated representative shall preside over the administrative hearing and shall entertain testimony and evidence. The applicant shall have the opportunity to be represented by counsel and to examine and cross-examine witnesses. The county shall likewise have the opportunity to be represented by counsel and examine and cross-examine witnesses. The director of utilities shall issue written findings as soon after the hearing as is practicable. The decision of the director of utilities, if adverse to the applicant, may be appealed to the administrator or his or her designee. If an appeal is to be taken, written notice of the appeal shall be delivered to the county administrator no later than ten days after the applicant's receipt of the director of utilities' written findings. The notice must state the justification for requesting the appeal. Within 20 days of receipt of Notice of Appeal, the county administrator shall determine the appeal and notify the applicant of the decision in writing. If the applicant's appeal process is unsuccessful, the costs to the county, such as attorney's fees and costs, witness fees, and administrative fees, may be charged to the applicant.

**Sec. 3-8-136. Permit contents.**

Wastewater discharge permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by the county.

(a) Permits must contain the following:

(1) A statement that indicates wastewater discharge permit duration as provided in Section 3-8-137;

(2) A statement that the wastewater discharge is non-transferable as provided in Section 3-8-138;

(3) Effluent limited based on applicable pretreatment standards;

(4) Self-monitoring and sampling requirements as provided in Section 3-8-144 (2) a through e.

(5) Notification requirements as provided in Section 3-8-149.

(6) Record keeping requirements as provided in Section 3-8-154.

(7) A statement referring to civil and criminal penalties as provided in Sections 3-8-171 and 3-8-172.

(b) Permits may contain the following:

(1) The unit charge or schedule of User charges and fees for the wastewater to be discharged to a public sewer;

(2) Limits on the average and maximum wastewater constituents and characteristics;

(3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

- (4) Requirements for installation and maintenance of inspection and sampling facilities;
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (6) Compliance schedules;
- (7) Requirements for submission of technical reports or discharge reports;
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the county, and affording county access thereto;
- (9) Requirements for notification to the county of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (10) Requirements for notification of slug discharges; and
- (11) Other conditions as deemed appropriate by the county to ensure compliance with this article.

**Sec. 3-8-137. Permits duration.**

Permits shall be issued for a one year period. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit renewal a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the county director of utilities during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change.

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

**Sec. 3-8-138. Permit transfer.**

Wastewater discharge permits are issued to a specific user for a specific location and operation. Wastewater discharge permits shall not be reassigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the county. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit or modified permit as determined by the county until a new permit is issued. New or changed operations shall require a new permit. New uses or different premises shall require a new permit.

**Sec. 3-8-139. Permit modification.**

The terms and conditions of any permit may be changed by the county during the life of the permit to accommodate changes in local, state and federal regulations or in the event that data upon which the permit was issued has changed. Permit holders shall be notified of change 60 days prior to the effective date of change.

**Sec. 3-8-140. Wastewater discharge permit public notice and appeals.**

The director shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the director in writing to reconsider the terms of a wastewater discharge permit within ten days of the publication of the notice of its issuance.

(1) Failure to submit a timely petition for reconsideration shall be deemed to be a waiver of such reconsideration.

(2) In its petition, the petitioner 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.

(3) The effectiveness of the wastewater discharge permit shall not be stayed pending the petition for reconsideration.

(4) If the director fails to act within 30 days, a petition for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, 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.

(5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Circuit Court of Charlotte County for the 20th. Judicial Circuit within 30 days from the director's response to the petition or 30 days from the expiration of the 30 days the director had to respond.

**Sec. 3-8-141. Regulation of waste received from other jurisdictions.**

(1) If another local government or user located within another local government, contributes wastewater to the facility, the director shall enter into an inter-governmental agreement with the contributing local government.

(2) Prior to entering into an agreement required by paragraph 1, above, the director shall request the following information from the contributing local government:

a. A description of the quality and volume of wastewater discharged to the facilities by the contributing local government;

b. An inventory of all users located within the contributing local government that are discharging to the facilities; and

c. Such other information as the director may deem necessary.

(3) An inter-governmental agreement, as required by paragraph 1, above, shall contain the following conditions:

a. A requirement for the contributing local government to adopt a sewer use ordinance which is at least as stringent as this article and local limits which are at least as stringent as those set out in Section 3-8-124 of this article. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the county's ordinance or local limits;

b. A requirement for the contributing local government to submit a revised user inventory on at least an annual basis;

c. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing local government; which of these activities will be conducted by the director; and which of these activities will be conducted jointly by the contributing local government and the director;

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

e. Limits on the nature, quality, and volume of the contributing local government's wastewater at the point where it discharges to the facilities;

- f. Requirements for monitoring the contributing local government's discharge;
- g. A provision ensuring the directors access to the facilities of users located within the contributing local government'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 intermunicipal agreement.

**Sec. 3-8-142. Wastewater discharge permit revocation.**

The director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the director of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the director of changed conditions pursuant to Section 3-8-169 of this article;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the director timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;

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

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

(13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.

