

INDUSTIAL PRETREATMENT ORDINANCE:

Chapter 23 UTILITIES* NEW ORDINANCE # [Ordinance No. 1234] August 10, 2007

***Cross references: Administration, Ch. 2; finance, § 2-101 et seq.; code enforcement special master, § 2-151 et seq.; garbage and refuse, Ch. 11; permit required to drill a well, § 12-31; streets, sidewalks and other public places, Ch. 20; land development regulations, App. A.**

State law references: Municipal public works, F.S. Ch. 180; water and sewer systems, F.S. § 381.261; Florida Safe Drinking Water Act, F.S. § 403.850.

Art. I. In General, §§ 23-1--23-15

Art. II. Sewers, §§ 23-16--23-45

Art. III. Water and Sewer Rates, §§ 23-46--23-55

Art. IV. Public Water Supply, §§ 23-56--23-80

Div. 1. Generally, §§ 23-56--23-60

Div. 2. Reserved, §§ 23-61--23-75

Div. 3. Contamination Prevention, §§ 23-76--23-80

ARTICLE I. IN GENERAL

Secs. 23-1, 23-2. Reserved.

Editor's note: Per instruction of the city, former §§ 23-1 and 23-2 have been deleted as being superseded by the Land Development Regulations enacted by Ord. No. 764, adopted Nov. 4, 1991. Formerly, § 23-1 pertained to furnishing utilities beyond corporate limits and derived from Laws of Fla. Ch. 69-1866, § 124; and § 23-2 pertained to the laying of water, sewer and storm drain lines and derived from the Code of 1963, § 24-25.

Secs. 23-3--23-15. Reserved.

ARTICLE II. SEWERS* NEW ORDINANCE # [Ordinance No. 1234] August 10, 2007

***Editor's note: Ord. No. 710, enacted June 20, 1988, amended Art. II as herein set out in §§ 23-16--23-31. Formerly, Art. II, pertaining to similar subject matter, originated from the 1963 Code, §§ 24-1--24-9.**

Cross references: Definitions and rules of construction generally, § 1-2; general penalty, § 1-11; offenses, Ch. 18; sewer connection fees, § 23-47.

State law references: Similar provisions, F.S. Chs. 166 and 180.

Sec. 23-16. Definitions.

(a) *Terms and phrases.* Unless the context specifically indicates otherwise, the meanings of terms and phrases used in this article shall be as follows:

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

Applicant. An owner, or agent of the owner, of land who is negotiating for wastewater services.

Approval authority. The administrator of the department of environmental protection.

Authorized representative of industrial user. An authorized representative of an industrial user may be:

- (1) A principal executive officer of at least the level of vice president if the industrial user is a corporation;
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees centigrade, expressed in terms of weight and concentration (milligrams per liter (mg/l)).

Building sewer. The service line from the public sewer or other place of disposal to a point five (5) feet outside the building wall, conveying wastewater from the premises of a user to the POTW.

Categorical standards. National categorical pretreatment standards or "pretreatment standard."

City. The City of Auburndale or the city commission of Auburndale.

City sewer or public sewer. The publicly owned wastewater line or appurtenance that conveys wastewater to the treatment plant and into which storm, surface and ground water are not intentionally admitted.

Cooling water. The water discharged from any use, such as air-conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Customer. A user of the POTW.

Department of environmental protection. The department of environmental protection; or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

Development of developed property. Land, including subdivisions, that has been, or is being improved to the extent that water and sewer service is necessary prior to its utilization.

Developer. An owner, or agent of the owner, engaged in development, who has the right to negotiate for wastewater service.

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

Director or director of utilities. The city administrative official for the POTW or his authorized deputy, agent or representative.

Domestic waste. The wastewater produced from noncommercial or nonindustrial activities, which results from normal human living processes which are of substantially similar origin and strength to those typically produced in households.

Dwelling, single-family. A building designed for or occupied exclusively by one (1) family.

Dwelling, multiple. A building designed for or occupied exclusively by two (2) or more families.

Environmental Protection Agency or EPA. The U.S Environmental Protection Agency; or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

ERC or equivalent residential connections. Means a volume of wastewater flow equal to eight thousand (8,000) gallons per month contributed to the POTW.

Existing source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Garbage. Solid wastes from the cooking and dispensing of food and from the handling, storage and sale of produce.

Grab sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream over a time period not to exceed fifteen (15) minutes.

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

Indirect discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the act (33 USC 1317) into the POTW (including holding tank waste discharged into the system).

