

**ORDINANCE NO. 2009-\_\_\_\_\_**

**AN ORDINANCE OF WAKULLA COUNTY, FLORIDA, AMENDING ARTICLE II; CHAPTER 31 WAKULLA COUNTY CODE REGARDING SEWAGE DISPOSAL; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, Wakulla County, Florida, is developing and improving their wastewater collection and sewer system; and

WHEREAS, the Board of County Commission of Wakulla County, Florida, has determined that it is in the best interest of the health, welfare and safety of the citizens of Wakulla County to adopt an ordinance that will govern and control such sewer utility.

NOW THEREFORE, BE IT ORDAINED AND ESTABLISHED BY THE BOARD OF COUNTY COMMISSION OF WAKULLA COUNTY, FLORIDA, AS FOLLOWS:

1. Article II Sewage Disposal, Chapter 31 of the Wakulla County Code is amended as follows:

**DIVISION I. GENERALLY**

**Sec. 1-1. Definitions.**

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abut* means where the sanitary sewer is located on an easement within or abutting the property itself, or on adjacent street or alley where a connection can be made to the main without crossing the applicable side or end property lines as produced or extended into such street or alley.

*Apartment* means a part of a residential building occupied by a person while the rest is occupied by another, or others.

*Assessment* means a municipal improvement lien against property for benefits received from construction of such improvements.

*Available municipal wastewater/sewerage system* means the publicly owned sewerage system is capable of being connected to the plumbing of an establishment or residence, is not under a Department of Environmental Protection moratorium, and has adequate permitted capacity to accept the sewage to be generated by the establishment or residence and:

- (a) For a residential subdivision lot, a single-family residence, or any establishment, any of which has an estimated sewage flow of one thousand (1,000) gallons per day or less, a gravity sewer line to maintain gravity flow from the property's drain to the sewer line, or a low pressure or vacuum sewage collection line in those areas approved for low pressure or vacuum sewage collection, exists in a public easement or right-of-way that abuts the

- property line of the lot, residence, or establishment, as long as the building sewer stub out of the structure is 300 feet or less from said public easement or right-of-way;
- (b) For an establishment with an estimated sewage flow exceeding one thousand (1,000) gallons per day, a sewer line, force main, or lift station exists in a public easement or establishment or is within fifty (50) feet of the property line of the establishment as accessed via existing rights-of-way or easements;
  - (c) For proposed residential subdivisions with more than fifty (50) lots, for proposed commercial subdivisions with more than five (5) lots, and for areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within one-fourth (1/4) mile of the development as measured and accessed via existing easements or rights-of way;
  - (d) For repairs or modifications within areas zoned or used for an industrial or manufacturing purpose of its equivalent, a sewerage system exists within five hundred (500) feet of an establishment's or residence's sewer stub-out as measured and accessed via existing rights-of-way or easements.

*BOCC or County* means Wakulla County Board of County Commission

*Building sewer* means the service line from the public sewer, or other place of disposal, to a point five feet outside the building wall.

*Collector sewer* means a sewer connecting two or more building sewers to the public sewer. Combined sewer means a sewer receiving both surface runoff and sewage. Commercial means business as opposed to residential usage.

*Commercial or Industrial:* Any non-residential user

*Commercial Rate:* As defined in Rule 64-6, Fla. Admin. Code

*Connection fee* means a one-time fee to be paid by the owner, tenant or occupant of each lot, parcel of land or premises for each service connection thereon sewer system of the county, payable upon issuance of building permits. Such fees apply for connections to either existing or proposed mains.

*County inspector* means the inspector appointed or designated by the county to enter private property and make necessary inspections in accordance with the provisions of this section.

*County sewer or public sewer* means a sanitary sewer line or appurtenance located within a public right-of-way or easement.

*Customer* means the person or entity responsible for payment for all utility services used at a specific location of one household or business, and further defined as that person or entity who signed the application either as owner or with the owner's knowledge and consent and having demonstrated authority to bind the owner requesting that utility services be made available at the specific location and thereby agreeing as owner or on behalf of the owner to pay for all usage of such services occurring at the location, also known as "applicant," also including the fee simple owner of the land to which services are supplied who would be ultimately responsible for the payment for all services supplied to the property.

*Dwelling, multiple* means a building designed for or occupied exclusively by two or more families.

*Dwelling, single-family* means a building designed for or occupied by one family.

*Fire protection system* means any system, public or private, used exclusively for the purpose of having water ready for the extinguishing of fire, usually sprinkler systems; hose rack systems or hydrant systems, metered and unmetered, connected or independent of the water-works system.

*Industrial waste* means the liquid wastes from industrial manufacturing process, trade or business, as distinct from domestic sewage.

*Mobile home* means a structure, transportable in one or more sections, which is 8 body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating and/or air conditioning, and electrical systems contained therein.

*Motel and hotel unit* means the individual room or suite normally rented on a transient basis as a separate living and sleeping unit, with or without baths or kitchenettes.

*Multiple living units* means units in which there is appurtenant to each unit an undivided share in the common elements.

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

*Parcel* means a lot or premises served by a single water meter and served, or eligible to be served, with a connection to the public sewer.

*pH* means a symbol for expressing the degree of acidity or alkalinity, meaning the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

*Pipe* means a hollow cylinder suitable for the conveyance of liquids to include necessary valves and fittings.

*Pollution control facility.* See "sewage treatment plant."

*Private sewage disposal system* means a sewage collection, treating and disposal facility installed, maintained and owned by persons other than the county and not connected to the public sewer.

*Properly shredded garbage* means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all psections will be carried freely under the flow conditions normally prevailing in public sewers, with no psections greater than one-half inch (1.25 centimeters) in any dimension.

*Public sewer* means a sanitary sewer, other than a building sewer, that is owned by the county.

*Recreational vehicle* means a unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

*Rental Property:* Any building or residential dwelling occupied by someone other than the owner that pays money to the owner to occupy the premises

*Residential:* Up to ¾" water tap

*Sanitary sewer* means a pipe which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

*Shall, may* "Shall" is mandatory, "may" is permissive

*Sewage* A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments; including human excrement and gray water (household showers, dish washing operations, etc.) together with such groundwaters, surface waters and stormwaters as may be present.

*Sewage treatment plant* means an arrangement of devices and structures used for treating sewage.

*Sewer* Any pipe, conduit ditch, or other device used to collect and transport sewage from the generating source.

*Sewerage works* means all facilities for collecting, pumping, treating and disposing of sewage.

*Slug* means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

*Slug load* Any discharge at a flow rate or concentration which could cause a violation of the discharge standards in Section 5-6 of this ordinance or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

*Storm drain* (sometimes termed *storm sewer*) means a sewer which carries stormwaters, surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

*Suspended solids* means solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

*Trailer* means a non-permanently mounted vehicular structure used for residential purposes and capable of being towed from location to location.

*User:* Any parcel, building, or dwelling connected to the Wakulla County Sewage System.

*Utility charges* means sewer collection charges.

Wastes See "sewage."

**Sec. 1-2. Jurisdiction; in general.**

This section shall apply to all lands within the unincorporated and incorporated areas of Wakulla County served by the county sewer system as described in Florida Statutes, Section 180.02(3) as well as Florida Statutes, Section 125.01(k)1.

**Sec. 1-3. Sewer agreements.**

Any agreement for water or sewer services between the county and another individual, governmental organization, or corporation, or any other business entity, shall be subject to the provisions of this chapter and other applicable county ordinances or regulations.

**Sec. 1-4. Damage to utility system.**

All damages to sewer lines, fittings, meter and meter boxes or other equipment willfully or negligently caused by the customer, or other person, shall be charged to the customer, such other person or owner of the property on which such damage occurs. It shall also be the responsibility of the users of the service to report any defects, breakdowns or leaks in the county mains, meters, meter boxes, valves and any other part of the distribution and collection system to the county upon such discovery.

**Sec. 1-5. Cost and location of lines.**

It shall be the responsibility and obligation of the customer to supply and install from the sewer line to the gravity stubout or low pressure station. The exact location of the sewer connections shall be determined by the county. No service shall be connected unless it conforms to the applicable plumbing codes and county ordinances.

**Sec. 1-6. Repairs to sewer systems on private property.**

All repairs to any sewer lines within the property of the owner of a dwelling shall be made by and at the expense of the owners of the premises served.

**Sec. 1-7. Unauthorized taps or use.**

It shall be unlawful for any person to tap, cut or in any way use any building sewer, other public sewer or part of the sanitary sewerage system without a written permit issued by the county and without the payment of all rates and charges required by the county for the use of such utility.

Any property owner or plumber who shall make any connection without the consent of the county shall upon conviction be subject to disconnection and to the penalties herein provided.

**Sec. 1-8. Power and authority of county inspectors.**

Duly authorized employees of the county, or designated by the county, bearing proper credentials and identification shall be permitted to enter all private properties for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works.

**Sec. 1-9. Protection against hazardous conditions.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. All construction and safety requirements of applicable state and federal regulations shall be observed. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a like manner or in such manner as to be satisfactory to the county.

**Sec. 1-10. Charges while on active billing status.**

Whether occupied or unoccupied, all structures once connected to the county sewer system, and in an active billing status, shall incur a monthly sewer charge.

**Sec. 1-11. Penalty.**

Any person, firm or corporation violating any of the provisions of this article except nonpayment of service fees shall, upon conviction thereof, for each such offense, be subject to a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed sixty (60) days. Penalties for nonpayment of fees, late charges and costs are provided for in Section 4-5 through 4-7.

**DIVISION 2. EXTENSION OF SERVICES****Sec. 2-1. Service policy.**

- (a) *Generally.* Sewer service shall be furnished by the county under the procedures established in this section.
- (b) *Extension of sewer services.* Extensions of the county's sewer system will be made after full payment of appropriate deposits, capacity reservation charges, meter installation fees, and/or if applicable, extension charges, or upon receipt by the county of a fully executed agreement for payment.

The cost of all extensions of lines or mains shall be determined by the county and shall be based on previous costs incurred in similar installations and current material costs and labor. All extensions shall be made in accordance with the county's design and construction standard specifications. In the absence of appropriate specifications, necessary determinations of construction standards shall be made by the designated county officials, which determination shall be final.

- (c) *Placement of sewer lines.* All lines and sewer mains shall be placed within existing dedicated rights-of-ways. Should such a right-of-way not exist, prior acceptance by the BOCC of the dedicated right-of-way or an approved permanent easement is necessary before construction. The county shall retain title to extension regardless of customer participation. In addition, the county will have full control over the main, including the right to connect additional customers.
  - (1) *Single connections.* Individual sewer connections shall be made by a licensed contractor to new or existing residential or commercial structures. All connections to the county sewer system shall be witnessed by Wakulla County Public Works personnel.
  - (2) *Subdivisions.* Service to property being developed as a residential subdivision will be provided as follows:
    - a. All mains, valves and pump stations shall be paid for by the developer and installed in strict accordance with this section and the county's design and construction standards and deeded and conveyed to the county free and clear

- of encumbrances.
- b. All mains and services shall be constructed in dedicated rights-of-way unless otherwise approved by the county.
  - c. Pumping stations must be conveyed to the county by fee simple deed, to a pumping station site. This transfer must be at no cost to the county. The site shall have an adequate stabilized access, with a protective chainlink fence. Detailed plans of that station shall be discussed with the county engineer at the earliest point in the design phase. Any pumping station connected to the county's system must perform within such limitation. Complete pumping station plans, specifications and pump curves must be submitted to the county for approval prior to submitting to the state regulatory agencies for their approval.
  - d. All construction layout and pipe sizing shall conform to the overall master plan of the area.
  - e. All plans for facilities shall be approved by all county, state and federal agencies under whose jurisdiction the work or portion of the work falls, prior to commencement of construction.
  - f. The county may require the extension of mains to the periphery of the property at the developer's expense.
  - g. The county may require the developer to alter the size of a proposed main.
  - h. Construction will be accepted upon submission of a satisfactory inspection report from the county engineer, certification by the developer's consulting engineer that the facilities were constructed in accordance with plans approved by the county, and a one-year maintenance bond in the amount of ten percent of the construction cost.
  - i. Privately owned lift stations may be required to meet certain specifications as set by the county.
- (3) *Master Meter Service*. Service to rental properties or condominiums which have been given permission to install a master meter should be as follows:
- a. All necessary mains, hydrants, valves, service lines and related items within the boundaries of the property lines being developed shall be constructed, operated and maintained by the developer/owner.
  - b. Fire hydrants shall be installed within the boundaries of the property in accordance with county standards.
  - c. All water distribution and sewer facilities within the property shall be constructed according to plans approved by the county, the county health department, the state department of environmental regulation and any other local, state or federal regulatory agency having jurisdiction over the project.
  - d. All lift stations and equipment, including wet-wells, pumps, controls, piping, valves, mains and other related equipment, shall be furnished and paid for by the developer.
  - e. Upon completion of construction of all facilities within the property, the developer's engineer shall certify to the county that the facilities were constructed in accordance with the approved plans.
  - f. At the county's discretion and upon a showing satisfactory to the BOCC that the developer has made sufficient provisions for the management, maintenance, repair and general care of the lines, the posting of a performance bond for their maintenance and repair or such other indication of responsibility

as the BOCCC deems appropriate, the BOCC may, in its sole discretion, allow the developer to retain the ownership of such lines within the boundaries of his property and may not require the dedication of such lines to the county.