Prior to revocation of the wastewater discharge permit, the user shall be notified of the proposed revocation and be offered an opportunity to show cause under Section 3-8-163 of this article 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.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership unless approved by the county. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

## **DIVISION 5. RATES, FEES, AND CHARGES**

### **Sec. 3-8-143. Rates, fees, and charges.**

The county shall adopt rates, fees, and charges (“fees”) applicable to significant industrial users which may include:

- (1) fees for cost of administration of the county’s pretreatment program;
- (2) fees for sampling, monitoring, inspections and surveillance procedures;
- (3) fees for reviewing accidental discharge procedures and construction;
- (4) fees for permit application and permit renewals;
- (5) fees for filing appeals;

- (6) fees for consistent removal (by the county) of pollutants otherwise subject to national pretreatment standards;
- (7) fees (surcharges) as provided in Section 3-8-124 of this article;
- (8) fees for discharge of transported liquid waste;
- (9) fees for discharge of transported liquid waste into facilities; and
- (10) other fees as the county may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this article and are separate from all other fees chargeable by the county. Fees may be adopted and/or amended by resolution of the Board of County Commissioners.

#### **DIVISION 6. REPORTING AND COMPLIANCE**

##### **Sec. 3-8-144. Baseline monitoring reports.**

(1) Within either 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)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the facilities shall submit to the director a report which contains the information listed in paragraph 2, below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report which contains the information listed in paragraph 2, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical pretreatment standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) Users described above shall submit the information set forth below.

a. *Identifying information.* The name and address of the facility, including the name of the operator and owner.

b. *Environmental permits.* A list of any environmental control permits held by or for the facility.

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

d. *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the facilities 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).

e. *Measurement of pollutants.*

(I) The categorical pretreatment standards applicable to each regulated process.

(ii) 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 concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 3-8-150 of this article.

(iii) Sampling must be performed in accordance with procedures set out in Section 3-8-152 of this article.

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

g. *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the user will complete such additional pretreatment and/or O&M not 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 3-8-145 of this article.

h. *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with Section 3-8-134 of this article.

**Sec. 3-8-145. Compliance schedule.**

New and existing industrial users shall develop compliance schedules specifying time required to meet all applicable national categorical pretreatment standards. The proposed compliance schedule shall be submitted to the director of utilities for review and approval. This schedule shall indicate the maximum time limit for industrial users to provide additional pretreatment or operation and maintenance in order to meet these pretreatment standards. The completion date of this schedule shall not be later than the compliance date established for the applicable pretreatment facilities necessary for the industrial user to meet the applicable pretreatment standards. No increment of such schedule shall exceed nine months. Not later than 14 days

following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the county, including: Whether or not it achieved compliance with the increments of progress to be met on such date and, if not, the date on which it expects to comply with the increments of progress, the reason for the delay and measures being taken to return to the schedule established.

**Sec. 3-8-146. Compliance data report.**

(a) An industrial user subject to the national categorical pretreatment standards and associated pretreatment requirements (including new connectors following commencement of wastewater discharge into the county's wastewater treatment system) shall submit to the director within 90 days following the date for final compliance with the pretreatment standards and requirements, a report indicating the nature and concentration, as well as the average and peak daily flows, of all pollutants limited by the pretreatment standards and associated pretreatment requirements being discharged to County's wastewater treatment system.

(b) This report will indicate whether the applicable pretreatment standards and requirements are being met on a consistent basis, and, if not, what additional operation and maintenance procedures or pretreatment will be implemented to bring the user into compliance with the applicable national categorical pretreatment standards and associated pretreatment requirements. This statement shall be signed by an authorized representative of the industrial user and certified by a qualified engineering professional.

**Sec. 3-8-147. Periodic compliance report.**

(a) Significant industrial users and industrial users subject to the national categorical pretreatment standards and associated pretreatment requirements shall submit to the director of

utilities twice annually, during the months of June and December (unless required more frequently in the pretreatment standards or by the director of utilities), a report indicating the nature and concentration of pollutants in the effluent being discharged which are limited by referenced pretreatment standards. This report shall include a record of the average and peak daily flows being discharged during the reporting period. Additionally, this report must contain all self-monitoring results. In the event that any monitoring by the industrial user shows any violation, no matter how minor, the industrial user must resample and resubmit both results to the director within 30 days. At the discretion of the county and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director of utilities may decide to alter the months during which the compliance reports are to be submitted by a particular user.

(b) The county may impose mass (quantum) limitations on industrial users to meet the applicable national categorical pretreatment standards and/or local discharge limits in cases where the imposition of mass limitations are appropriate. In such cases, the compliance data report required by Section 3-8-146 shall indicate the quantity of pollutants regulated by the pretreatment standards to be discharged by the industrial user as well as a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other unit of operation), the report must include the user's actual average production rate for the reporting period. These reports will contain the results of sampling and analysis of the discharge and will include a record of the flow, nature and concentration, or quantity in pounds where requested by the director of utilities, of pollutants contained therein which are limited by the applicable pretreatment standards and associated pretreatment requirements.

The frequency of monitoring shall be prescribed in the referenced pretreatment standards. All analysis will be performed in accordance with the procedures established in Section 3-8-151.

**Sec. 3-8-148. Monitoring and sampling facilities.**

The county shall have the right to construct, operate and maintain monitoring facilities at the industrial user's expense in order to allow inspection of the building, building sewer or internal drainage systems, and sampling and flow measurement of the waste being discharged to the county's wastewater treatment system in order to ensure compliance with the applicable national categorical pretreatment standards and related pretreatment requirements. Appropriate valving shall be included in design and construction of such facilities to halt discharges prohibited by Section 3-8-122. Ample room shall be provided in the area of such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, including sampling and measurement equipment shall be maintained at all times in a safe and proper operating condition by the county at the expense of the industrial user. Whether constructed on public or private property, the sampling and monitoring facilities shall be constructed in accordance with all applicable local construction standards and specifications.