Industrial user. A user contributing industrial waste to the POTW.

Industrial wastes. The liquid wastes from industrial or manufacturing processes or from a trade or business, as contrasted with domestic waste.

Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the act (33 USC 1345) or any criteria developed pursuant to the Solid Waste Disposal Act (SWDA) (including Title 11, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including 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 applicable to the method of disposal or use employed by the POTW.

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

Modification to existing source. Construction on a site at which an existing source is located which does not create a new building, structure, facility, or installation that qualifies as a new source, but otherwise alters, replaces, or adds to existing process or production equipment.

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

National categorical pretreatment standard or national standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the act (33 USC 1317) which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

National pollution discharge elimination system or NPDES permit. A permit issued pursuant to Section 402 of the act (33 USC 1342).

National prohibitive discharge standard or prohibitive discharge standard. Any regulation developed under the authority of Section 307(b) of the act and 40 CFR, Section 403.5.

Natural outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

New source. A new source may be:

(a) 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:

(i) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
(ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
(iii) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source shall be considered.

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

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has begun, or caused to begin, as part of a continuous on-site construction program including:

(1) Any placement, assembly, or installation of facilities or equipment; or

(2) Significant site preparation work including clearing, excavation, or removal of existing building, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(3) 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.

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.

Oversize sewer. A sewer extension to a development which, because of anticipated future expansions or other reasons, is of larger diameter pipe and/or at a lower elevation than required to serve the development.

Pass-through. Any discharge that exits the POTW into waters of the United States which, along or in conjunction with discharges from other sources, causes an NPDES permit violation.

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 representative agents or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Pollution. The manmade or man-induced degradation of the chemical, physical, biological and radiological integrity of water.

Pollutant. Includes, but is not limited to, any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into the water.

POTW treatment plant. That portion of the POTW designed to provide treatment to wastewater.

Pretreatment or treatment. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants

into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR, Section 403.6(d).

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

Pretreatment standard. Any pollutant discharge limits, promulgated by the POTW in accordance with section 307(b) and (c) of the act (33 USC 1347). National categorical pretreatment standards are included.

Prohibited discharge standards or prohibited discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 23-22 of this article.

Property owner or owner. The record titleholder of the premises served or proposed to be served by the POTW.

Publicly owned treatment works (POTW). A treatment works, as defined by Section 212 of the act (33 USC 1291), which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this article, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside of Auburndale who are, by contract or agreement with Auburndale, users of Auburndale's POTW.

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

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

Shall is mandatory; ***may*** is permissive.

Significant industrial user. Any industrial user of Auburndale's wastewater disposal system who:

- (1) Is an industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., and 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N which has been adopted by reference in Chapter 62-660, F.A.C.; and
- (2) Any other industrial user that discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the WWF (excluding domestic wastewater, noncontact cooling and boiler blow-down wastewater); contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement in accordance with Rule 62-625.500(2)(e), F.A.C.
- (3) Upon a finding that an industrial user meeting the criteria in (b) above has no reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with Rule 62-625.500(2)(e), F.A.C., determine that such industrial user is not a significant industrial user.

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

State. The State of Florida.

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

Storm-water. Any flow occurring during or following any form of natural precipitation and resulting there from.

Superintendent (director). The person designated by Auburndale to supervise the operation of the publicly owned treatment works, and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

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 pollutants. Any pollutant or combination of pollutants listed as "toxic" in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

User. Any person who contributes, causes or permits the contribution of wastewater into Auburndale's POTW.

Watercourse. A channel in which the flow of water occurs either continuously or intermittently.

Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with such ground surface and storm-waters as may inadvertently be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

Wastewater contribution permit. As set forth in section 23-20.1 of this article.

Wastewater impact charge. A charge on new users of the system for facilities to convey, treat and dispose of wastewater as a preventative to contamination of natural surface and ground-waters.

Waters of the state. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems 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:

TABLE INSET:

ASTM	American Society Testing Materials.
BOD	Biochemical oxygen demands.
CFR	Code of Federal Regulations.
COD	Chemical oxygen demand.
EPA	Environmental Protection Agency.
l	Liter.
mg	Milligrams.
mg/l	Milligrams per liter
NPDES	National pollutant discharge elimination system
POTW	Publicly owned treatment works.
SIC	Standard industrial classification.
SWDA	Solid Wastes Disposal Act, 42 USC 6901 et. seq.
USC	United States Code.
TSS	Total suspended solids.