- (d) *Service requiring main extension.* The county will provide for extension of service mains to the property line of an undeveloped parcel, to be developed for future customers, provided the following conditions are met:
- (1) The county has determined, at its sole discretion, that such extension is economically advantageous. In such instance, the county will bear the cost of the extension or;
  - (2) The cost of line extension is borne by the customer.
  - (3) A financial agreement is reached between the customer and the county.
- (e) *Reimbursement for Extension.* When a sewer line extension is made to a development, and the cost thereof has been paid by the developer, and such extension may, in the future, serve intermediate customers along its route, the county may, at its option, provide for a limited reimbursement for expenses or costs incurred by the developer.

If the county does elect to exercise this option, such will be done pursuant to a contract negotiated between the developer and the county, subject to the approval of the BOCC. The contract shall be executed prior to the commencement of construction and shall be recorded in the public records of Wakulla County, Florida in such manner as to notify all prospective users of the sewer line along its route of the existence of such a contract. No contracts as authorized by this section shall be of duration greater than 3 years.

- (1) As an alternative to the arrangements set forth above, the county, at its sole discretion, where it determines that special circumstances exist, may cause the costs of a line extension to be borne by the developer and by intermediate property owners through assessments, based on a pro rata front foot share of the total cost of the line extension.

### **Sec. 2-2. Application for service.**

All applicants for sewer service from the county shall fill out the forms supplied by the county and deliver such forms to the county complete with the enclosures required. The county will determine what service is available, the line size and notify the applicant what will be required for service, and the amounts of applicable charges or fees required. Upon receipt of payment for the full amount required, the application will proceed without undue delay.

### **Sec. 2-3. Mandatory Connection Required.**

The owner of each lot or parcel of land within the county upon which lot or parcel any building or trailer used as a dwelling is now or hereafter situated, for either residential, commercial, or industrial use, shall connect or cause the building(s) or trailer(s) to be connected with the available public sewage facilities of the county system, and shall use these facilities.

- a) *Developed Properties.*

1. *Connection upon installation or expansion* Owners of developed properties shall connect to the county sewer system within three hundred sixty five (365) days following notification so to do by the county utility department. Owners of buildings or trailers placed after installation or expansion of the sewer system shall connect to that system prior to receipt of a certificate of occupancy. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the board of county commissioners, which rules and regulations shall provide for a charge for making any such connections in such reasonable amount as such commission may fix and determine.

*a. Variance to Connect to Central Sewer System.*

Should central sewer services become available to any Wakulla County resident with a performance-based septic system and so long as the performance system is functioning properly and satisfying the conditions of the operating permit and the systems manufacturer is listed as being able to meet the requirements of the county ordinance 2006-58, the County will issue a variance for connection to the central sewer system. Each request for a variance shall be reviewed on a case by case basis.

Should the performance system be declared a public health hazard, inoperative, require a repair or modification permit, or under a consent order, and so long as central sewer is available, upon notification from the County the variance shall not be granted, or if already granted, shall be revoked and the owner of the performance-based septic system shall have 90 days to abandon that system and connect to the central sewer system.

All applicable connection and capacity fees shall be deemed due and payable to the County at the time of application for connection to the sewer system. This variance is only applicable to the requirement of hooking onto the central sewer, all taxes, maintenance fees, ready fees, etc. which are associated with having sewer systems available in the area must be paid in order to maintain this variance.

2. *Failure to connect.* Any failure or refusal by any owner to connect to the county sewer system after notification so to do shall be construed to be a violation of this article.

*a. Connection may be made by county* If the owner of any lot or parcel of land within the county fails or refuses to connect with and use the facilities of the sewer system of the county utility department, as provided herein, then the county shall be authorized to make those connections and to enter on any such lot or parcel of land to make the connection. The county shall thereupon be entitled to recover the cost of making the connection, together with reasonable penalties and interest and attorneys' fees incurred, by suit in any court of competent jurisdiction.

*b.* In addition to and as an alternative means of collecting the costs of making the connections, the county shall have a lien on the lot or parcel of land for the cost, which lien shall be of equal dignity with the lien of state and county

and municipal taxes. This lien may be foreclosed by the county in the same manner provided by the laws of Florida for the foreclosure of mortgages upon real estate.

3. The owner of an onsite sewage treatment and disposal system that needs repair or modification to function in a sanitary manner or to comply with the requirements of Florida Statutes, 381.0065-381. 0067 or rules adopted under those sections, must connect to the county's municipal wastewater system within 90 days after written notification from the county. In hardship cases, upon request of the owner, the Board of County Commission may approve an extension of not more than 90 days for sewerage connection.
  4. This article shall not be construed to require or entitle any person to cross the private property of another to make any sewer connection.
- b. *Undeveloped Properties.*
1. *Readiness to Serve Fee.* Where sewer service is available as defined in Section 1-1 of this Ordinance, to any lot or parcel of land within the Wakulla County sewer service area, which does not have a structure located on that lot or parcel connected to the County sewer, the lot or parcel owner shall be assessed a readiness to serve fee.
    - (a) All undeveloped parcels (properties) with a connection available shall be charged \$19 per month or \$228 per year. These rates may be changed by resolution and amended from time to time.
    - (b) The readiness to serve fee shall be added to the annual property tax bill and payable to the County tax collector's office.
  2. Upon development of the property, the property owner will have 365 days to connect all residential and/or commercial establishments to the county's available water and/or wastewater system as per this Ordinance.

**Sec. 2-4. New Developments or Subdivisions.**

Any new or proposed developments and/or subdivisions within the utility district of the county service area will be reviewed and may be subject to the requirements of this chapter. The review will consider the size, density, or intensity of the development or subdivision, the proximity to the existing sewer or water system, environmental concerns of the site, and the overall feasibility of providing services to said development or subdivision.

**Sec. 2-5. Oversizing of System.**

(a) The county shall determine the size and type of pipe to be used in each extension. If the county desires to have a larger pipe installed than is necessary for the customers, the excess cost of the larger pipe may be borne by the county, provided that:

1. The BOCC approves any expenditure of funds for oversized pipe, valves and fittings.
2. Funds are available and budgeted for the use of oversized pipe.
3. In the absence of available funds by the county to pay the cost of oversized pipe, the customer requesting the line or main extension may enter into an agreement with the county to furnish the funds necessary to pay for the oversized pipe and accessories. Reimbursement is to be made on a prorating basis as the line or main is further

connected to new customers. Reimbursement is not to exceed the difference only in the cost of pipe and fittings necessary to serve the immediate customers and the required oversized pipe. No excavation or other construction costs shall be borne by the county. This option is to be exercised at the discretion of the BOCC. Any reimbursement agreement under this section will not exceed duration of three years.

**Sec. 2-6. System Expansions as authorized by the Board of County Commission.**

(a) When the BOCC decides to expand the county's sewer system at their sole discretion, the county may finance these expansions by whatever means or financial resources best deemed available by the BOCC. The BOCC may avail themselves of typical financial resources, such as, grants, low interest loans, revenue bonds, county cash reserves, assessments, or any other then current instrument or indentures available for financing of sewer system expansion.

(b) The BOCC also reserves the right to waive portions or all of the fees and charges contemplated by this code as deemed appropriate by them when expanding the county's own sewer system.

**DIVISION 3. SEWER SYSTEM**

**Sec. 3-1. Private sewage disposal.**

(a) *Sanitary requirements.* Every residence, building, or trailer in which human beings reside, are employed or congregate shall be required to have on the same premises and under the same ownership and under the same tenancy a sanitary method of disposing of human excrement, namely either a sanitary water closet that is connected with the county sewer or an approved type of septic tank. No septic tank or drain field system shall be constructed on lots or parcels to which sewer is available, as set forth in this chapter, and no septic tank or drain field shall be constructed within one hundred (100) feet of any body of water in the county.

(b) *Connection to private system where public sewer unavailable.* Where a public sanitary or combined sewer is not available under the provisions of this section, the building sewer may be connected to a private sewage disposal system. All development in areas without central sewer services shall be governed by the provisions of 381.272 F.S, regulating on-site sewage disposal systems; and, Rule 10D-6, F.A.C, which regulates the installation of individual sewage disposal facilities, unless otherwise specified. For all new construction, only performance-based septic systems that can produce a treatment standard of 10 milligrams per liter of nitrogen shall be installed, pursuant to Infrastructure Policy 1.3.1. of the Wakulla County Land Development Code.

(c) *Health department compliance.* No septic tank other than those approved by the State Department of Health and Rehabilitative Services shall be constructed within the limits of the county.

(d) *Operation and maintenance.* The owner shall operate and maintain the private sewage disposal system facilities or pumping stations in a nonpolluting manner at all times, at no expense to the county.

(e) *Other requirements.* No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by health officers or other regulatory agencies. Certification that all such requirements have been met shall be furnished to the county

with the application for a building permit prior to the start of any construction.

**Sec. 3-2. Building sewers and connections.**

(a) *Connection to public system when available.* It shall be unlawful for any person, persons, firm or corporation owning, leasing or using any premises in the county to permit the disposal of any human excrement on any property, leased, owned or used by that person, firm or corporation or the agent of that person, firm or corporation, except in a sanitary closet where sewage facilities are available as defined above.

(b) *Compliance with plumbing code; connection of sewer lines.*

- 1 All taps into the county-owned sewage connection system shall be made only by the county. New taps shall be applied for by the property owner or by a licensed master plumber on behalf of the property owner on a regular tap application form furnished by the county. A tap application will not be accepted by the county if the water meter or sewer service location is unspecified. Should it become necessary to renew or increase the size of a tap, the county will determine whether a new tap application is necessary. The impact of industrial and commercial waste and anticipated waste from new residential subdivisions shall be specified by the applicant, evaluated by the county engineer and approved by the county and the State Department of Environmental Regulation prior to connection to the county sewerage system. In cases where system design capabilities and/or capacity limit or preclude connection, the county shall have the option to negotiate with the developer for system expansion and/or pretreatment. Tap application and service application, with advance payment or deposit, are required for each building and payment therefore must be made to the county at the time of application.
- 2 All connections of the building sewer to the tap stubout and the installation of residential or modified residential pumping stations located on and serving private property shall be the responsibility of and at the expense of the property owner. Such connection or installation shall be made by a licensed plumber, except that owners of property when acting as their own contractor and providing all material supervision themselves, when building or improving farm outbuildings or one-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale, or building or improving commercial buildings at a cost or [of] under twenty-five thousand dollars (\$25,000.00) on such property for the occupancy or use of such owners and not offered for sale or lease, may install such building sewer or pumping station and make the connection to the tap stubout. All house plumbing and sewer system connections to the county-owned lateral must be completed and approved for use by the county prior to the issuance of a certificate of occupancy.
- 3 Whenever it is desirable to connect old plumbing with the county sewer main, the owner or plumber contemplating doing the work shall notify the county inspector, who will inspect the old plumbing and notify the owner or plumber what alterations will be necessary to place the old plumbing in an acceptable condition for the connection. Any owner or plumber who makes any connection without the approval of the inspector shall, upon conviction, be subject to the penalties herein provided.