**Sec. 3-8-149. Dangerous discharge prevention and notification requirements.**

(a) Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's cost and expense. Detailed plans showing facilities and operating procedures to provide the protection shall be submitted to the county utilities department for review and shall be approved by the county director of utilities before issuance of a permit and shall include at a minimum the following:

- (1) description of discharge practices, including non-routine batch discharges;
- (2) description of stored chemicals;
- (3) procedures for immediately notifying the director of utilities of any accidental or slug discharge, as required by Section 3-8-149(b) of this article; and

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

The director may re-evaluate these plans every two years and may require the user to modify the existing plan or submit new plans.

All existing industrial users shall complete such a plan within one year of the issuance of a permit. No user who commences contribution to the county's wastewater treatment system shall be permitted to introduce pollutants into the county's wastewater treatment system until accidental discharge procedures have been approved by the county and the planned facilities are in

place. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this regulation.

(b) In the case of an accidental or slug discharge, it is the responsibility of the user to telephone notification to the director of utilities of the incident immediately. The notification shall include location of discharge, type of waste, concentration, volume and correction actions.

(c) Within five calendar days following an accidental discharge, the user shall, unless waived by the director, submit to the director of utilities a detailed written report describing the cause of the discharge, the amount and type of pollutant released, and the measures to be taken by the user to prevent similar future occurrences. Neither the notification nor the report shall relieve the user of liability for any expenses, losses or damages which may be incurred as a result of damage to the county's wastewater treatment system, or any damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties or other liabilities which may be imposed by this or other applicable laws.

(d) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place, advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

**Sec. 3-8-150. Fat, oil, and grease trap/oil and sand separator/interceptor requirements.**

(a) Fat, Oil and Grease (F.O.G.) interceptors required. Users who operate restaurants, cafes, lunch counters, take-outs, cafeterias, bars, clubs, or hotel, hospital, factory or school kitchens

or other establishments that serve or prepare food where F.O.G. may be introduced to the sewer system shall have an F.O.G. interceptor.

Take-out food establishments or other establishments that prepare food but do not cook in oil or grease and who serve food only in disposable containers may utilize alternative interceptors as approved by the director, provided their discharges will not violate any discharge prohibitions of this article. F.O.G. interceptors may also be required in non-cooking or cold dairy and frozen foodstuff establishments when they are deemed necessary by the director.

(b) Oil and sand interceptors required. Users who operate automatic and coin operated laundries, car washes, filling stations, commercial garages or similar businesses having any type of washing facilities or grease racks and any other users producing grit, sand, oils or other materials which may have the potential of causing partial or complete obstruction of the building sewer or other areas in the sewer system shall install interceptors approved by the director.

(c) Location of interceptors. All interceptors shall be located outside the building in such a manner that personnel from CCU can inspect the interceptors at any time.

(d) Size of interceptors. All interceptors shall be sized to ensure that the County's sewer system is protected from excessive F.O.G., sand and oil which may cause clogging or damage and that the user is capable of meeting all discharge requirements. F.O.G. interceptors shall be based on Chapter 10 of the Florida Building Code, as amended.

(e) Sampling port. A sampling port shall be installed in an approved location to allow sampling by the utility and the user. The sample port shall be located between the interceptor and the discharge point to the sewer system.

(f) Access manholes. An access manhole must have a minimum diameter of 24 inches and shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to the finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall have readily removable covers to facilitate inspection and cleaning.

(g) Plans required. The following must be submitted to CCU for review and approval prior to installation of an interceptor.

(1) site plans showing the location of the interceptor, lines, clean out or manhole and sample port;

(2) details of the interceptor, lines, clean out or manhole and sample port; and

(3) formula and calculation used to determine the interceptor capacity.

*Note:* No non-grease-laden sources are allowed to be connected to sewer lines intended for grease, oil and sand separators.

(h) Existing interceptors. All interceptors currently in use or in existence at the time of this article will be considered sized sufficiently provided they meet all discharge requirements as stated in this article. All new interceptors or interceptors to replace or upgrade existing interceptors will be required to meet all criteria stated in this division.

(i) Inspections. When upon inspection the interceptor is found to have six inches or more of solids in the bottom of the interceptor (using a Sludge Judge) or a grease cap of three inches or more, or the establishment exceeds discharge compliance levels, the director can require a grease pump out. Upon completion of an on-site inspection or analytical results of sampling indicate a violation of this article, the director may issue a "Notice of Violation" to the user or representative to

document any discrepancies, non-compliance, special instructions or other guidance identified during the on-site inspection.

(j) Maintenance.

(1) The user of the premises or business where such interceptor is located shall obtain from CCU a maintenance card which shall be posted in a conspicuous manner showing proof of regular maintenance. Such card shall be obtained annually and shall be presented upon request. All records pertaining to the maintenance of an interceptor shall be retained by the user for a period of not less than three years and available to CCU upon request.

(2) Every F.O.G. interceptor shall be cleaned every 90 days or sooner, if needed. An exemption may be granted to the 90-day minimum requirement if the user can establish that such maintenance schedule is not necessary.

(k) Alternative treatments. The use of any Free-Enzyme, Chemical, or other products designed to emulsify, liquefy or further render grease soluble for the purpose of clearing drains or circumventing the design of the interceptor is prohibited. All products claiming biological activity must be approved by the director. Approval for this or any other treatment does not relieve the user of properly maintaining the interceptor as to prevent discharge violations to occur.