WPCF	Water Pollution Control Federation.
-------------	--

(Ord. No. 710, § 2, 6-20-88; Ord. No. 762, §§ 1, 2, 10-7-91; Ord. No. 795, § 1, 6-7-93; Ord. No. 1234, § 1, 3-20-06)

Sec. 23-17. POTW declared public utility; purpose and policy.

(a) The POTW, together with any and all extensions thereof and replacements thereto, together with all rights-of-way, easements and disposal systems, be and the same is hereby established as and declared to be a public utility for the use and benefit of the city in the maintenance of public health and general sanitary conditions throughout the city and the area served by the system.

(b) This article sets forth uniform requirements for direct and indirect contributors into the publicly owned treatment works (POTW) for the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this article include, but are not limited to:

- (1) Preventing the introduction of pollutants into the POTW which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) Preventing the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or, otherwise, be incompatible with the system;
- (3) Improving the opportunity to recycle and reclaim wastewaters and sludges from the system;
- (4) Providing for equitable distribution of the cost of the municipal wastewater system; and
- (5) Providing for the general operation of the system and to regulate the users thereof and the use of same.

This article provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through the enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that the existing customer's capacity will not be preempted and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This article shall apply to the city and to persons outside Auburndale who are, by contract or agreement with Auburndale, users of Auburndale's POTW. Except as otherwise provided herein, the director of utilities of the city shall administer, implement and enforce the provisions of this article.

(Ord. No. 710, § 3, 6-20-88)

Sec. 23-18. Use of public sewers required.

(a) It shall be unlawful for any person to place, deposit or permit to be deposited on public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other domestic or industrial waste.

(b) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of said city, any wastewater or pollutant, except where suitable treatment has been provided in accordance with the provisions of this article.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tanks, cesspool or other facility intended to be used for the disposal of wastewater.

(d) All occupied premises located within one hundred (100) feet of a sewer main, whether now existing or hereafter constructed, are hereby required to be connected with such main within ninety (90) days from the date sewage collection service is made available; however, the sewer charges provided herein shall commence thirty (30) days after such sewage collection service is made available. Such connection shall be made in accordance with any city health regulations.

(Ord. No. 710, § 4, 6-20-88)

Sec. 23-19. Private wastewater disposal.

(a) Where a public sewer is not available under the provisions of section 23-18, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the director. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the director. A permit and inspection fee shall be paid to the city at the time the application is filed.

(c) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the director. He shall be allowed to inspect the work at any stage of construction; and, in any event, the applicant for the permit shall notify the director when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the director.

(d) The type, capacities, location and layout of a private wastewater disposal system shall comply with all rules and regulations of the Polk County Health Department, the Florida State Department of Health and Rehabilitative Services or other regulatory agency as applicable. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in section 23-18(d) hereof, a direct connection shall be made to the public sewer in compliance with this article and any septic tanks, cesspools and similar private wastewater disposal facilities shall be abandoned and filled with suitable material.

(f) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the city.

(g) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the director, authorized health officials or other applicable regulatory agencies.

(Ord. No. 710, § 5, 6-20-88)

Sec. 23-20. Building sewers and connections.

(a) *Permit required.* No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the director.

(b) *Costs.* All costs and expense incident to the installation and connection of a building sewer shall be borne by the owner. The owner shall indemnify the city against any personal injury, including death, property damage, loss or cost, including attorney's fees, that may directly or indirectly result from the installation of the building sewer.

- (c) *Separate sewers.* A separate and independent building sewer shall be provided for every building, except where an accessory building stands at the rear of another on an interior lot, and no private sewer is available or can be constructed to the rear accessory 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 shall be considered as one (1) building sewer. Connection and inspection fees shall be paid for the additional building(s).
- (d) *Old sewers.* Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the director, to meet all requirements of this article.
- (e) *Pipe.* The building sewer shall be cast-iron soil pipe, extra-strength vitrified clay sewer pipe, PVC SDR-35, or other suitable material approved by the superintendent. Cast-iron pipe may be required by the superintendent where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast-iron soil pipe; except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle approved by the superintendent.
- (f) *Installation.* The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. In the absence of code provisions, the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials and Manual of Practice No. FD-5, published by the Water Pollution Control Federation (1982 Edition), shall apply.
- (g) *Elevation and location of connection.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall which might thereby be weakened. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.
- (h) *Excavations.* All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the superintendent. Pipe laying and backfill shall be performed in accordance with Uni-Bell Manual UNI-B-5 (1977), except that no backfill shall be placed until the work has been inspected.
- (i) *Prohibited connections.* No person shall make connection of rain downspouts, exterior foundation drains, areaway drains, water-cooled air-conditioning systems or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sewer.
- (j) *Connections to conform to codes, rules, regulations.* The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or the procedures set forth in appropriate specifications of the WPCF Manual of Practice No. FD-5. All such connections shall be made gastight and watertight.
- (k) *Notification for inspection.* The applicant for the building sewer permit shall notify the director when the building sewer is ready for inspection and the connection to the public sewer. The connection shall be made under the supervision of the director or his representative.
- (l) *Barricades; restoration of public property.* All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the

public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored at no cost and in a manner satisfactory to the city. (Ord. No. 710, § 6, 6-20-88)