(c) *Maintenance of building sewers and public sewer connections.* The owner of each parcel of

property shall be responsible for maintaining and keeping clean the sewer pipes leading to and connecting from the plumbing system to the county collection line and main sewers.

It shall be the obligation of the property owner to establish to the satisfaction of the county that any blockage or maintenance problem is beyond the property lines. Where a county-approved cleanout inspection fitting exists at the property line and is accessible and open showing backed-up water at that point, the county will rod and flush the line during normal working hours at no charge to the property owner. Any costs incurred to establish that the blockage is beyond the property line or costs incurred when stoppage is within the user's property shall be the responsibility of the property owner.

(d) *Failure to maintain plumbing system.* Failure to keep the building sewerage (i.e., the pipe leading from the building plumbing system to the county main) clean and maintained in proper order shall give the county the right to cut off the sewer connection, which shall not be reconnected until the sewer pipe is cleaned and maintained properly.

(e) *Independent building sewer required.* Each residential or commercial unit occupying one (1) or more lots, which has its own water meter, whether it shall occupy any lot or parcel jointly with any other residential or commercial unit, shall be considered a separate unit for the payment of the sewage disposal fees, and separate connection fees shall be required for each of the units.

Where one building stands at the rear of another on a parcel under the same ownership and where no public sewer is available and cannot be constructed to the rear of the building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(f) *Private Wells.* Where sewer services are available, those utilizing private wells and/or those utilizing non-potable water sources shall install, at their expense, a metering device to determine the effluent discharged and shall pay according to the rate schedule established by resolution.

1. Existing customers shall have 30 days to install meters from the date of notice to the owner from the county. Failure to install the meter shall result in a fine to the owner in the amount of \$500. After the 30 days, the County Sewer Department shall install said meter and charge the user for the cost of the meter and installation.
2. New customers shall not be issued a Certificate of Occupancy by the Building Department until the effluent meter has been installed.
3. Residential users who utilize private wells may have the sewer bill discontinued when the property is vacant by placing a water meter on the private well. The meter shall be read at the time of the disconnection and at periodic intervals. If the water has been used during the period of time the sewer service was disconnected, the sewer service will be reinstated and billed retroactively. The customer shall be billed based on the meter reading and at standard rates and shall pay a \$50.00 deposit and reinstatement charges.
4. All other non-residential users shall have a flow meter installed on all private water wells.
  - Existing customers shall have 30 days to install meters from date of notice to the Owner from the County. Failure to install meter shall result in a fine to the owner in the amount of \$500.00. After the said 30 days, the Wakulla County Sewer Department shall install said meter and charge the user for the cost of the meter and installation.
  - New customers shall not be issued a Certificate of Occupancy by the Division of

Building Inspections until the water meter has been installed.

5. Rental property with private wells shall have an influent meter installed by the owner of the property. The water system provider shall be notified to disconnect or reconnect when service is required.
  - When a meter has not been installed, the owner of the property shall be responsible for the sewer charges and the billing account shall be in the name of the owner.
6. An influent meter may be purchased from and installed by the County at the cost of the meter and installation.

(g) *Rental Property*. Renter shall be user and shall be required to apply for service and pay \$50.00 deposit. Billing and account shall be in the name of the renter.

1. When a renter vacates the property and closes its account with the County, the billing account shall be placed in the name of the property owner and said owner shall be billed a monthly sewer charge, unless the owner provides proof of vacancy and discontinued use.

**Sec. 3-3. Standards for building sewers.**

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, joining, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the county. Whenever possible, the building sewer shall be brought to the building at an elevation below the lowest floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be mechanically lifted by an approved means and discharged to the building sewer. At the junction of the building sewer and the public sewer, a two-way or a sweep-tee cleanout favoring the public sewer shall be installed having the same diameter as the building sewer; however, this requirement may be waived where a line cleanout is located within ten feet of the property line.

**Sec. 3-4. Manhole; when required.**

When required by the county, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the county. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

**Sec. 3-5. Low-Pressure Wastewater Collection System.**

(a) Statement of Policy. **Reserved**

(b) Statement of Procedure. **Reserved**

(c) Easement. By applying for wastewater collection and treatment services the customer is agreeing to provide a general easement to allow the county access to the property for the purposes of maintaining and operating the wastewater pump station and force main. Should the

customer want a surveyed easement, the customer must retain a surveyor to provide the specific description for inclusion in an easement to be recorded. The customer will pay all costs of completing and recording the site-specific easement.

(d) *Electrical Power.* Electrical power shall be supplied by the facility being served. The customer, through their electric utility bill, will pay the power cost necessary to operate the pump station. The customer shall provide a circuit of sufficient capacity to a point on the structure reasonably near the proposed pump station location. This point, as a minimum, must be within sight of the pump station.

(e) *Maintenance.* **Reserved**

(f) *Pump Station Manufacturers.* **Reserved**

(g) *Customer Responsibilities.* **Reserved**

## **DIVISION 4. SEWER RATES, FEES AND CHARGES**

### **Sec. 4-1. Purpose and Policy.**

The purpose of this section is to set forth uniform requirements for payment of sewer services rendered to any new or existing structure within the service territory of Wakulla County, Florida. The provisions of this section shall be applicable to any structure that is served by the county sewer system. The various charges established by this section are capacity reservation charges, connection and meter installation fees, deposits for services, and monthly user fees.

### **Sec. 4-2. In General.**

All new or expanding service connections require payment of the appropriate capacity reservation fees established in this section prior to such connection or expansion being made. Capacity reservation fees shall be imposed on every service, new or existing, in areas served by the sewer system.

### **Sec. 4-3. Purpose and authority.**

(a) This section establishes procedures to facilitate the orderly allocation of the county's wastewater treatment system. This section provides for this method of funding by imposing a capacity reservation charge which is reasonably commensurate with the burden imposed or anticipated to be imposed on the system by a particular customer.

(b) The county has determined that certain necessary improvements will have to be undertaken in order to provide wastewater treatment for new residents, industrial and business establishments anticipated to occur in future years. In order to finance these necessary capital improvements, several combined methods of financing will be necessary, one of which is the capacity reservation charge.

### **Sec. 4-4. Sewer Charges.**

(a) *Tap in fees.*

(1) All charges for connection to the county's sewage system shall be paid in advance by the user in amounts set by resolution of the board of county commissioners.

(2) For situations where the connection distance is greater than fifty (50) feet, an

additional cost of six dollars (\$6.00) per linear foot, or such other amount to be set by resolution, will be charged by the county to the user.

(b) *Wastewater capital facilities charges.*

(1) Each applicant for sewer service shall pay the county a wastewater capital facilities charge, where no wastewater capital facilities charge was paid prior to the issuance of a building permit. In the event a prior capital facilities charge was paid, applicant only pays the difference in prior size and new water meter size. This charge is prescribed for various categories of consumers as follows:

a. For residential and commercial consumers, the wastewater capital facilities charge shall be based on the size(s) and type of the water meter(s) installed according to the following schedule. This schedule of charges shall apply to all properties connected to the Wakulla County Sewer System.

Water Meter		Maximum Continuous Flow Rate	Equivalent Residential Connection	Connection Fees		
Size	Type			Treatment Facilities	Collection Facilities	Total
(in)		(gpm)	(ERC)	Component	Component	Fee
5/8" x 3/4"	Positive Displacement	10	1.0	\$2,567	\$1,283	\$3,850
1"	Positive Displacement	25	2.5	\$6,418	\$3,208	\$9,625
1-1/2"	Positive Displacement	50	5.0	\$12,835	\$6,415	\$19,250
2"	Positive Displacement	80	8.0	\$20,536	\$10,264	\$30,800
3"	Compound	160	16.0	\$41,072	\$20,528	\$61,600
3"	Turbine	350	35.0	\$89,845	\$44,905	\$134,750
4"	Compound	250	25.0	\$64,175	\$32,075	\$96,250
4"	Turbine	1,000	100.0	\$256,700	\$128,300	\$385,000
6"	Compound	500	50.0	\$128,350	\$64,150	\$192,500
6"	Turbine	2,000	200.0	\$513,400	\$256,600	\$770,000

b. Water meter size and type shall be determined by County Public Services Staff.

**Sec. 4-5. Monthly Sewer Rates .**

(a) All users of the sewer system shall pay a monthly rate set by resolution of the board of county commissioners and shall be adjusted annually based upon the annual Consumer Price Index.

1. The monthly sewer rate shall be as follows:

A. Each residential user shall pay a base rate of \$19.00 per month plus \$2.53 per 1,000 gallons for all water usage over 2,000 gallons per month.

B. Commercial I users shall pay a base rate of \$28.50 per month, plus \$2.53 per 1,000 gallons. Commercial I users shall be defined as a commercial business who uses less than (<) 12,000 gallons per month

C. Commercial II users shall pay a base rate of \$57.00 per month plus \$2.53 per 1,000 gallons. Commercial II users shall be defined as a commercial business who uses more than (>) 12,000 gallons per month. Commercial II users which discharge a waste stream stronger than 350 mg/l BOC and/or 350 mg/TSS shall

be subject to an additional surcharge.

2. The monthly meter reading is to be conducted by the water service provider.
3. All users of the sewer system shall be required to sign a meter release form authorizing the water company provider to release the monthly water meter readings to the County. Residential customers who fail to sign the release form shall be billed a monthly rate of \$100 until such time as the release is received by the County. Commercial customers who fail to sign and return the release form shall be billed a monthly rate of \$250 until such time as the release is received by the County.

(b) Residential rates: Residential rates shall be based on an average of the water usage during the months of December, January, and February. This average shall be determined for each individual residential user of the sewer system.

(c) A new residential user, who has not established an average for the months of December, January, and February shall be charged actual metered water use, however in recognition that all metered water does not enter into the sewer system, the County shall establish a yearly sewer usage cap for new residential users. The cap shall be 150% of the average yearly water usage for all sewer customers as provided by the respective water systems within the County and re-assessed annually. In no case shall a residential sewer user pay less than the minimum sewer rate set by resolution of the board.

(d) Commercial and industrial users shall pay the greater of either the minimum rate set by resolution or the actual metered use.

Monthly sewer charges will be determined as shown in the following examples:

**Wastewater Rates  
Phased Rate Increase Implementation 2009 thru 2011**

*Average Residential Monthly Bill 6,000 gallons (with 3-year implementation & Estimated Annual 2.7% CPI Increase)*

Category of Rates	Rates <i>(Rate increases are phased in during 2009 thru 2011)<sup>2</sup></i>		
	2009	2010 <sup>3</sup>	2011 <sup>3,4</sup>
<b>Residential</b>		2.7% CPI	2.7% CPI
<i>Average Usage in 1,000 Gallons</i>	6,000	6,000	6,000
Base Facility Charge <sup>1</sup>	\$19.00	\$23.11	\$27.73
First 6,000 gals	4 x \$2.53	4 x \$3.20	4 x \$4.16
<b>Total</b>	<b>\$29.12</b>	<b>\$35.91</b>	<b>\$44.37</b>
<b>Commercial I</b>			
<i>Average Usage in 1,000 Gallons</i>	10,000	10,000	10,000
Base Facility Charge <sup>1</sup>	\$28.50	\$34.67	\$41.60
First 10,000 gals	10 x \$2.53	10 x \$3.20	10 x \$4.16

<b>Total</b>	<b>\$53.80</b>	<b>\$66.67</b>	<b>\$83.20</b>
<b>Commercial II</b>			
<i>Average Usage in 1,000 Gallons</i>	<i>35,000</i>	<i>35,000</i>	<i>35,000</i>
Minimum Bill <sup>1</sup>	\$57.00	\$69.33	\$83.19
First @ 35,000 gals	35 x \$2.53	35 x \$3.20	35 x \$4.16
<b>Total</b>	<b>\$145.55</b>	<b>\$181.33</b>	<b>\$228.79</b>
<b>Readiness To Serve</b>	<b>\$19.00</b>	<b>\$19.00</b>	<b>\$19.00</b>

(c) *Surcharges*: Surcharges shall be applied where the BOD, COD or suspended solids are found to exceed 350 mg/L on any grab sample conducted during any billable cycle for the following:

- (1) Excess CBOD or Excess COD: \$1.80 per pound.
- (2) Excess Total Suspended solids: \$0.80 per pound.