Failure to comply with this section shall subject the user to appropriate enforcement, fines, and procedures as set forth in this article. Additionally, if any person fails to comply with this section and said failure results in damage to the county's system, the county shall be entitled to recover the cost of repair of the system from said person and any fines or penalties assessed against the county as a result of such failure.

**Sec. 3-8-151. Analytical requirements.**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in EPA 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

**Sec. 3-8-152. Sample collection.**

(a) Except as indicated in paragraph (b), below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the director may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

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

**Sec. 3-8-153. User to notify of violation/repeat sampling and reporting.**

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

**Sec. 3-8-154. Record keeping.**

Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, sample custody number 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 years. This period shall be automatically extended for the duration of any litigation or any administrative action concerning the user or the county, or where the user has been specifically notified of a longer retention period by the director.

**Sec. 3-8-155. Falsifying information.**

Any person who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or

method required under this article shall, upon conviction, be punished by a fine of not more than \$1,000 per violation per day or by imprisonment for a term not to exceed 60 days or by both such fine and imprisonment.

**Sec. 3-8-156. Right of entry: inspection and sampling.**

The director shall have the right to enter the premises of any user at reasonable times without prior notification to determine whether the user is complying with all requirements of this article and any wastewater discharge permit or order issued hereunder. Users shall allow the director, upon showing of proper credentials, ready access to all parts of the premises for the purposes of inspection, observation, sampling, testing, records examination and copying, and the performance of any additional duties.

(a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the director will be permitted to enter without delay for the purposes of performing specific responsibilities.

(b) The director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(c) The director may require the user 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 user at his own expense. All devices used to measure wastewater flow and quality shall be calibrated to the manufacturer's recommendation to ensure their accuracy.

(d) 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 user at the written or oral request of the director and shall not be replaced. The costs of clearing such access shall be borne by the user.

(e) Unreasonable delays in allowing the director access to the user's premises shall be a violation of this article.

**Sec. 3-8-157. Search warrants.**

If the director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the county designed to verify compliance with this article 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 court of competent jurisdiction in the county of Charlotte.

**Sec. 3-8-158. Publication of users in significant non-compliance.**

The superintendent shall publish annually, in a newspaper of general circulation published in the municipality where the county wastewater system is located, a list of the users which, during the previous 12 months, were in significant non-compliance with applicable pretreatment standards and requirements. The term significant non-compliance shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(b) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria(1.4 for BOD, TSS, fats, oils and grease, 1.2 for all other pollutants except pH);

(c) Any other discharge violation that the director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of county wastewater system personnel or the general public;

(d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the director's exercise of his emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report non-compliance; or

(h) Any other violation(s) which the director determines will adversely affect the operation or implementation of the local pretreatment program.

**Sec. 3-8-159. Confidential information.**

(a) In accordance with Chapter 119, Fla. Stat., all information and documents submitted to CCU are considered to be public information and, as such, are available to the public for reading or copying. However, in accordance with Section 403.111, Fla. Stat., any information submitted to CCU in accordance with this article may be claimed as confidential by the submitter. Any such claim must be claimed as confidential by the submitter and must be asserted at the time of submission in the manner prescribed on the application form or instruction, or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, CCU may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in Section 403.111, Fla. Stat.

(b) Effluent information and data provided to the county pursuant to this article shall be available to the public without restrictions.

**Sec. 3-8-160. Compliance with more stringent standards.**

(a) The county reserves the right to establish by amendment to this article by subsequent ordinance or resolution, locally developed limitations or more stringent requirements on discharge to the wastewater disposal system, if deemed necessary to comply with the objectives of this article.

(b) Upon the promulgation of the national categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The county shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

(c) No Industrial User shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards or in any other pollutant specific limitation developed by the county or the state.

## **DIVISION 7. ENFORCEMENT AND REMEDIES**

### **A. Administrative:**

#### **Sec. 3-8-161. Notification of violation.**

When the director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, any other pretreatment standard or requirement, the director may serve upon that user a written Notice of Violation in person, by facsimile machine or certified mail. Within ten days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the director. Submission of this plan in no way relieves the user 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.

#### **Sec. 3-8-162. Consent orders.**

The director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for non-compliance. Such documents will include specific action to be taken by the user to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as the

administrative orders issued pursuant to Sections 3-8-164 and 3-8-166 of this article and shall be judicially enforceable.

**Sec. 3-8-163. Show cause hearing**

The director may order a user which has violated, or continues to violate, any provision of this article, a 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 user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user 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 30 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

**Sec. 3-8-164. Compliance orders.**

When the director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the non-compliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to

the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user 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 user.