Sec. 23-20.1. Administration of wastewater contribution permits; significant industrial users required to obtain; procedures.

(a) *Permit required.* All significant industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater contribution permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall obtain a wastewater contribution permit within one hundred eighty (180) days after the effective date of this article.

(1) Users required to obtain a wastewater contribution permit shall complete and file with the city an application, in the form prescribed by the city, accompanied by a fee of one hundred dollars (\$100.00). Existing users shall apply for a wastewater contribution permit within thirty (30) days after the effective date of this article, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- a. Name, address and location (if different from the address);
- b. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- c. Wastewater constituents and characteristics, including, but not limited to, those mentioned in section 23-22 of this article, as determined by a licensed analytical laboratory; analysis and field activities shall be performed in accordance with procedures established by the Department of Environmental Protection's Standard Operating Procedures manual, DEP-SOP-001/01, as amended;
- d. Time and duration of the contribution;
- e. Average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- f. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, plant process discharge locations and appurtenances by size, location and elevation;
- g. Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;
- h. Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards and a statement regarding whether or not the 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 for the significant industrial user to meet applicable pretreatment standards;
- i. 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. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
 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 significant industrial user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing a contract for major components, commencing construction, completing construction, etc.).
 2. No increment referred to in paragraph 1. 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 superintendent, including, as 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 the delay and the steps being taken by the significant industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

j. Each product produced by type, amount, process or processes and the rate of production;

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

l. Number and type of employees, and the hours of operation of the plant, and proposed or actual hours of operation of the pretreatment system;

m. A certification statement, reviewed and signed by an authorized representative of the industrial user indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O & M) or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements. The certification statement shall explicitly read "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 evaluated 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."

n. Any other information as may be deemed by the city to be necessary to evaluate the permit application.

The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater contribution permit subject to the terms and conditions provided herein. All expenses of the evaluation are to be paid for by the user.

(2) Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater contribution 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 contribution permit, as required by this section, the user shall apply for a wastewater contribution permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the superintendent, within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard, the information required by paragraphs h. and i. of subsection (a)(1).

(3) Wastewater contribution permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

a. The unit charge or schedule of significant industrial user charges and fees for the wastewater to be discharged to a community sewer;

b. Limits on the average and maximum wastewater constituents and characteristics;

c. Limits on the average and maximum rate and time of discharge, or requirements for flow regulations and equalization;

- d. Requirements for the installation and maintenance of inspection and sampling facilities;**
- e. Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;**
- f. Compliance schedules;**
- g. Requirements for submission of technical reports or discharge reports (see subsection 2. above);**
- h. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city and affording city access thereto;**
- i. Requirements for notification of the city of any new introduction of wastewater constituents into the wastewater treatment system;**
- j. Requirements for notification of slug discharges as per section 23-22;**
- k. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.**
- l. Permits shall be issued for a time period of one (1) year, and in no instance to exceed five (5) years. A permit may be issued for a period of less than a year or may be stated to expire on a specific date. The significant industrial user shall apply for permit re-issuance a minimum of one hundred eighty (180) days prior to the expiration of the industrial user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limits and limitations or requirements as identified in section 23-22 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.**
- m. Wastewater contribution permits are issued to a specific significant industrial user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new significant industrial user, different premises, or a new or changed operation without the approval of the city.**
- n. Other conditions as deemed appropriate by the city to ensure compliance with this article.**

(4) A significant industrial user may request a modification to its wastewater contribution permit by filing an application for same in the same manner and subject to the same requirements as provided in subsection (a)(1) hereof.

(5) Reserved.

(6) Reserved.