(d) *Tax adjustments*. The rates and charges set forth herein shall be subject to proportional increases to compensate for any applicable new taxes or increases in existing taxes which may hereinafter be imposed by any state or federal taxing body.

**Sec. 4-6. Deposits Fees for sewer.** The board may, by resolution, set forth deposit requirements for establishing sewer service.

- 1. All new Residential Customers shall pay a \$50.00 deposit.
- 2. All new non-residential customers shall pay a \$200.00 deposit.
- 3. All users on a private well shall pay said deposit at the time of installation of a water meter at the time of installation of the meter
- 4. Users who have service discontinued at the time of the installation of the meter shall be considered new customers when service is reinstated.

**Sec. 4-7. Delinquent Charges.**

The board may, by resolution, set forth delinquent fees for sewer bills and all policies necessary to measure and collect for sewer services.

- 1. Should a customer become delinquent in the payment of the monthly sewer bill, a \$5.00 late fee will be applied each month to the unpaid balance.
- 2. When an account has been delinquent for 30 days, the sewer service shall be discontinued by the water system provider by turning off the water meter and notifying the account holder.
- 3. When a user is the owner of the property and has paid a deposit and the bill for sewer service becomes delinquent for 60 days, the deposit shall be applied to the unpaid balance. After 90 days, a lien may be placed on the property for the unpaid bill, plus any late charges.

4. When the user is the owner of the property and was not required to pay a deposit, and the bill becomes delinquent for 60 days, a lien may be placed on the property for the unpaid balance, plus any additional late charges or other fees required to satisfy the lien.
5. When the user is a renter of the property, the user shall be required to pay a \$50.00 deposit which shall be applied to the balance when the bill becomes delinquent for 60 days.
6. Should renter vacate property and a balance is owed on the account, the \$50.00 deposit shall be applied to the account if there is a balance remaining, it shall be sent to the County for collection. A lien shall not be placed on the property.
7. When sewer service has been terminated for nonpayment, there will be a \$50 reinstatement fee, plus the required deposit set forth above.
8. *No service free.* No sewage disposal service shall be furnished or rendered free of charge to any person, firm or corporation whatsoever and the county and each and every agency, department or entity which uses the service shall pay therefore at the rates fixed by this division.
9. *Collection of sewer fees where owner has private water supply.* Where sewage disposal fees are not paid in accordance with provisions outlined above, in those instances where the owner has his own private water supply, the county shall have the right to cut off the water supply to the plumbing system and the owner shall have no right to reconnect his private water supply until the sewage disposal fees are paid in full. Any violation of this provision by reconnecting the private water supply, until the sewage disposal fees are paid in full, shall be considered a violation of this article and subject to the penalties herein provided.

**Sec. 4-8. Payment Required.**

(a) Bills for the monthly charges and fees herein mentioned shall be submitted to and shall be payable in accordance with the rules and policies of the current water provider and/or county utility billing service. Failure to pay as required will result in a penalty being added to the bill, and all water/sewer services to the customer shall be subject to discontinuance and shall not be reconnected after discontinuance until all past due sewage disposal fees and penalties are fully paid together with any collection costs incurred by the Board of County Commissioners.

(b) Any failure or refusal to pay the charges or rates herein provided shall be construed to be a violation.

**Sec. 4-9. Capacity Reservation Charges.**

(a) Time of payment. The capacity reservation charge (connection fee), as appropriate, for new construction shall be due and payable at the time of issuance of a building permit, sewer permit or issuance of a temporary or final certificate of occupancy, whichever first occurs, on the unit so assessed. Fees for all existing units will be collected prior to the approval of the application for sewer service.

1. Upon a proper showing of hardship to the county, the Board of County Commission

may allow, in its sole discretion, payment of the sewer capacity reservation charge, in whole or in part, over a period of time not to exceed 10 years at the same percent simple interest per annum County is paying on the monies borrowed from the FDEP State Revolving Fund Loan, payable in equal monthly payments, in such manner as the sewer charges are billed. Payment amount will be automatically added to the monthly utility bill. The loan shall be secured by a lien on the property up to the amount of the loan. Should the property be sold prior to payment of the loan, the remaining outstanding balance shall be due to the County at the time of closing. There shall be no penalty for early payoff of loan.

b) Irrigation Meters Exemption. Any existing water service, both residential and commercial, that desires to install an irrigation meter will be exempt from the capacity reservation charge for that meter. Any costs associated with the installation of an irrigation meter will be at the expense of the customer. This exemption will apply to any existing irrigation meter service that is in effect as of the adoption date of this ordinance.

#### **Sec. 4-10. Sewer connection fees.**

(a) Charges for providing and approving new connections to the sewer system are imposed only when a sewer line extension is necessary to connect to the sewer system. The charges are as follows, and are in addition to capacity reservation fees: Costs plus 10 percent

(b) All installations must be performed to the county's required specifications as stated in this ordinance and the County Land Development Regulations as adopted by the BOCC.

#### **Sec. 4-11. Discontinuance of Service**

(a) The monthly residential Sewer Charge shall be discontinued when a customer connected to the water system provider produces proof of disconnection from the Water System Provider and from the Power Company. The proof shall be in the form of a letter from the Power Company. The burden of proof shall be the responsibility of the property owner.

(b) Customers who have provided proof of discontinued use and verified proof may apply for a refund of service charges and interest from that date. Users shall apply for the refund through Wakulla County. Refunds shall be appropriated from the Operating Funds of the County. When a sewer service has been discontinued with said proof there shall be a \$15.00 restart fee and a deposit of \$50.00 for residential users and a \$200.00 deposit for all others.

## **DIVISION 5. WASTEWATER DISCHARGE AND PRETREATMENT**

### **Sec. 5-1. Definitions and abbreviations**

(a) *Definitions*. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

*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.

*Applicable pretreatment standards*. For any specified pollutant, Wakulla County prohibitive standards, Wakulla County specific pretreatment standards (local limits), State of Florida pretreatment standards, or EPA's Categorical Pretreatment Standards, whichever standard is appropriate or most stringent.

*Approval authority*. Florida Department of Environmental Protection, Pretreatment Division (FDEP).

*Authorized representative of industrial user*.

- (1) If the *industrial* 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 two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (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 *industrial* 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/her agent.
- (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.

*Baseline monitoring report (BMR)* means the reporting requirements for industrial users subject to the Environmental Protection Agency's Pretreatment Standards Regulation (40 CFR403.12).

*Biochemical oxygen demand (BOD)*. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20°C, usually expressed as a concentration (milligrams per liter (mg/L)).

*Building sewer* means a sewer conveying wastewater from the premises of a user to the POTW.

*Categorical pretreatment standard or categorical standard*. Any regulation containing pollutant discharge limits promulgated by the U.S. 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 1, Subchapter N, Parts 405--471.

*Categorical user.* A user covered by one of EPA's Categorical Pretreatment Standards.

*County.* Wakulla County Florida, the County Commission of Wakulla County, Florida, or an authorized agent.

*Chemical oxygen demand (COD).* The quantity of oxygen utilized in the chemical oxidation under standard laboratory procedures, present in a water or wastewater, reported as a five day value determined using approved methods usually expressed as a concentration [milligrams per liter (mg/L)].

*Color.* The optical density at the visual wave length of maximum absorption, relative to distilled water. One-hundred (100) percent transmittance is equivalent to zero (0.0) optical density.

*Composite sample.* The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

*Combined sewer system* means the combination of wastewater and stormwater.

*Compatible pollutant* means BOD, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the POTW NPDES permit, where the POTW is designed to treat such pollutants and in fact does treat such pollutants to the degree required by the POTW's NPDES permit.

*Control authority.* The term "control authority" shall refer to the "approval authority," defined hereinabove, or the county administrator or his designees in the public works department if the county has an approved pretreatment program under the provisions of 40 CFR 403.11.

*Cooling water/non-contact cooling water.* Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration to which the only pollutant added is heat.

*Direct discharge* means the discharge of treated or untreated wastewater directly to the waters of the state.

*Domestic user (residential user).* Any person who contributes, causes, or allows the contribution of wastewater into the Wakulla County POTW that is of a similar volume and/or chemical make-up as that of a residential dwelling unit. Discharges from a residential dwelling unit typically include up to 100 gallons per capita per day, two-tenths (0.2) pounds of BOD per capita, and seventeen-hundredths (0.17) pounds of TSS per capita.

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

*Existing source.* For a categorical industrial user, an "existing source" is 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.

*Existing user.* For noncategorical users an "existing user" is defined as any user which is discharging wastewater prior to the effective date of this ordinance.

*Grab sample.* A sample which is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and without consideration of time.

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

*Incompatible pollutant* means all pollutants, other than compatible pollutants, as defined in this section.

*Indirect discharge or discharge.* The introduction of nondomestic pollutants from any source regulated under Section 307(b), (c), or (d) of the Act into the POTW. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto (including holding tank waste discharged into the system).

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

- (1) Inhibits or disrupts the POTW, its treatment processes or operations;
- (2) Inhibits or disrupts its sludge processes, use or disposal; or
- (3) Is a cause of a violation of the county's POTW wastewater discharge 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 more stringent State or local regulations: Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), 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 SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

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

*Medical wastes.* 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 pollution discharge elimination system or NPDES permit* means a permit issued pursuant to section 402 of the act (33 USC 1342).

*National prohibitive discharge standard or prohibitive discharge standard* means any regulation developed under the authority of section 307(b) of the act (33 USC 1317) and 40 CFR 403.5.

*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 publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; 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 on-site construction program:
    1. Any placement, assembly, or installation of facilities or equipment; or
    2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

*New user.* A "new user" is not a "new-source" and is defined as a user that applies to the County for a new building permit or any person who occupies an existing building and plans to discharge wastewater to the County's collection system after the effective date of this ordinance. Any person that buys an existing facility that is discharging non-domestic wastewater will be considered an "existing user" if no significant changes are made in the manufacturing operation.

*Pass through.* A discharge which exits the POTW 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 the county's POTW wastewater discharge permit, including an increase in the magnitude or duration of a violation.

*Permittee:* A person or user issued a wastewater discharge permit.

*Person.* Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, or local governmental entities. The masculine gender shall include the feminine and the singular shall include the plural, where indicated by the context.

*pH.* A measure of the acidity or alkalinity of a substance, expressed in standard pH units. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

*Pollutant.* Any substances introduced directly or indirectly into water so as to cause pollution, including, but not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural, municipal and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity, or odor).

*Pollution* means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

*Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, introducing such pollutants into the POTW. 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, or prohibited by 40 CFR 403.6(d).

*Pretreatment requirements.* Any substantive or procedural requirement related to pretreatment imposed on a user, other than a national pretreatment standard imposed on an industrial user.

*Pretreatment standards or standards.* Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits established by the county.

*Prohibited discharge standards or prohibited discharges.* Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 5-6 of this article.

*Publicly owned treatment works (POTW)* A "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 but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term also means the county. For the purposes of this section, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons who are, by contract or agreement with the county, users of the county's POTW.

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

trailers, and septic tanks.

*Significant industrial user.*

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
  - a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); or
  - b. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - c. Has in his wastes toxic pollutants, as defined pursuant to state statutes or rules of administrative agencies; or
  - d. Is found by the county, the state department of environmental regulation or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of the sludge, the system's effluent quality or air emissions generated by the system; or
  - e. Discharges potentially incompatible pollutants which may cause interference with the POTW or may cause the county to violate residual solids disposal permits.
  - f. Is designated as such by the county on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in subsection two (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable 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.

*Standard industrial classification (SIC) code.* A classification pursuant to the *Standard Industrial Classification Manual* issued by the Executive Office of the President, Office of Management and Budget, 1972.

*Storm water.* Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation.

*Superintendent* means the person designated by the county to supervise the operation of the publicly owned collection and treatment works and who is charged with certain duties and responsibilities by this section, or his duly authorized representative.