**Sec. 3-8-165. Compliance enforcement and fines.**

(a) *Enforcement procedure.* Whenever the director determines or has reasonable cause to believe that a discharge of wastewater has occurred in violation of the provisions of this article, a wastewater discharge permit or order issued hereunder, any other pretreatment standard or requirement, the director shall evaluate the violation as prescribed below:

(1) If the director determines the violation does not cause the SIU to be in SNC as defined in Section 3-8-102 of this article, he shall issue the SIU a notice of violation stating the nature of the violation and requesting information or requiring corrective action within 10 days. In response to this notice:

a. Failure of the SIU to respond within ten working days of the date of the notice shall cause the SIU to be in SNC, and the director may issue a notice of SNC as prescribed in subsection (3) below and an administrative fine of \$500.

b. If the SIU responds with an acceptable written explanation for the violation or corrects the violation within the prescribed time, the director may cease all further enforcement action.

c. If the SIU requests additional time to correct the violation, it shall submit a compliance schedule outlining what steps will be taken to gain compliance and prevent reoccurrence of the violation. The director shall evaluate this request, modify it as deemed necessary

and may issue a short term compliance schedule requiring the corrective actions to be made within a specified period of time not to exceed 60 days as prescribed in subsection (2) below.

d. If the SIU responds that pretreatment is required to correct the discharge problem, the director may issue a notice of SNC as prescribed in subsection (3) below.

2) Once an SIU has received a short term compliance schedule:

a. Failure of the SIU to implement the short term compliance schedule within ten working days of date of the issuance of the schedule may cause the director to declare the SIU to be in SNC, issue an administrative fine to the SIU in the amount of \$500 and issue a final compliance schedule as prescribed in subsection (5) below.

b. If the SIU complies with the short term compliance schedule within the specified time period, the director may cease further enforcement action.

c. If the director determines that compliance has not been achieved after the time specified in the short term compliance schedule, or no response has been received from the SIU, the director may declare the SIU to be in SNC, issue an administrative fine to the SIU in the amount of \$500 and issue a final compliance schedule as prescribed in subsection (5) below.

(3) If the Director determines the violation causes the SIU to be in SNC as defined in Section 3-8-102 of this article, he may issue the SIU a notice of SNC stating the nature of the violation and requiring corrective action within a specified time period. The director shall also publish the significant non-compliance with pretreatment standards in a newspaper of general circulation as set out in Section 3-8-158 of this article in response to the notice of SNC:

a. Failure of the SIU to respond within ten working days of the date of the notice may cause the director to issue an administrative fine to the SIU in the amount of \$500 per violation per day and issue a final compliance schedule as prescribed in subsection (5) below.

b. If the SIU requests additional time to correct the violation, it shall submit a compliance schedule outlining what steps will be taken to gain compliance and prevent reoccurrence of the violation. The director shall evaluate this request, modify it as deemed necessary and may issue a first compliance schedule requiring the corrective actions to be made within a specified period of time as prescribed in subsection (4) below.

(4) Once an SIU has received a first compliance schedule:

a. Failure of the SIU to implement the first compliance schedule within ten working days of receiving the schedule may cause the director to issue an administrative fine to the SIU in the amount of \$500 per violation per day and issue a final compliance schedule as prescribed in subsection (5) below.

b. If the SIU complies with the first compliance schedule within the specified time period, the director may cease further enforcement action.

c. If the director determines that compliance has not been achieved after the time specified in the first compliance schedule, or no response has been received from the SIU, the director may issue an administrative fine to the SIU in the amount of \$500 per violation per day and issue a final compliance schedule as prescribed in subsection (5) below.

(5) Once an SIU has received the administrative fine above and a final compliance schedule:

a. Failure of the SIU to implement the final compliance schedule within ten working days of the date of issuance of the schedule may cause the director to revoke the discharge permit, terminate the SIU's sewer service and seek to fine the SIU in an amount not to exceed \$1,000 per violation per day.

b. If the SIU complies with the final compliance schedule within the specified time period, the director may cease further enforcement action.

c. If the director determines that compliance has not been achieved after the time specified in the final compliance schedule, or no response has been received from the SIU, the director may revoke the discharge permit, terminate the SIU's sewer service and seek to fine the SIU in an amount not to exceed \$1,000 per violation per day.

**Sec. 3-8-166. Cease and desist orders.**

When the director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director may issue an order to the user 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.

**Sec. 3-8-167. Administrative fines.**

(a) When the director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may fine such user in an amount not to exceed \$1,000 per violation per day. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

(b) Additionally, if a user violation causes the facility to not meet its required permit limits and/or a penalty is imposed on the county, the user who has committed the violation may also be required to pay the cost of repairing all damages to the facility, restoring the facility to its original working order, and pay the penalty, if any, imposed on the county.

(c) Such fines may be added to the user's next scheduled service charge, and the director shall have such other collection remedies as provided by the Credit and Collection Policy as amended to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the owner's/user's property.

(d) Users desiring to dispute such fines must file a written request for the director to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where the director determines that a request has merit, the director may convene a hearing on the matter. If so, the hearing will be held within 30 days of receipt of the request. The director of utilities or his designated representative shall preside over the administrative hearing and shall entertain testimony and evidence. The alleged violating user shall have the opportunity to be represented by counsel and to examine and cross-examine witnesses. The county shall likewise have the opportunity to be represented by counsel and examine and cross-examine witnesses. The director of utilities shall issue written findings as soon after the hearing as is practicable. The

decision of the director of utilities, if adverse to the alleged violating user, may be appealed to the administrator or his or her designee. If an appeal is to be taken, written notice of the appeal shall be delivered to the county administrator no later than ten days after the violator's receipt of the director of utilities' written findings. The notice must state the justification for requesting the appeal. Within 20 days of receipt of Notice of Appeal, the county administrator shall determine the appeal and notify the alleged violating user of the decision in writing. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. If the appeal is unsuccessful, the director may add the costs of preparing administrative enforcement actions, such as notices and orders, and the cost of the hearing, such as attorney's fees and costs, and witness fees, to the fine.