(b) *Reporting requirements for permittee.*

(1) *Reporting requirements for industrial users upon effective date of categorical pretreatment standard-baseline report.* Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination request under Rule 32-625.410(2)(d), F.A.C., whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to, or scheduled to discharge to a WWF, shall submit to the control authority a report which contains the information listed in a.-g. below. Where reports containing this information have already been submitted to the department or EPA regional administrator in compliance with the requirement of 40 CFR part 403, the industrial user shall not be required to submit this information again. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical pretreatment standard, shall submit to the control authority a report

which contains the information listed in a.--e. below. New sources shall include in this report information on the method of pretreatment it intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in d. and e. below.

a. *Identifying information.* The industrial user shall submit the name and address of the facility, including the name of the operator and owners.

b. *Permits.* The industrial user shall submit a list of any pollution control permits held by or for the facility.

c. *Description of operations.* The industrial user shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification (SIC) codes of operations carried out by such industrial user. This description shall include a schematic process diagram which indicates points of discharge to the WWF from the regulated processes.

d. *Flow measurement.* The industrial user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the WWF from each of the following:

1. Regulated process streams, and

2. Other streams as necessary to allow use of the combined waste stream formula of Rule 62-625.410(6), F.A.C. the control authority shall allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

e. *Measurement of pollutants.*

1. The industrial user shall identify the pretreatment standards applicable to each regulated process.

2. In addition, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the pretreatment standard or control authority) of regulated pollutants in the discharge from each regulated process. All laboratory analytical reports shall comply with Rule 62-160.670, F.A.C. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.

3. A minimum of four (4) grab samples must be used for any of these applicable tests: pH, cyanide, total phenols, oil and grease, sulfide, volatile organics, temperature, dissolved oxygen, chlorine residual, unionized ammonia, microbiology, specific conductance, and dissolved constituents (e.g., ortho phosphate, etc.). For all other pollutants, twenty-four-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The control authority shall waive flow-proportional sampling for any industrial user that demonstrates that flow-proportional composite sampling is technically infeasible. In such cases, samples shall be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the industrial user demonstrates that this will provide a representative sample of the effluent being discharged.

4. The industrial user shall take a minimum of one representative sample to compile that data necessary to comply with these requirements.

5. Samples shall be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exist. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the industrial user shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of Rule 62-625.410(6), F.A.C., in order to evaluate compliance with the pretreatment standards. Where an alternated concentration or mass limit has been calculated in accordance with Rule 62-625.410(6), F.A.C., this adjusted limit, along with supporting data, shall be submitted to the control authority.

6. All activities related to sampling and analysis shall comply with Chapter 62-160, F.A.C., and shall be conducted under the requirements of Rule 62-160.300(5), F.A.C., which is Category 2A.

i. Sampling activities and laboratory analyses shall be performed according to procedures specified in "The Department of Environmental Regulation Standard Operating Procedures for Laboratory Operations and Sample Collection Activities" (DER-QA-001/92) September 1992, herein incorporated by reference. Alternatively, an organization with the required protocols listed in their department approved comprehensive quality assurance plan may sample and analyze according to the protocols specified in that document.

ii. To the extent possible, analytical tests shall be performed in accordance with the techniques prescribe in Chapter 62-160, F.A.C. If a test for a specific component is not available in Chapter 62-160, F.A.C., the testing laboratory shall select an alternative method from those listed in DER-QA-001/92 and propose its use to the quality assurance section of the department. The department shall determine if the proposed method is appropriate and applicable for use by the laboratory in accordance with Rule 62-160.530, F.A.C.

iii. Where sampling or analytical techniques for the pollutant in question are not available or approved, or where the department determines that the sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the control authority or other parties, for which method validation information has been submitted and approved by the department in accordance with Rules 62-160.430, 62-160.520 and 62-160.530, F.A.C.

7. The industrial user may submit a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

8. The baseline report shall indicate the time, date and place, of sampling; methods of analysis; and test results for each component and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the WWF.

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

g. *Compliance schedule.* If additional pretreatment or O & M will be required to meet the pretreatment standards, the industrial user shall provide such additional pretreatment or O & M as specified in a compliance schedule. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

1. Where the industrial user's categorical pretreatment standard has been modified by the combined waste stream formula in accordance with Rule 62-625.410(6), F.A.C., a removal credit in accordance with Rule 62-625.420, F.A.C., or a fundamentally different factor variance in accordance with Rule 62-625.700, F.A.C., at the time the industrial user submits the report required by this subsection, the information requested in f. and g. of this subsection shall pertain to the modified limits.

2. If the categorical pretreatment standard is modified by the combined waste stream formula, a removal credit, or a fundamentally different factor variance after the industrial user submits the report required by this subsection, any necessary amendment to the information requested in f. and g. of this subsection shall be submitted by the industrial user to the control authority within 60 days after the modified limit is approved.