*Total suspended solids;* The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

*Toxic pollutant.* One of one hundred twenty-six (126) pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by EPA under Section 307 (33 U.S.C. 1317) of the Act or other acts.

*Treatment plant effluent.* The discharge from the POTW into waters of the United States.

*User or Industrial user.* A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of the act (33 USC 1342). The source shall not include "domestic user" as defined herein.

*Wastewater.* Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together with any solids and other pollutants which may be present, whether treated or untreated, which are contributed into or permitted to enter to the POTW.

*Wastewater discharge permit (Discharge permit).* An authorization or equivalent control document issued by the county to users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this ordinance.

*Wastewater treatment plant or treatment plant.* That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

*Waters of the state* means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, ditches and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

(b) *Abbreviations.* The following abbreviations shall have the designated meanings

ASPP	Accidental spill and slug discharge prevention plan
BMR	Baseline monitoring report
BOD	Biochemical oxygen demand
CFR	Code of federal regulations
COD	Chemical oxygen demand
FDEP	Florida Department of Environmental Protection
EPA	U.S. Environmental Protection Agency
gpd	gallons per day
L	liter
LEL	Lower explosive limit
mg	milligrams
mg/L	milligrams per liter
NPDRS	National pollutant discharge elimination system
O&M	Operation and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act

<i>SIC</i>	Standard Industrial Classifications
<i>SWDA</i>	Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
<i>TSS</i>	Total suspended solids
<i>USC</i>	United States Code

### **Sec. 5-2. General Provisions**

(a) *Purpose and policy.* This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for Wakulla County Florida and enables the County to comply with all applicable State and Federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). This article shall apply to all users of the county's publicly owned treatment works (POTW). This article authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. The objectives of this article are:

- (1) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW or contaminate the resulting sludge, endanger county workers in the wastewater plant, endanger members of the general public or pollute the waters of the state or the United States;
- (2) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system for the purposes of wastewater effluent reuse for irrigation purposes within the county and to additionally have the purpose of protecting the potable water resources which provide potable water to the residents of the county.
- (4) To provide for equitable distribution of the costs of the municipal wastewater system.

(b) Administration.

Except as otherwise provided herein, the pretreatment coordinator shall administer and implement the provisions of this article. The Wakulla county commission shall enforce the provisions of this article. Any powers granted to or duties imposed upon the pretreatment coordinator and/or the county commission may be delegated. This section is supplementary to all other provisions of this chapter and other applicable provisions of the Code, county regulations or regulations of county, state and federal authorities.

### **Sec. 5-3. State requirements.**

State requirements and limitations on discharges to the POTW shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations; or more stringent than those limitation set forth in this ordinance.

### **Sec. 5-4. County's right of revision.**

The county reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

**Sec. 5-5. Violations and penalties.**

(a) *Civil and criminal penalties.* Any user who is found to have violated an order of the board of county commission or who willfully or negligently fails to comply with any provision of this section and the orders, rules, regulations and permits issued under this section shall be fined by order of the county POTW which has the authority to seek, assess and recover the fine or fines amounting to not less than \$1,000.00 per day of violation for each offense in civil and criminal penalties. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided in this section, the county may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this section or the orders, rules, regulations and permits issued under this section.

(b) *Falsifying information.* Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this section or wastewater contribution (discharge) permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this section, shall, upon conviction, be punished by a fine of not more than \$500.00 or by imprisonment for not more than 60 days, or both.

**Sec. 5-6. General discharge prohibitions.**

(a) *Prohibited discharge standards.* These prohibitions apply to all users of the POTW whether or not they are subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

1. General prohibitions. No user shall introduce or cause to be introduced, directly or indirectly, into the POTW any pollutant or wastewater which causes pass through or interference with the operation or performance of the POTW.
2. Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(a) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

(b) Any liquid, 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 POTW or to the operation of the POTW or to the successive readings on an explosion hazard meter at the point of discharge into the system. At no time shall two (2) successive readings on an explosion meter, at the point of discharge into the system (or at any point in the system), be more than five (5) per cent nor any single reading over ten (10) per cent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the county, the state or the EPA has notified the user that such substance is a fire hazard or a hazard to the system;

(c) Wastewater having a pH less than less than 5.5 or higher than 8.5, or otherwise having any other corrosive property or causing structural damage or hazard to structures, equipment and/or personnel of the POTW;

(d) Solid or viscous substances in amounts which may cause obstruction of the flow in the POTW resulting in interference, such as, but not limited to, grease, garbage with psections greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, but in no case solids greater than one-half (1/2) inch in any dimension. In order to ensure compliance with this subsection (a)(2), all restaurants and food processing and/or serving facilities will clean their grease traps and/or filter systems a minimum of one time per month or as often as necessary to maintain proper operation. Documentation verifying the above will be provided to the county upon demand;

(e) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW. 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.

(f) Wastewater having a temperature:

1. Greater than 150°F at the point of discharge;
2. Which will inhibit biological activity in the treatment plant resulting in interference; or
3. Which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C) unless the approval authority, upon the request of the POTW, approves alternate temperature limits;

(g) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through;

(h) Fats, oils and grease of animal, vegetable, or petroleum origin in concentrations greater than one hundred (80) milligrams per liter; unless specifically authorized by the county;

(i) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(j) Trucked or hauled pollutants, except at discharge points designated by the county;

(k) The contents of any tank or other vessel (either fixed base or mobile) owned or used by any person in the business of collecting or pumping sewage, effluent,

septage, or other wastewater unless said person has first obtained written approval of the county and paid all fees assessed for the privilege of said discharge;

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

(m) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the county's POTW wastewater discharge permit;

(n) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the county in compliance with applicable state or federal regulations;

(o) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the county;

(p) Any sludges, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes, unless specifically authorized by the county;

(q) Any substances which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act or state criteria applicable to the sludge management method being used.

(r) Medical wastes, except as specifically authorized by the county or regulated by FDEP;

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

(t) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(u) Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits or the receiving water quality standards;

(v) Any wastewater, containing toxic pollutants in sufficient quantity or which in the opinion of the county can cause harm either singly or by interaction with other pollutants to the sewers, sewage treatment process, or equipment; constitute a hazard to humans or animals; have an adverse effect on the receiving stream or exceed the limitations set forth in a categorical pretreatment standard; or can

otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under special agreement by the county, (except that no special waiver shall be given from categorical pretreatment standards) A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the Act.

(w) Any hazardous wastes as defined in rules published by the State of Florida or in EPA rules 40 CFR Part 261, unless authorized by a wastewater discharge permit issued by the county;

(x) Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA), unless allowed under special agreement by the county;

(y) Any wastewater that will prohibit or make more expensive the county's wastewater treatment method or process that produces an effluent that can be used for public and private irrigations or wetlands discharge.

(z) Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW;

(b) When the superintendent determines that a user is contributing to the POTW any of the substances enumerated in subsection (a) of this section in such amounts as to interfere with the operation of the POTW, the superintendent shall:

- (1) Advise the user of the impact of the contribution on the POTW; and
- (2) Develop effluent limitations for such user to correct the interference with the POTW.

**Sec. 5-7. Federal categorical pretreatment standards.**

(a) Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this section for sources in that subcategory, shall immediately supersede the limitations imposed under this section. The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the county 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 county shall impose an alternate limit using the combined wastestream 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.

**Sec. 5-8. Local numerical Specific pollutant limitations.**

The following pollutant limits are established to protect against pass through and interference of the county's wastewater treatment plants; and to protect the quality of solids generated in the treatment processes utilized at the POTWs. No person shall discharge wastewater containing pollutants in excess of the following instantaneous maximum pollutant concentrations listed in Table I of this section unless authorized by wastewater discharge permits issued by the county. These limits apply at the point where the wastewater enters the county's sewer collection system (end-of-pipe). All concentrations for metallic substances for the "total metals" unless indicated otherwise.

Users required to obtain wastewater discharge permits shall receive mass allocations of the maximum allowable headworks loading for each known or suspected pollutants in the treated or untreated wastestream based on the treatment capacity of the county's wastewater treatment plant. Pollutant concentration limits may be allowed at the discretion of the county based on the allocated pollutant mass limits. The pretreatment coordinator shall determine the mass allocation for permitted industrial users in accordance with the industrial pretreatment implementation procedures.

Conventional pollutants (biochemical oxygen demand (BOD), chemical oxygen demand (COD), and total suspended solids (TSS)) and non-conventional pollutants (organic compounds and unlisted metals) may be regulated by wastewater discharge permit if the user has the potential, either by volume and/or concentration, to cause pass through or inhibition at the county wastewater treatment plants, reduction in biosolids quality, or creates a health or safety risk. Permit limits for these pollutants may be based on concentration or mass. Where a user is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply.

Table I. Maximum Pollutant Concentrations

Pollutants (Total Metals)	Maximum Concentration (mg/L)
Arsenic (As)	.05
Cadmium (Cd)	.20
Chromium (Cr)	0.6
Copper (Cu)	1.0
Cyanide (Cn)	.05
Lead (Pb)	.10
Mercury (Hg)	0.005
Nickel (Ni)	1.0
Selenium (Se)	0.1
Silver (Ag)	3.05

Zinc (Zn)	2.0
Barium	1.0
BOD	250
Boron	1.0
COD	250
Iron	5.0
Kjeldahl nitrogen	35.0
Manganese	1.0
Oil and Grease	50.0
Total Phosphorus	10.0
Sulfides	5.0
Suspended Solids	250
Total Chromium	2.0
Chromium (trivalent)	1.0
Chromium (hexavalent)	1.0
Total Identifiable Chlorinated Hydrocarbons	1.0
Phenolic Compounds	.10

(b) All of the following shall be excluded from the treatment works, unless certain conditions and volumes of pretreatment have been specifically described and approved by the superintendent: antimony, beryllium, bismuth, cobalt, molybdenum, rhenium, strontium, tellurium, tin, uranyl ion.

(c) *Special agreement.* The county reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a categorical pretreatment standard or federal pretreatment requirement.

**Sec. 5-9. Excessive discharge.**

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 an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The county may impose mass limitations on users which he believes may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. Dilution may be an acceptable means of complying with some of the prohibitions set forth in Section 5-6 e.g., the pH prohibition, if specially allowed in writing by the superintendent.

**Sec. 5-10. Accidental discharges.**

The county may require any user to develop and implement an accidental discharge/slug control

plan. Where deemed necessary by the county, facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and maintained at the user's cost and expense. An accidental spill prevention plan/slug control plan showing facilities and operating procedures to provide this protection shall be submitted to the county for review and approval before implementation. The county shall determine which user is required to develop a plan and require said plan to be submitted within ninety (90) days after notification by the county. Each user shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by the county. Review and approval of such plans and operating procedures by the county shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of section.

- (1) Any user required to develop and implement an accidental discharge/control slug plan shall submit a plan which addresses, at a minimum, the following:
  - a. Description of discharge practices, including non-routine batch discharges;
  - b. Description of stored chemicals;
  - c. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the standards in Sections 5-3 and 5-6 through 5-8 of this article; and
  - d. 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.
- (2) Users shall notify the county wastewater treatment plant immediately upon the occurrence of a "slug" or "accidental discharge" of substances regulated by this article. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any affected user shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the county on account thereof under state or federal law.
- (3) Within five (5) days following an accidental discharge, the user shall submit to the county a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
- (4) Signs shall be permanently posted in conspicuous places on the user's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.

## **DIVISION 6. WASTEWATER DISCHARGE PERMIT**

### **Sec. 6-1. Wastewater discharge permits.**

No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the county. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out in this article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state

pretreatment standards or requirements or with any other requirements of federal, state, and local law. The county may require other users, including liquid waste haulers, to obtain wastewater discharge permits (as necessary) to carry out the purposes of this ordinance.