(e) Issuance of an administrative fine or the holding of a hearing shall not be a bar against, or a prerequisite for, taking any other action against the user.

These fines may be amended by the board by ordinance.

**Sec. 3-8-168. Emergency suspensions.**

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

(a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the facility, its receiving stream, or endangerment to any individuals. The director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless the termination proceedings in Section 3-8-169 of this article are initiated against the user.

(b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Sections 3-8-164 or 3-8-166 of this article.

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

**Sec. 3-8-169. Termination of wastewater discharge.**

In addition to the provisions in Section 3-8-142 of this article, any user who violates the following conditions is subject to wastewater discharge termination:

- (1) Violation of wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (5) Violation of the pretreatment standards in Sections 3-8-129 and 3-8-130 of this article.

Such user will be notified of the proposed termination of its discharge permit and be offered an opportunity to show cause under Section 3-8-163 of this article 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.

**B. Judicial:**

**Sec. 3-8-170. Injunctive relief.**

When the director finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may petition the court of appropriate jurisdiction 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 article

on activities of the user. The director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against or a prerequisite for taking any other action against a user.

**Sec. 3-8-171. Civil penalties.**

(a) A user who has violated or continues to violate any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the county for a maximum civil penalty of \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(b) The director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the county.

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

(d) Filing a suit for civil penalties shall not be a bar against or a prerequisite for taking any other action against a user.

**Sec. 3-8-172. Criminal prosecution.**

(a) A user who willfully or negligently violates any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be prosecuted in the same manner as misdemeanors and, upon conviction, be guilty of a misdemeanor, punishable by a fine of \$1,000 per violation, per day, or imprisonment for not more than 60 days, or both.

(b) A user who willfully or negligently introduces any substance into the facilities which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1,000 per violation, per day, or be subject to imprisonment for not more than 60 days, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(c) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed or required to be maintained pursuant to this article, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of \$1,000 per violation, per day, or imprisonment for not more than 60 days, or both.

**Sec. 3-8-173. Water supply severance.**

Whenever an industrial user has violated or continues to violate the provisions of this article or an order or permit issued hereunder, water service to the industrial user may be severed; and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

**Sec. 3-8-174. Remedies non-exclusive.**

The remedies provided for in this article are not exclusive. The director may take any, all, or any combination of these actions against a noncompliant user or any other action against any user when the circumstances warrant. Further, the director is empowered to take more than one enforcement action against any noncompliant user.

**DIVISION 8. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

**Sec. 3-8-175. Prohibited discharge standards.**

A user shall have an affirmative defense to an enforcement action brought against it for non-compliance with the general prohibitions in Section 3-8-123 or the specific prohibitions of this article in Section 3-8-122(b), except for (b)(1), (3) and (18), if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to and during the pass through or interference; or

(2) A local limit does not exist for the pollutants that caused the pass through or interference, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the facilities were regularly in compliance with its permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

**Sec. 3-8-176. Upset.**

(a) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary non-compliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include non-compliance to the

extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical pretreatment standards if the requirements of paragraph (c) below are met.

(c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

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

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The user has submitted the following information to the director within 24 hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five days]:

a. A description of the indirect discharge and cause of non-compliance;

b. The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and

c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.

(d) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with categorical pretreatment standards.

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

**Sec. 3-8-177. Bypass.**

(a) For the purposes of this section:

(1) “Bypass” means the intentional diversion of wastestreams from any portion of a user's treatment facility.

(2) “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this section.

(c) (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the director, at least ten days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause;

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 steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(d) Bypass is prohibited, and the director may take an enforcement action against a user for a bypass, unless

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

(2) 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. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The user submitted notices as required under paragraph (c) of this section.

## **DIVISION 9. MANDATORY CONNECTION/ASSESSMENTS**

### **Sec. 3-8-178. Mandatory connection.**

The owner of each lot or parcel of land within the county upon which lot or parcel of land any building or trailer is now situated or shall hereafter be situated and owner of a package plant shall connect or cause such building or buildings, trailer or trailers or package plant to be connected with the public sewer facilities of the county sewer system within 365 days following notification to do so by the county. All such connections and determination of availability shall be made in accordance with the more stringent of: the Potable Water and Sanitary Sewer Sub-Element of

Charlotte County's Comprehensive Plan, Florida State Law, or Florida State Regulations, including F.A.C. 64E-6, rules and regulations as adopted by the board, all as amended from time to time. In those instances where water is available pursuant to the Florida state laws, rules or regulations or the county's water use ordinance or other county rules and regulations, sewer will not be extended without simultaneous extension of the water system. The charge for making any such connections shall be made in accordance with the Uniform Extension Policy and other rules and regulations adopted from time to time by the board in such reasonable amount as the board may fix and determine by resolution.

If after 365 days any owner of any lot or parcel of land within the county shall fail or refuse to connect with and use the facilities of the sewer system of the county or has failed to pay the required connection charge, a list of these owners shall be prepared by the county utilities department. The utilities department will send out certified letters to each individual who has not connected and/or has not paid the required connection fees and charges. Within the letter, a request to connect will again be made. The owner then has 20 days to connect and/or pay the required connection charges. If the owner fails to connect or pay within 20 days, the base facility charge and any other required connection charges of the county shall be imposed beginning on the 21st day after the request to connect and the utilities director or his designee shall be authorized to make connections, entering on or upon any such lot or parcel of land for the purpose of making such connections.