(2) *Compliance schedule for meeting categorical pretreatment standards.* The following conditions shall apply to the compliance schedule for meeting categorical pretreatment standards required by (1)g. above:

a. 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 industrial user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction).

b. No increment referred to in (a) above shall exceed nine (9) months.

c. Within fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority 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 industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the control authority.

(3) *Report on compliance with categorical pretreatment standard deadline.* Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the WWF, any industrial user subject to pretreatment standards and requirements shall submit to the control authority a report containing the information described in (1)d.-f., above. For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in Rule 62-625.410(4), F.A.C., this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial 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 industrial user's actual production during the appropriate sampling period.

(4) *Periodic reports on continued compliance.*

a. Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the WWF, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority in accordance with (6)c. below, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards, in addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in (1)d. above, except that the control authority shall require more detailed reporting of flows if necessary to comply with the requirements of this rule. The industrial user may request submission of the above reports in months other than June and December if, based on such factors as local high or low flow rates, holidays, or budget cycles, the alternate dates more accurately represent actual operating conditions.

b. Where the control authority has imposed mass limitations on industrial users as provided for by Rule 62-625.410(5), F.A.C., the report required by a. above shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

c. For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in Rule 62-625.410(4), F.A.C., the report required by a. above shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment

standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by a. above shall include the industrial user's actual average production rate for the reporting period.

d. For any report required under 40 CFR 403.12, including periodic compliance reports, the report shall bear a statement, reviewed by an authorized representative of the industrial user, and certified to by a registered engineer, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.

e. The certifications shall be signed by an authorized representative of the industrial user, as defined herein.

(5) *Notice of potential problems, including slug discharges.* All categorical and significant non-categorical industrial users shall notify the control authority and WWF immediately of all discharges that could cause problems to the WWF, including any slug discharges and prohibited discharges, as defined by Rule 62-625.400(2), F.A.C.

(6) *Monitoring and analysis to demonstrate continued compliance.*

a. The reports required in (1), (3), and (4) above shall contain results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the control authority, of pollutants contained therein which are limited by the applicable pretreatment standards. This sampling and analysis may be performed by the control authority in lieu of the industrial user, except when the department is acting as the control authority. Where the control authority performs the required sampling and analysis in lieu of the industrial user, the industrial user shall not be required to submit the compliance certification required under (1)f., and (3) above. In addition, where the control authority itself collects all the information required for the report, including flow data, the industrial user shall not be required to submit the report. All laboratory analytical reports prepared by the industrial user or the control authority shall with Rule 62-160.670, F.A.C.

b. If sampling performed by an industrial user indicates a violation, the industrial user shall notify the control authority within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within thirty (30) days after becoming aware of the violation, except the industrial user is not required to resample if:

1. The control authority performs sampling at the industrial user at a frequency of at least once per month; or

2. The control authority performs sampling at the industrial user between the time when the industrial user performs it's initial sampling and the time when the industrial user receives the results of the sampling.

c. The reports required in (4) above shall be based upon data obtained through sampling and analysis performed during the period covered by the report. These data shall be representative of conditions occurring during the reporting period. The control authority shall require frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

d. All activities related to sampling and analysis shall be subject to the same requirements specified in (1)e.6. above, the results of this monitoring shall be included in the report.

(7) *Timing of reports.* Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(8) *Initial report.* Within ninety (90) days following the date for final compliance with applicable pretreatment standards, or in the case of a new source, no later than the introduction of wastewater into the POTW, any significant industrial user subject to

pretreatment standards and requirements shall submit to the director a report indicating the nature and concentration of all pollutants in its wastewater which are limited by pretreatment standards and requirements and the average and maximum daily flow for those process units in the significant industrial user facility which are subject to such pretreatment standards or requirements. The report shall indicate whether the applicable pretreatment standards or requirements are being met on a consistent basis; and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the significant industrial user and certified to by a qualified professional.

(9) *Notification of changed discharge.* All industrial users shall promptly notify the control authority in advance of any change in the volume or character of pollutants in their discharge that may result in pass through or interference at the WWF, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under (11)a. below.

(10) *Reports from unpermitted users.* All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the City of Auburndale as the city may require.