- (1) *Wastewater discharge permitting--Existing SIU.* Any SIU that was discharging wastewater into the POTW prior to the effective date of this ordinance and that wishes to continue such discharges in the future shall, within sixty (60) days after notification by the county submit a permit application to the county in accordance with Section 6-2; and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the county.
- (2) *Wastewater discharge permitting--New source and "new user."* At least ninety (90) days prior to the anticipated start-up, new sources, sources that become a user subsequent to the promulgation of an applicable categorical pretreatment standard, and "new users" considered by the county to fit the definition of SIU, shall apply for a wastewater discharge permit and will be required to submit to the county at least the information listed in subsection 6-2 a-h. A new source or "new user" cannot discharge without first receiving a wastewater discharge permit from the county. New sources and "new users" shall also be required to include in their application information on the method of pretreatment the user intends to use to meet applicable pretreatment standards. New sources and "new users" shall give estimates of the information requested in paragraphs d. and e. of Section 6-2.
- (3) *Wastewater discharge permitting--Extrajurisdictional users.* Any existing user located beyond the county limits required to obtain a wastewater discharge permit shall submit a wastewater discharge permit application as outlined in subsection 6-1(1) above. New source and "new users" located beyond the county limits required to obtain a wastewater discharge permit shall comply with subsection 6-2(2) above.

### **Sec. 6-2. Application.**

All users required to obtain a wastewater discharge permit must submit, at a minimum, the following information. The county shall approve a form to be used as a permit application. Categorical users submitting the following information shall have complied with 40 CFR 403.12 (b). Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

- a. *Identifying information.* The user shall submit the name and address of the facility including the name of the operator and owners:
- b. *Permits.* The user shall submit a list of any environmental control permits held by or for the facility;
- c. *Description of operations.* The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user, 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; number and type of employees; hours of operation; each product produced by type, amount, process or processes, and rate of production; type and amount of raw materials processed (average and maximum per day) and the time and duration of discharges. This description should also include a schematic process diagram which indicates points of discharge to the POTW from the regulated or manufacturing processes. Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.

d. *Flow measurement.*

1. Categorical user: The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
  - (i) Regulated or manufacturing process streams; and
  - (ii) Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e).
2. Non-categorical user: The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following: total process flow, wastewater treatment plant flow, total plant flow or individual manufacturing process flow as required by the county. The county may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

e. *Measurements of pollutants.*

1. Categorical user:
  - (i) The user shall identify the applicable pretreatment standards for each regulated or manufacturing process.
  - (ii) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass) where required by the categorical pretreatment standard or as required by the county of regulated pollutants (including standards contained in Sections 5-3 and 5-6 through 5-8, as appropriate) in the discharge from each regulated or manufacturing process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in Section 6-8.
  - (iii) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
  - (iv) Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) for a categorical user covered by a categorical pretreatment standard this adjusted limit along with supporting data shall be submitted as part of the application.
2. Non-categorical user:
  - (i) The user shall identify the applicable pretreatment standards for its wastewater discharge.
  - (ii) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration, or mass where required by the county, of regulated pollutants contained in Sections 5-3 and 5-6 through 5-8, as appropriate in the discharge. Both daily maximum and average concentration, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in Section 6-8. The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this paragraph.
  - (iii) Where the county developed alternate concentration or mass limits because of dilution this adjusted limit along with supporting data shall be submitted as part of the application.

- f. *Certification.* A statement, reviewed by an authorized representative of the user and certified by a qualified professional as outlined in subsection 6-2(1), indicating whether the applicable pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the user to meet the applicable pretreatment standards and requirements;
  - g. *Compliance schedule.* If additional pretreatment and/or O and M will be required to meet the applicable pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment and/or O and M. The user's schedule shall conform with the requirements of Section 6-7(d). The completion date in this schedule shall not be later than the compliance date established pursuant to subsection 6-10(b).
    - 1. Where the user's categorical pretreatment standard has been modified by a removal allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR 403.13) at the time the user submits the report required by this paragraph, the information required by paragraphs (f) and (g) of this section shall pertain to the modified limits.
    - 2. If the categorical pretreatment standard is modified by a removal allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR 403.13) after the user submits the report required by paragraphs (f) and (g) of this section shall be submitted by the user within sixty (60) days after the modified limit is approved.
  - h. Any other information as may be deemed necessary by the County to evaluate the wastewater discharge permit application.
- (1) *Signatory and certification requirement.* 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. I hereby grant Wakulla County and its designated agents and assigns, access to enter my property for the purpose of inspecting my pretreatment facility. I understand that failure to grant such access to Wakulla County may result in the revocation of my wastewater discharge permit as well as other fines and penalties."
- (2) *Wastewater discharge permit decisions.* The county will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of complete wastewater discharge permit application, the county will determine whether or not to issue a wastewater discharge permit. Upon a determination to issue, the permit shall be issued within thirty (30) days of full evaluation and acceptance of the data furnished. The county may deny any application for a wastewater discharge permit.

### **Sec. 6-3. Permit modifications.**

The county may modify the wastewater discharge permit for good cause including, but not limited to, the following:

- a. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- b. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. Information indicating that the permitted discharge poses a threat to the county's POTW, county personnel, or the receiving waters;
- e. Violation of any terms or conditions of the wastewater discharge permit;
- f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- h. To correct typographical or other errors in the wastewater discharge permit; or
- i. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit, as required by Section 6-1, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater discharge permit shall submit to the superintendent, within 180 days after the promulgation of an applicable federal categorical pretreatment standard, the information required by subsection 6-2 a-h.

#### **Sec. 6-4. Conditions of permit.**

(1) *Permit Contents.* Wastewater discharge permits shall be expressly subject to all provisions of this section and all other applicable regulations, user charges and fees established by the county. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the county to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- a. Wastewater discharge permits must contain the following conditions:
  1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
  2. A statement that the wastewater discharge permit is non-transferable without prior notification to, and approval from the county, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  3. Applicable pretreatment standards and requirements, including any special state requirements;
  4. Self-monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location,

5. Requirement for immediate notification to the county where self-monitoring results indicate non-compliance;
  6. Requirement to report a by-pass or upset of a pretreatment facility;
  7. Requirement for the SIU who reports non-compliance to repeat the sampling and analysis and submit results to the county within thirty (30) days after becoming aware of the violation.
  8. A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule.
- b. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
  4. Development and implementation of waste minimization plans to reduce the amount of pollutant discharged to the POTW;
  5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
  6. Requirements for installation and maintenance of inspection and sampling facilities and equipment
  7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit;
  8. Any special agreements the county chooses to continue or develop between the county and user;
  9. Other conditions as deemed appropriate by the county to ensure compliance with this ordinance, and state and federal laws, rules, and regulations.

(2) *Permit appeals.* Any person, including the user, may petition the county to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.

- a. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- b. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- c. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- d. If the county fails to act within sixty (60) days, a request 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.

- e. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the district court for Wakulla County within thirty (30) days.

**Sec. 6-5. Duration and Reissuance of permit.**

(a) *Permit Duration.* Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the county. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(b) *Permit Reissuance.* A user, required to have a wastewater discharge permit, shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application, in accordance with Section 6-2, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit. A user, whose existing wastewater discharge permit has expired and has submitted its re-application in the time period specified herein, shall be deemed to have an effective wastewater discharge permit until the county issues or denies the new wastewater discharge permit. A user, whose existing wastewater discharge permit has expired and who failed to submit its re-application in the time period specified herein, will be deemed to be discharging without a wastewater discharge permit.

**Sec. 6-6. Transfer of permit.**

Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least sixty (60) days advance notice to the county and the county approves the wastewater discharge permit transfer. The notice to the county must include a written certification by the new owner and/or operator which:

- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- b. Identifies the specific date on which the transfer is to occur; and
- c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable as of the date of facility transfer. Provided that the above occurs and that there were no significant changes to the manufacturing operation or wastewater discharge, the new owner will be considered an existing user and be covered by the existing limits and requirements in the previous owner's permit.

**Sec. 6-7. Reporting requirements for permittees.**

**(a) Baseline monitoring reports.**

- (1) Within either one hundred and eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4) (whichever is later) existing categorical users currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the county a report which contains the information listed in paragraph (2), below. At least ninety (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 be required to submit to the county a report which contains the information listed in paragraph (2), below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants 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 POTW from the regulated processes.
  - d. *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW 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.*
    1. The categorical pretreatment standards applicable to each regulated process.
    2. The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the county) 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 6-8.
    3. Sampling must be performed in accordance with procedures specified in Section 6-8.
  - 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 shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in subsection 6-7(d).
  - h. *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with subsection 6-2(1).

(b) **Final compliance report (initial compliance report).**

- (1) Within ninety (90) days following the date for final compliance by the significant industrial user with applicable pretreatment standards and requirements set forth in this ordinance, in a wastewater discharge permit, or within thirty (30) days following commencement of the introduction of wastewater into the POTW by a new source or "new users" considered by the County to fit the definition of SIU, the affected user shall submit to the County a report containing the information outlined in subsection 6-2 d-f.

- (2) For users subject to equivalent mass or concentration limits established by the county in accordance with procedures established in 40 CFR 403.6 (c), this report shall contain a reasonable measure of the user's long term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

(c) **Periodic compliance report.**

- (1) Any user that is required to have an industrial waste discharge permit and performs self-monitoring shall submit to the county during the months of June and December, unless required on other dates or more frequently by the county, a report indicating the nature of the effluent over the previous reporting period. The frequency of monitoring shall be as prescribed within the industrial waste discharge permit. At a minimum, users shall sample their discharge at least twice per year.
- (2) The report shall include a record of the concentrations (and mass if specified in the wastewater discharge permit) of the pollutants listed in the wastewater discharge permit that were measured and a record of all flow measurements (average and maximum) taken at the designated sampling locations, and shall also include any additional information required by this ordinance or the wastewater discharge permit. Production data shall be reported if required by the wastewater discharge permit. Both daily maximum and average concentration (or mass, where required) shall be reported. If a user sampled and analyzed more frequently than what was required by the county or by this article, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge during the reporting period.
- (3) Any user subject to equivalent mass or concentration limits established by the county or by unit production limits specified in the applicable categorical standards, shall report production data as outlined in subsection 6-7(b)(2).
- (4) If the county calculated limits to factor out dilution flows or non-regulated flows, the user will be responsible for providing flows from the regulated process flows, dilution flows and non-regulated flows.
- (5) Flows shall be reported on the basis of actual measurement; provided, however, that the county may accept reports of average and maximum flows estimated by verifiable techniques if the county determines that an actual measurement is not feasible.
- (6) Sampling shall be representative of the user's daily operations and shall be taken in accordance with the requirements specified in Section 6-8.
- (7) The county may require reporting by users that are not required to have an industrial wastewater discharge permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent or determine any other factor which is related to the operation and maintenance of the sewer system.
- (8) The county may require self-monitoring by the user or, if requested by the user, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this section. If the county agrees to perform such periodic compliance monitoring, it may charge the user for such monitoring, based upon the costs incurred by the county for the sampling and analyses. Any such charges shall be added to the normal sewer charge and shall be payable as part of the sewer bills. The county is under no obligation to perform periodic compliance monitoring for a user.

(d) **Compliance schedules for meeting applicable pretreatment standards.**

- (1) The schedule shall contain increments of progress in the form of dates for the

commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

- (2) No increment referred to in paragraph (1) of this section shall exceed nine (9) months.
- (3) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the county including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports.

(e) **Notification of significant production changes.** Any user operating under a wastewater discharge permit incorporating equivalent mass or concentration limits shall notify the county within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not providing a notice of such anticipated change will be required to comply with the existing limits contained in its wastewater discharge permit.

(f) **Hazardous waste notification.** Any user that is discharging fifteen (15) kilograms of hazardous wastes as defined in 40 CFR 261 (listed or characteristic wastes) in a calendar month or any facility discharging any amount of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) is required provide a one-time notification in writing to the county, EPA Regional Waste Management Division Director, and the Florida Department of Environmental Protection (FDEP) Hazardous Waste Division. Any existing user exempt from this notification shall comply with the requirements contained herein within thirty (30) days of becoming aware of a discharge of fifteen (15) kilograms of hazardous wastes in a calendar month or the discharge of acutely hazardous wastes to the county sewer system. Such notification shall include:

- (1) The name of the hazardous waste as set forth in 40 CFR Part 261,
- (2) The EPA hazardous waste number; and
- (3) The type of discharge (continuous, batch, or other).
- (4) If an industrial user discharges more than one hundred (100) kilograms of such waste per calendar per month to the sewer system, the notification shall also contain the following information to the extent it is known or readily available to the industrial user:
  - a. An identification of the hazardous constituents contained in the wastes,
  - b. An estimation of the mass and concentration of such constituents in the wastestreams discharged during that calendar month, and
  - c. An estimation of the mass of constituents in the wastestreams expected to be discharged during the following twelve (12) months.