The county shall be entitled to recover by suit in any court of competent jurisdiction, the cost of making a connection, connection fees and accrued base facility charges, usage charges, interest, and attorney's fees and costs. The interest shall accrue after the twentieth day at an annualized

percentage rate three percentage points above the prime lending rate as published in the Wall Street Journal, for each day, including Saturdays, Sundays, and holidays.

#### **DIVISION 10. ON-SITE SEWAGE TREATMENT AND DISPOSAL**

##### **Sec. 3-8-179. On-site sewage treatment and disposal systems (“OSTDS”).**

No OSTDS shall be installed where CCU’s wastewater facilities are available.

It shall be unlawful to empty, dump, throw or otherwise discharge into any manhole, catch basin or other opening, into the county sewer system, or any system connected with and discharging into the sewer system, the contents of any OSTDS, sludge, sewage or other similar matter or material, except as provided in Section 3-8-180 hereof.

#### **DIVISION 11. TRANSPORTED LIQUID WASTE**

##### **Sec. 3-8-180. Transported liquid waste regulations and procedures.**

Certain domestic wastes, including primarily those liquid wastes removed from septic tanks, temporary domestic waste holding tanks, portable toilets, and marine vessels that are not able to discharge their domestic wastewater directly into the county’s wastewater treatment facilities through approved discharged points designated by the county, are transported to the facilities by liquid waste transport or similar trucks. Transported liquid waste is subject to the restrictions provided in Sections 3-8-122 and 3-8-124. This section provides regulations and procedures for the control of the discharge of wastes from commercial liquid waste transport trucks/private septage haulers into the facilities.

(a) *Administration and permitting.*

(1) A transport waste discharge permit (TWDP) issued by the director is required for any person who proposes to discharge domestic sewage wastes from liquid waste transport trucks

to the facilities. The director shall approve, deny, or approve with special conditions all applications for permits in accordance with the policies and regulations established in this section. It shall be unlawful for any person or company to discharge liquid waste transport trucks at the designated facilities without a current TWDP.

(2) All persons required under the terms of this section to obtain a TWDP shall submit to the county a completed application for a TWDP together with the required fee. Each application shall include the following information:

a. Name, address and telephone number of applicant. If the applicant is a partnership, corporation or other business, the name of an authorized representative must be provided as defined in this division.

b. The type, license tag number, and description of each vehicle from which waste will be discharged by the applicant. Any new or replacement equipment acquired subsequent to the application shall be reported to the director prior to any discharge from this new equipment into the facilities.

c. A statement that the provided information is accurate must be signed by the authorized representative of the wastewater transporter.

(3) Each permit shall be effective for a one-year period and may include special conditions as deemed necessary by the director. An application for renewal of the permit shall be submitted at least 30 days prior to the expiration date of the existing permit by each applicant wishing to continue to discharge into the facilities. Failure to submit applications in a timely manner will result in periods when discharge will not be permitted due to lack of authorization.

(4) The TWDP shall be in addition to any other permits, registrations, or occupational licenses which may be required by the federal, state or local law.

(b) *Revocation of permit.* Any TWDP issued under the provisions of this section is subject to be modified, suspended or revoked in whole or in part during its term for a period of at least one year for cause shown including, but not limited to any one of the following:

(1) Falsification of any information submitted as part of the application for the TWDP.

(2) Falsification of any information contained on a required discharge manifest.

(3) Failure to comply with any requirements or regulations concerning discharges to the facilities as provided by this article (or any amendments thereto).

(4) Failure to pay required discharge fees, sampling and analytical fees or any assessed surcharges in a timely manner.

(5) When necessary to protect the public health, safety and welfare.

Withdrawal of permission to discharge shall be in addition to any other penalties for violations of any part of this division.

(c) *Acceptable wastes.* Domestic sewage wastes generated within the county or outside the county as authorized by the director from septic tanks, temporary domestic waste holding tanks, and portable toilets and sewage wastes generated by marine vessels are the only acceptable wastes for discharge to the facilities by liquid waste transport trucks. Wastewaters produced by any type of industrial or manufacturing process and mixtures of industrial and domestic wastewaters from any area are strictly prohibited.

(d) *Pollutant limitations of acceptable wastes.* Acceptable transported liquid wastes as defined in this section are subject to the following pollutant limitations:

(1) all general discharge prohibitions as itemized in Section 3-8-122 of this article;

and

(2) all specific limitations as itemized in Section 3-8-124 of this article.

(e) *Manifest and permit requirements.* Prior to discharge of each load of waste into the facilities from a liquid waste transport truck, a complete and signed manifest must be presented to the designated facilities' operator in charge. The completed manifest shall indicate the origin of all wastes contained in the truck to be discharged. The date, customer name, address served, type and amount of waste must be identified on the manifest for each source of waste contained in the truck. The name of the liquid transport company, vehicle license tag number, driver name, date, time and driver's signature must be provided for the manifest to be complete. By signing the manifest, the driver will certify the accuracy of the information provided on that manifest. Discharge will be permitted only when a completed manifest is submitted to the satisfaction of the operator in charge of the facility.

(f) *Location and time.* Acceptable transported liquid wastes shall be discharged at the Eastport Water Reclamation Facility, 3100 Loveland Boulevard, Port Charlotte, between the hours of 7 AM and 5 PM, Monday through Friday, or any other facility authorized by the director. Discharges may be permitted during other hours and on weekends approved by the director in advance and at an approved time for the discharge. The exact location of the discharge point within the facilities shall be identified by the operator in charge as required.