(11) *Provisions governing hazardous waste.*

a. The industrial user shall notify the control authority and the department's hazardous waste and pretreatment authorities in writing of any discharge into the WWF of a substance, which, if otherwise disposed of, would be hazardous waste under Chapter 62-730, F.A.C. Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the WWF, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user; an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months, industrial users who commence discharging after the effective date of this chapter shall provide the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under (4), above. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of (1) (2) and (3) above.

b. Discharges are exempt from the requirements of a. above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in Chapter 62-730, F.A.C. Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in Chapter 62-730, F.A.C., requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

c. In the case of any new department regulation identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the control authority and the department's hazardous waste and pretreatment authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

d. In the case of any notification made under this subsection, the 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.

(c) *Wastewater discharge permit appeals.* The city shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the City of Auburndale to reconsider the terms of a wastewater discharge permit within fifteen (15) days of notice of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) 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.

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

(4) If the city fails to act within thirty (30) 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.

(5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the circuit court having jurisdiction within the time period provided by the Florida statutes of limitation.

(6) The city may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

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 City of Auburndale's POTW, city 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 or operation to a new owner or operator.

(d) *[Mass limitations.]* The director may impose mass limitations on users in cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (b)(6)a. of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the significant industrial user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration, or production and mass, where requested by the director, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis and field activities shall be performed in accordance with procedures established by the Department of Environmental Protection's Standard Operating Procedures manual, DEP-SOP-001/01.

(e) *[Monitoring facilities.]* The city shall require to be provided and operated, at the significant industrial user's own expense, monitoring facilities to allow inspection, sampling

and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the significant industrial user's premises; but the city may, when such a location would be impractical or cause undue hardship on the significant industrial user, allow the facility to be constructed in the public street or-sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or 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 significant industrial user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the city.

(f) *[Inspection of facilities.]* The city shall inspect the facilities of any significant industrial user to ascertain whether the purpose of this article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The city and/or the department of environmental protection shall have the right to install and operate on the significant industrial user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a significant industrial user has security measures in force which would require proper identification and clearance before entry into their premises, the significant industrial user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the city and/or the Department of Environmental Protection will be permitted to enter without delay for the purpose of performing their specific responsibilities.

(g) *[Wastewater treatment.]* Significant industrial users shall provide necessary wastewater treatment as required to comply with this article and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pre-treat wastewater to a level acceptable to the city shall be provided, operated and maintained at the significant industrial user's expense. Detailed plans, showing the pretreatment facilities and operating procedures, shall be submitted to the city for review and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the significant industrial user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the significant industrial user's initiation of the changes.

(h) *[Publication of list of noncompliant users.]* The city shall annually publish in a newspaper of general circulation in Polk County a list of the significant industrial users which were found to be in significant noncompliance during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the significant industrial user(s) during the same twelve (12) months. For purposes of this provision, an industrial user shall be in significant noncompliance if its violations meets one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits. A chronic violation shall have occurred when sixty-six (66) percent or more of all the measurements taken during a six-month period exceed, by any magnitude, the daily maximum limit or average limit for the same pollutant parameter.

(2) Technical review criteria (TRC) violations of wastewater discharge limits. A TRC violation shall have occurred when thirty-three (33) percent or more of all the measurements for each pollutant parameter taken during a six-month period, equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, Total Oils & Grease, and 1.2 for all other pollutants except pH).

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average), which the city determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the city's exercise of its emergency authority to prevent or halt such a discharge.

(5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(6) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(7) Failure to accurately report noncompliance.

(8) Any other violation or group of violations which the city determines will adversely affect the operation or implementation of the local pretreatment program.

(i) *[Records.]* All records relating to compliance with pretreatment standards shall be made available by the industrial user for inspection and copying by the city, officials of the department of environmental protection, or approval authority upon request. All records shall be maintained a minimum of three (3) years.

(j) *Industrial monitoring program.*

(1) The city shall establish an industrial monitoring program to monitor the discharge from significant industrial users to the POTW. This program shall consist of periodic determinations of the user's wastewater discharge characteristics through the analysis of wastewater samples. Monitoring shall be conducted by both the significant industrial user and the city in accordance with the minimum requirements set forth in individual industrial wastewater discharge permits;

(2) Laboratory analytical work in support of city monitoring will normally be done by an independent, licensed laboratory;

(3) Industrial users discharging abnormal but acceptable high-strength wastes, as identified in section 23-22, may be assessed additional charges for sampling and laboratory analyses up to twice monthly; provided, however, that such costs shall not be assessable if laboratory analyses indicate "normal strength" wastes. Charges for such sampling and laboratory analyses may be assessed daily where such tests indicated unacceptably high-strength wastes detrimental to the POTW;

(4) The actual costs for services rendered by the city shall apply to all sampling and laboratory work required in connection with the industrial monitoring program.