These notification requirements do not apply to pollutants already reported under the self-monitoring requirements. Whenever the EPA publishes final rules identifying additional hazardous wastes or new characteristics of hazardous waste, a user shall notify the county of the discharge of such a substance within ninety (90) days of the effective date of such regulations. In the case of any notification made under this paragraph, an industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes

generated to the degree it has determined to be economically practical.

(g) **Notice of potential problems, including accidental spills and slug discharges.** Any user shall notify the county immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined in Section 1-1. The notification shall include the concentration and volume and corrective action. Steps being taken to reduce any adverse impact should also be noted during the notification. Any user who discharges a "slug" (or slugs) of pollutants shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the county under state or federal law.

(h) **Non-compliance reporting.** If sampling performed by a user indicates a violation, the user shall notify the county within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling within five (5) days and submit the results of the repeat analysis to the county within thirty (30) days after becoming aware of the violation, except the user is not required to re-sample if:

- (1) The county performs sampling at the user at a frequency of at least once per month, or
- (2) The county performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(i) **Notification of changed discharge.** All users shall promptly notify the County in advance of any substantial change in the volume or character of pollutants in their discharge, including significant manufacturing process changes, pretreatment modifications, and the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12 (p).

(j) **Toxic organic compound reporting.** Categorical users which are required by EPA to eliminate and/or reduce the levels of total toxic organics (TTO's) discharged into the sewer system must follow the categorical pretreatment standards for that industry. Those users must also meet the following requirements:

- (1) Must sample, as part of the application requirements, for all the organics listed under the TTO limit (no exceptions);
- (2) No TTO's used at the facility or the user elects to develop a solvent management plan in lieu of continuously monitoring for TTO.

The user must routinely submit a certification statement as part of its self-monitoring report that there has been no dumping of concentrated toxic organic into the wastewater and that it is implementing a solvent management plan as approved by the county. Facilities who have sampled initially and can verify that there are no toxic organics utilized should not have to develop a solvent management plan, but must make the certification statement of no use of toxic organic compounds during the reporting period.

(k) **Reports from unpermitted users.** All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the county as may be requested by the county.

(l) **Record keeping.** Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance 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 and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or POTW, or where the user has been specifically notified of a longer retention period by the county.

Where 40 CFR 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the EPA.

### **Sec. 6-8. Sampling and analytical requirements.**

#### *(a) Sampling requirements for users.*

- (1) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. The county will determine on a case-by-case whether the user will be able to composite the individual grab samples. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The county may waive flow proportional composite sampling for any user that demonstrates that flow proportional is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
- (2) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated or manufacturing process if no pretreatment exists or as determined by the county and contained in the user's wastewater discharge permit. For categorical users, if other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the applicable categorical pretreatment standards. For other SIUs, for which the county has adjusted its local limits to factor out dilution flows, the user should measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standard(s).
- (3) All sample results shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges from the user. If a user sampled and analyzed more frequently than what was required in its wastewater discharge permit, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report.

*(b) Analytical requirements.* All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 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 the EPA.

(c) *County-monitoring of user's wastewater.* The county will follow the same procedures as outlined in subsections 6-8(a), (b).

**Sec. 6-9. Monitoring facilities.**

(1) *Monitoring facilities.* Each user shall provide and operate at its own expense a monitoring facility to allow inspection, sampling, and flow measurements of each sewer discharge to the county. Each monitoring facility shall be situated on the user's premises, except where such a location would be impractical or cause undue hardship on the user, the county may concur with the facility being constructed in the public street or sidewalk area, providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. The county, whenever applicable, may required the construction and maintenance of sampling facilities at other locations (for example, at the end of a manufacturing line, wastewater treatment system).

There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications.

The county 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 its own expense. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.

(a) *Lift station shall be included as monitoring and pretreatment facilities.*

- (1) The facility shall be maintained to meet county and FDEP requirements.
- (2) No modification should be made to the facility with out permission of the County and FDEP.
- (3) This facility shall be maintained at owners expense.
- (4) Some lift stations may have grinder pumps or grinder equipment that has to be maintained to meet county and state requirements.

(2) *Search warrants.* If the county has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect as part of a routine inspection program of the county designed to verify compliance with this ordinance or any wastewater discharge permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the county shall seek issuance of a search and/or seizure warrant from the municipal court judge of the Wakulla County. Such warrant shall be served at reasonable hours by the county in the company of a uniformed police officer of the county.

(3) *Vandalism.* No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in this article.

**Sec. 6-10. Inspection and sampling.**

*Right of entry and authority to monitor.* The county shall have the right to enter the facilities of any user to ascertain whether the purpose of this ordinance, and any wastewater discharge permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. Users shall allow the county representative ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (1) 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 county representative will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The county 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.
- (3) 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 verbal request of the county and shall not be replaced. The costs of clearing such access shall be born by the user.
- (4) Unreasonable delays in allowing the county access to the user's premises shall be a violation of this ordinance.

**Sec. 6-11. Pretreatment Requirements.**

(a) *Pretreatment facilities.* Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all applicable pretreatment standards and requirements set out in this ordinance within the time limitations specified by the EPA, the state, or the county, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the county shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the county for review, and shall be acceptable to the county before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the county under the provisions of this article.

Users shall operate and maintain all pretreatment systems in accordance with manufactures recommendations and good engineering practices. Adequate records shall be maintained by the user to demonstrate proper operation and maintenance of all pretreatment systems. Pretreatment systems shall be modified as necessary to accommodate changes in production.

(b) *Deadline for compliance with applicable pretreatment requirements.*

- (1) Existing users: Compliance by existing users covered by categorical pretreatment standards shall be within one hundred eighty (180) days of the effective date of this Ordinance. The county shall establish a final compliance deadline date for any existing user not covered by categorical pretreatment standards or for any categorical user when the local limits for said user are more restrictive than EPA's categorical pretreatment standards.
- (2) New source dischargers and "new users" are required to comply with applicable pretreatment standards within the shortest feasible time (not to exceed ninety (90) days from the beginning of discharge). New Sources and "new users" shall install and have in

operating condition, and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.

- (3) Any wastewater discharge permit issued to a categorical user shall not contain a compliance date beyond any deadline date established in EPA's categorical pretreatment standards. Any other existing user or a categorical user that must comply with a more stringent local limit, which is in non-compliance with any local limits shall be provided with a compliance schedule placed in an industrial wastewater permit to insure compliance within the shortest time feasible.

(c) *Additional pretreatment measures.*

- (1) Whenever deemed necessary, the county 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 wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this article.
- (2) Grease, oil, and sand interceptors shall be provided when, in the opinion of the county, 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 county 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 his expense.
- (3) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(d) *Accidental discharge and slug discharge prevention control plans.* The county may require any user to develop and implement an accidental discharge/slug control plan. Where deemed necessary by the county, facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and maintained at the user's cost and expense. An accidental spill prevention plan/slug control plan showing facilities and operating procedures to provide this protection shall be submitted to the county for review and approval before implementation. The county shall determine which user is required to develop a plan and require said plan to be submitted within ninety (90) days after notification by the county. Each user shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by the county. Review and approval of such plans and operating procedures by the county shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of section.

- (1) Any user required to develop and implement an accidental discharge/control slug plan shall submit a plan which addresses, at a minimum, the following:
  - a. Description of discharge practices, including non-routine batch discharges;
  - b. Description of stored chemicals;
  - c. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the standards in Sections 5-3 and 5-6 through 5-8 of this article; and
  - d. 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.

- (2) Users shall notify the county wastewater treatment plant immediately upon the occurrence of a "slug" or "accidental discharge" of substances regulated by this article. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any affected user shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the county on account thereof under state or federal law.
- (3) Within five (5) days following an accidental discharge, the user shall submit to the county a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
- (4) Signs shall be permanently posted in conspicuous places on the user's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.

(e) *Septic tank wastes.*

- (1) Septic tank wastes containing wastes originating from industrial or commercial operations, other than sanitary wastes, shall not be discharged to the POTW, unless specifically authorized by the county.
- (2) Septic tank wastes may be introduced into the POTW only at a designated receiving structure within the treatment plant area, and at such times as are established by the county. Such wastes shall not violate Section 5-6 of the ordinance or any other requirements established or adopted by the county. Wastewater discharge permits for individual vehicles to use such facilities may be issued by the county.
- (3) The county may sample each hauled load to ensure compliance with applicable pretreatment standards and/or the county may require the hauler to provide a waste analysis of any or all loads prior to discharge.
- (4) Septage haulers must provide a completed waste-manifest form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, sources of waste, and volume and characteristics of waste.
- (5) Fees for discharging septic tank wastes will be established as part of the industrial user fee based, on the discretion of the director.

**Sec. 6-12. Publication of users in Significant non-compliance.**

The county shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements.

The term significant non-compliance shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent 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;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent 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 (one and four-tenths for BOD, TSS, fats, oils and grease, and one and two-tenths for all other pollutants except pH);
- (3) Any other discharge violation that the county believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of county personnel or the general public);
  - (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the county's exercise of its emergency authority to halt or prevent such a discharge;
  - (5) Failure to meet, within ninety (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;
  - (6) Failure to provide within thirty (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;
  - (7) Failure to accurately report non-compliance; or
  - (8) Any other violation(s) which the county determines will adversely affect the operation or implementation of the local pretreatment program.

### **Sec. 6-13. Confidential information**

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from county inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the county, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

### **Sec. 6-14. Revocation of permit.**

Wastewater discharge permits may be revoked for, but not limited to, the following reasons:

- a. Failure to notify the county of significant changes to the wastewater prior to the changed discharge;
- b. Failure to provide prior notification to the county of changed conditions;
- c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- d. Falsifying self-monitoring reports;
- e. Tampering with monitoring equipment;
- f. Refusing to allow the county timely access to the facility premises and records;
- g. Failure to meet discharge limitations;

- h. Failure to pay fines;
- i. Failure to pay sewer charges;
- j. Failure to meet compliance schedules;
- k. Failure to complete a wastewater survey or the wastewater discharge permit application;
- l. Failure to provide advance notice of the transfer of a permitted facility;
- m. If the county has to invoke its emergency provision as cited in subsection 6-15(g) of this article; or
- n. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.

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

### **Sec. 6-15. Administrative enforcement remedies**

(a) *Notification of violation.* When the county finds that a user has violated (or continues to violate) any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the county may serve upon that user a written notice of violation (via certified letter). Within thirty (30) 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 county. 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 county to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) *Consent orders.* The county 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 subsections 6-15(d) and (e) of this ordinance and shall be judicially enforceable. Use of a consent order shall not be a bar against, or prerequisite for, taking any other action against the user.

(c) *Show cause hearing.* The county may order [via a certified letter] a user which has violated or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the county 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 thirty (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.

- (1) Under the direction of the County Attorney, the county commission may conduct the hearing under this section and take the evidence or may designate any of its members or any officer or employee of the county to:

- a. Issue in the name of the county commission notices of hearings requesting the

attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

- b. Take the evidence;
  - c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the county commission for action thereon.
- (2) At any hearing held pursuant to this section, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public, or any party of the hearing, upon payment of the usual charges thereof.
- (3) After the county commission has reviewed the evidence presented at the hearing under this section, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

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

(e) *Cease and desist orders.* When the county finds that a user has violated (or continues to violate) any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the county 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.