(g) *Fees and billing.* The fees provided for in this section are separate and distinct from all other fees chargeable by the county. The relevant fees applicable to this section are as follows:

(1) A permit application fee of \$150 shall be payable for initial applications for one-year permits, and renewal permit fee of \$100 shall be payable for renewal applications for one-year permits. Each additional truck added to the list during the duration of the permit shall be subject to a fee of \$25. Temporary replacement trucks used for 30 days or less shall not be subject to this fee throughout the duration of the permit.

(2) Each time a waste load is discharged at CCU, a waste discharge fee based on total gallons discharged as indicated by the receiving station flow meter shall apply. In the event, the receiving station flow meter is inoperable, the fee will be based on the total gallons reported on the waste hauler manifest.

(3) Waste discharge fee shall be three cents per gallon for in-county waste and five cents per gallon for out-of-county waste per trip.

(4) A fee shall apply for random sampling and analysis carried out by the county or its agent when any violation is detected as follows:

a. the total cost of the sampling and analysis shall be chargeable to the permittee in full.

b. the total cost of the demand sampling and analysis for the specific pollutant(s) in violation from all subsequent discharges by the permittee until no further violations are detected in three consecutive samples.

These fees may be amended by the BCC by resolution or ordinance.

(h) *Sampling and analysis of wastes.* Random sampling of the contents of any liquid waste transport truck proposed for discharge into the facilities may be conducted by the operator in charge prior to discharge. Samples will be analyzed by the county laboratory or other authorized laboratory for the purpose of determining the presence of industrial or other prohibited wastes as specified by Division 2 of this article. At the driver's request, samples will be split with the haulage company for comparative analysis at his own expense. At a minimum, random samples will be analyzed for the following pollutants: pH, COD, chloride, cadmium, chromium, copper, lead, nickel, silver, zinc, oil and grease, EPA Method 624. Additional analyses may be performed for other pollutants that the director has reason to believe may be present based on an inspection of the sample and the manifest.

(i) *Enforcement.* A notice of violation will be issued to the appropriate permitted waste hauler if random sampling and analysis reveal a violation. Response to this notice must be received by the county within ten working days of receipt by the waste hauler. The waste hauler will be required to identify the origin of the unacceptable waste and to implement appropriate procedures to prevent the reoccurrence of this violation. Increased demand sampling and analysis of discharges will be carried out by the county once a violation has been detected. Escalating enforcement procedures, administrative fines and other penalties will be applied when continuing violations are detected including, but not limited to, termination of service and pursuit of action in a court of competent jurisdiction in Charlotte County for violations of this article.

## **DIVISION 12. BUILDING SEWERS AND CONNECTIONS**

### **Sec. 3-8-181. Building sewer connection.**

A building sewer is a conduit or pipe which conveys wastewater from the plumbing drain system of a building to a public sewer or other place of disposal.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. Authorization may be obtained after approval from the utilities department and payment of all required fees and charges and obtaining written permit from the county community development department.

The owner or his agent shall make application for a permit on a special form furnished by the county community development department. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the county community development department and the director of utilities. A permit and inspection fee, as specified in the Charlotte County Code, Chapter 3-2, shall be paid at the time the application is filed.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the county from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Where sewer service is not initially available, all costs of connection at a subsequent date, associated with permit, construction and extension shall be the responsibility of the permit applicant.

A separate and independent building sewer shall be provided for every building or buildable lot; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the county does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the county community development department to meet all requirements of this article and are approved by the director of utilities.

If common laterals are permitted by the county, then separate sampling devices must be provided on each individual conduit.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in construction shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the county. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9 as amended from time to time, shall apply.

Whenever possible, the building sewer shall be brought to the building at an elevation below the floor grade. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

No person shall make connection of roof downspouts, foundation drains, areaway drains, air conditioner drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

The applicant for the building sewer permit shall notify the county community development department when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the county community development department or his representative.

All excavations for building sewer installations shall be adequately guarded with barricades and lights in compliance with all Occupational Safety & Health Act (OSHA) requirements 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 and within a time frame satisfactory to the county.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code and other applicable rules and regulations of the county.

If any building sewer permits entrance of infiltration/or inflow, the county director of utilities shall require one of the following:

(1) Require the owner to repair the building sewer within 60 days from date of notification; or

(2) Charge the owner a sewer usage charge that reflects the additional flow of sewage from the owner's property; or

(3) Require the owner to disconnect his building sewer from the county's sewer system within 60 days from date of notification; or

(4) Reimburse the county for the actual cost of making the repair to the building sewer and allow access to property.

Section 3. In the event this ordinance conflicts with any other Charlotte County Code or other applicable law, the more restrictive shall apply. If any subsection, sentence, clause, phrase or portion of these sections is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder of the chapter.

Section 4. It is the intent of the Board of County Commissioners and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the Laws and Ordinances, Charlotte County, Florida, and the sections of this ordinance may be renumbered to accomplish such intent.

Section 5. This ordinance shall take effect upon its filing in the Office of the Secretary of State, State of Florida.

PASSED AND DULY ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2001.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By \_\_\_\_\_  
Adam Cummings, Chair

ATTEST:  
Barbara T. Scott, Clerk of Circuit  
Court and Ex-officio Clerk to the  
Board of County Commissioners

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Reneé Francis Lee, County Attorney

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