(f) *Administrative fines.*

- (1) When the county finds that a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the county may fine such user in an amount not to exceed five hundred dollars (\$500.00) per violation, per day. The county may

designate certain of its employees or agents as code enforcement officers. The county's code enforcement officer(s) is hereby authorized to issue a citation to a user when, based upon personal investigation, the officer has reasonable cause to believe the user has committed an infraction in violation of this ordinance and that the county court will hear the charge. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

- (2) Prior to issuing a citation, the code enforcement officer shall provide notice to the user that the user has committed a violation of this article and shall establish a reasonable time period within which the user must correct the violation. Such time period shall be no more than thirty (30) days. If, upon personal investigation, the code enforcement officer finds the person has not corrected the violation within the time period, the code enforcement officer may issue a citation to the user who has committed the violation. The code enforcement officer does not have to provide the user with a reasonable time period to correct the violation prior to issuing a citation, and may immediately issue a citation if a repeat violation is found or if the code enforcement officer has reason to believe the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.
- (3) A citation issued by the code enforcement officer shall be in a form proscribed by Wakulla County and shall contain:
  - a. The date and time of issuance;
  - b. The name and address of the user to whom the citation is issued;
  - c. The date and time the infraction was committed;
  - d. The facts constituting reasonable cause;
  - e. The number or section of the Code or ordinance violated;
  - f. The name and authority of the code enforcement officer;
  - g. The procedure for the user to follow in order to pay the civil penalty or to contest the citation;
  - h. The applicable civil penalty if the user elects to contest the citation;
  - i. The applicable civil penalty if the user elects not to contest the citation; and
  - j. A conspicuous statement that if the user fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the user shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the user in an amount up to the maximum civil penalty.
- (4) After issuing a citation to an alleged violator, the code enforcement officer shall deposit the original citation and one (1) copy of the citation with the county court.
- (5) Any user who willfully refuses to sign and accept a citation issued by the code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in § 775.082 or § 775.083 Florida Statutes (1995).

(g) *Emergency suspensions.* The county 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 county may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

- (1) 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 county shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The county shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the county that the period of endangerment has passed, unless the termination proceedings in subsection 6-15(h) of this ordinance are initiated against the user.

- (2) 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 county prior to the date of any show cause or termination hearing under subsection 6-15(c) and (b).

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

(h) *Termination of discharge (non-emergency)*. In addition to the provisions in Section 6-14 any user that violates the following conditions is subject to 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 users premises for the purpose of inspection, monitoring or sampling; or
- (5) Violation of the pretreatment standards in Section 5-6.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection 6-15(c) why the proposed action should not be taken. Exercise of this option by the county shall not be a bar to, or a prerequisite for, taking any other action against the user.

### **Sec. 6-16. Judicial enforcement remedies**

(a) *Injunctive relief*. When the county 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 county may petition the municipal court of the Wakulla County through the county's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The county 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.

(b) *Civil penalties*.

- (1) A user which has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the county for a maximum civil penalty of five

hundred dollars (\$500.00) 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.

- (2) The county 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.
- (3) 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, 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.
- (4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(c) *Criminal prosecution.*

- (1) A user which has willfully or negligently violated any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) per violation, per day.
- (2) A user which has willfully or negligently introduced any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not more than five hundred dollars (\$500.00) per violation, per day. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
- (3) A user which knowingly made any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) per violation per day.
- (4) In the event of a second conviction, a user shall be punished by a fine of not more than five hundred dollars (\$500.00) per violation per day.

(d) *Remedies non-exclusive.* The provisions in Sections 6-12 and 6-15 through 6-17 are not exclusive remedies. The county reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the county's enforcement response plan. However, the county reserves the right to take other action against any user when the circumstances warrant. Further, the county is empowered to take more than one enforcement action against any non-compliant user. These actions may be taken concurrently.

**Sec. 6-17. Supplemental enforcement action**

(a) *Performance bonds.* The county may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this ordinance, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement unless such user first files a satisfactory bond, payable to the county, in a sum not to exceed a value determined by the county to be necessary to achieve consistent compliance.

(b) *Liability insurance.* The county may decline to issue or reissue a wastewater discharge

permit to any user which has failed to comply with any provision of this ordinance, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(c) *Water supply severance.* Whenever a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

### **Sec. 6-18. Active defenses to discharge violations**

(a) *Upset.*

- (1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary non-compliance with applicable 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.
- (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with applicable pretreatment standards if the requirements of paragraph (3) are met.
- (3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and the user can identify the cause(s) of the upset;
  - b. 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
  - c. The user has submitted the following information to the POTW and treatment plant operator within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
    1. A description of the indirect discharge and cause of non-compliance;
    2. 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
    3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
    4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
    5. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with applicable pretreatment standards.
    6. Users shall control production of all discharges to the extent necessary to maintain compliance with applicable 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 falls.

(b) *Prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in Section 5-6 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: (a) 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 (b) no local limit exists, but the discharge did not change substantially in nature or constituents from the use's prior discharge when the county was regularly in compliance with its POTW wastewater discharge permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(c) *Bypass.*

(1) For the purposes of this section,

- a. *Bypass* means the intentional diversion of wastestreams from any portion of a user's treatment facility.
- b. *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.

(2) A user may allow any bypass to occur which does not cause applicable 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 subsections 6-18(c)(3) and (4).

(3) Advanced notice

- a. If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten (10) days before the date of the bypass, if possible.
- b. A user shall submit oral notice to the county of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) 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 POTW may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(4) Bypass approval.

- a. Bypass is prohibited, and the POTW 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 (3) of this section.
  - b. The POTW may approve anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three (3) conditions listed in subsection 6-18(c)(4)a of this section.

**Sec. 6-19. Fees.**

(a) *Purpose.* It is the purpose of this section to provide for the recovery of costs from users of the county's wastewater disposal system for the implementation and continued operation of the program established in this section.

(b) *Charges and fees.* The county shall recover the costs from the users of the county's wastewater disposal system for the implementation and continued operation of the program established in this section. The county may adopt charges and fees by resolution for such purposes which may include, but not be limited to, the following:

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

- (1) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (2) Fees for reviewing and responding to accidental discharge procedures and construction;
- (3) Fees for filing appeals;
- (4) Fees for reimbursement of costs of setting up and operating the county's pretreatment program;
- (5) Fees for consistent removal by the county of pollutants otherwise subject to federal pretreatment standards; and
- (6) 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, fines, and penalties chargeable by the county. Charges and fees shall be for the recovery of actual costs of county labor, materials and equipment, plus 25 percent overhead expenses, and the invoiced charges by others for the above services.

In addition to the fees established by ordinance or resolution, the county may impose charges on users for any harm or damage to the wastewater treatment plant, county employees, property of the county or for any extra costs, including testing costs that are expended by the county because of the user's discharge into the wastewater treatment system. These charges shall be for the recovery of actual costs of county labor, materials and equipment or for medical or consultant services, plus 25 percent overhead expenses, or the invoiced charges by others for the above services. Any such charge not paid within 15 days from the rendering of the charge to the user shall become a lien on the property, as is otherwise provided for water and sewer user charges as otherwise set forth in this chapter.

If any user violates the standards of this section on two occasions within any 12-month period, the county may require the user to construct and make available to the county a secured testing point satisfactory to the county for the monitoring of the user's discharges into the system for the purpose of the county continuing a monitoring program of the user's waste discharges. In the event of such requirement by the county, the user shall pay all the costs incident thereto,

including testing costs for such period of time as is determined by the county to be reasonable to ensure that the user is no longer discharging wastes in violation of this section.

(c) *Industrial wastewater surcharge.*

(1) *Surcharges for BOD, COD, and TSS*

- a. The industrial wastewater surcharge is an assessment to industrial users for exceptional treatment costs incurred by the county in the treatment of high strength wastes above those concentrations on which the sewer use fees are based. Sewer use fees are based on the design criteria for the Wakulla County wastewater treatment plant which is designed for domestic strength wastewater concentrations. Assessment of surcharges does not alleviate the industrial user of the responsibility to comply with pretreatment requirements. Consistent non-compliance by an industrial user will result in enforcement actions as defined by this article. Surcharges shall be calculated as follows:

Formulas:

$$\text{Surcharge for TSS} = S \times (S1 - Sd) \times 8.34 \times F$$

$$\text{Surcharge for BOD} = B \times (B1 - Bd) \times 8.34 \times F$$

$$\text{Surcharge for COD} = C \times (C1 - Cd) \times 8.34 \times F$$

S = unit cost of treating Suspended Solid: \$/lb.

S1 = TSS level in sample (in mg/L)

Sd = TSS level in plant design criteria for domestic wastewater  
= 200 mg/L (Base value from which the surcharge is calculated)

B = unit cost of treating BOD \$/lb.

B1 = BOD level in sample (in mg/L)

Bd = BOD level in plant design criteria for domestic wastewater  
= 200 mg/L (Base value from which the surcharge is calculated)

C = unit cost of treating COD \$/lb.

C1 = COD level in sample (in mg/L)

Cd = COD level in plant design criteria for domestic wastewater  
= 400 mg/L (Base value from which the surcharge is calculated)

F = Discharged Flow measured in millions of gallons per day (MGD)

- b. The surcharge rate (unit cost of treating) based on the cost of treating BOD, COD, and TSS shall be adjusted annually to reflect increases or decreases in wastewater treatment costs based on the previous year's experience. The surcharge rate shall be established by separate ordinance.
  - c. The county shall bill the industrial user by the month and shall invoice industrial waste charges separate from the regular bill for water and sewer service fees. The user shall pay monthly in accordance with practices existing for payment of sewer service fees.
- (2) *Surcharges for all other pollutants.* Industrial users shall be assessed a surcharge of twenty-five dollars (\$25.00) per contaminant per day for all other violations of the industrial pretreatment ordinance. Monthly surcharges are not penalty payments for violation of the industrial users discharge permit but a reimbursement for exceptional treatment costs. Assessment of surcharges does not alleviate the industrial user of the responsibility to comply with pretreatment requirements. Consistent noncompliance by an industrial user will result in enforcement actions as defined by this ordinance.

(c) *Wastewater discharge permit fee; classification defined.* The schedule of fees for a one-year wastewater discharge permit shall be as follows:

<b>Wastewater discharge User classification</b>	<b>Permit fee</b>
Significant	\$5,800.00
Active, class A	\$500.00
Active, class B	\$140.00
Inactive	\$0.00
Unclassified	\$0.00

- (1) The schedule of wastewater discharge permit fees shall remain in effect until modified by subsequent resolution of the county commission.
- (2) User classifications identified in the schedule set out in this subsection (c) are defined as follows:

- a. *Active user, class A:* Septic haulers and other users who, by nature of their activity, facility layout and materials storage or production, has a high possibility to discharge a waste or other material into the public sewer system, which waste or other materials have a reasonable potential to cause an adverse effect on the sewer system or waste-water treatment facility.
- b. *Active user, class B:* A user who, by nature of activity, facility layout and materials storage or production, has a low possibility to discharge a waste or other material into the public sewer system, which waste or other materials have a reasonable potential to cause an adverse effect on the sewer system or wastewater treatment facility.
- c. *Inactive user:* A user who, by nature of activity, facility layout and materials storage or production, has no present possibility to discharge a waste or other material into the public sewer system but has a future potential to discharge waste or other material as a result of change in activity, facility layout and material storage or production.
- d. *Significant industrial user:* Defined in Section 5-1.
- e. *Unclassified user:* A user who, by nature of activity, facility layout and materials storage or production, has no possibility to discharge into the public sewer system a waste or other material having an adverse effect on the sewer system and wastewater treatment facility.

**2. Providing for Severability.** It is the declared intent of the Wakulla County Commission that if any section, sentence, clause phrase or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by a court of agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance after the exclusion of such part or parts shall be determined to be valid.

**3. Repealing all Ordinances and Resolutions in Conflict.** This ordinance hereby repeals all ordinances or resolutions that are in conflict herewith to the extent of said conflict, immediately.

**4. Providing for an effective date.** This ordinance shall be effective immediately upon adoption and as provided for by Florida law.

**DONE AND ADOPTED BY** the Board of County Commissioners of Wakulla County, Florida in a regularly scheduled meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**BOARD OF COUNTY COMMISSIONERS  
OF WAKULLA COUNTY, FLORIDA**

BY: \_\_\_\_\_  
**HOWARD KESSLER, CHAIRMAN**

ATTEST:

APPROVED AS TO FORM

\_\_\_\_\_  
**Brent X Thurmond**  
Ex Officio Clerk to the Board

\_\_\_\_\_  
**RONALD A. MOWREY**  
County Attorney