(5) If an outside laboratory is employed, actual charges incurred will be billed to the industrial customer. All analytical work shall be performed by a Florida-certified laboratory.

(k) *[Confidentiality of information.]*

(1) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction, unless the significant industrial user specifically requests and is able to demonstrate to satisfaction of the city

that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the significant industrial-user.

(2) When requested by the person 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 national pollutant discharge elimination system (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.

(Ord. No. 710, § 7, 6-20-88; Ord. No. 762, § 3, 10-7-91; Ord. No. 1041, § 1, 8-20-01; Ord. No. 1234, §§ 2--6, 3-20-06)

Sec. 23-21. Hauled wastewater.

(a) Septic tank waste may be introduced into the POTW only at locations designated by the director, and at such time as are established by the director. Such waste shall be domestic waste and shall not violate section 23-22 of this article or any other requirements established by the city. The director may require septic tank haulers to obtain wastewater permits.

(b) The director shall require haulers of industrial wastewater to obtain wastewater discharge permits. The director may require generators of hauled waste to obtain wastewater discharge permits. The director also may prohibit the disposal of hauled waste. The discharge of hauled waste is subject to all other requirements and fees of this chapter.

(c) Industrial waste haulers may discharge loads only at locations designated by the director. No load may be discharged without prior consent of the director. The director may collect samples of each hauled load to ensure compliance with applicable standards. The director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(d) Industrial waste hauler must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type industry or business, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(Ord. No. 887, § 1, 3-17-97)

Sec. 23-22. Prohibited discharges.

(a) No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibition apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(1) Any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent 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 (other than ethanol or methanol), ketones, aldehydes, peroxides,

chlorates, perchlorates, bromates, carbides, hydrides, and sulfides and any other substance which Auburndale, the State of Florida or the EPA has notified the user is a fire hazard or a hazard to the system.

(2) Solid or viscous substances in quantities or of such size as may cause obstructions to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as, but not limited to: Grease, garbage with particles greater than one-half (1/2) 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, 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.

(3) Any wastewater having a pH less than 5.0 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW or to exceed the limitations set forth in a categorical pretreatment standard. A "toxic pollutant" shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the act.

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

(6) 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, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.

(7) Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving-water-quality standards.

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

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40° C (104°F), unless the POTW treatment plant is designed to accommodate such temperature.

(10) Any pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have flow rate or contain concentration or qualities or pollutants that exceed, for any time period longer than fifteen (15) minutes, more than five (5) times the average twenty-four-hour concentration, quantities, or flow during normal operation.

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

(12) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in exceed of one hundred (100) mg/l or containing substances which may solidify or become

viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty-five (65) degrees Celsius).

(13) Any garbage that has not been properly shredded.

(14) Any waters or wastes containing strong acid-iron pickling wastes or concentrated plating solutions, whether neutralized or not.

(15) Materials which exert or cause:

a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the POTW.

d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

e. Unusual total phosphorous or total nitrogen concentrations in such quantities as to constitute a significant load on the POTW.

f. Alternation of a soils assimilative properties, particularly its hydraulic conductivity, that may inhibit application of reclaimed water to such soil (i.e., a discharge with a sodium absorption ratio (SAR) ≥ 10).

(16) Any wastewater which causes a hazard to human life or creates a public nuisance.

When the director determines that a user(s) is contributing to the POTW any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the director shall:

a. Advise the user(s) of the impact of the contribution on the POTW; and

b. Develop effluent limitation(s) for such user to correct the interference with the POTW.

(17) Trucked or hauled pollutants are prohibited, except at discharge points designated by the director in accordance with section 23-21 of this article.

(b) Local limits.

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

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

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

(4) A copy of the approved local limits is available upon request from the Auburndale Public Utilities Department 215 Main Street Auburndale, FL 33823.

(c) Any user discharging or anticipating a discharge of substances in his wastes within ten (10) percent or in excess of the concentrations identified in subsection 23-22(b) may be classified as a significant industrial user and subject to the wastewater discharge permitting requirements of this article. Industrial users may not apply for variances to local limits. The control authority shall not give industrial users individual allocations of a pollutant.

(d) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this section, and which, in the judgment of the director, may have a deleterious effect upon the POTW, processes equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the director may:

- (1) Reject the wastes;**
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;**
- (3) Require control over the quantities and rates of discharges;**
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges;**
- (5) Require payment to cover the added cost of a monitoring program to determine compliance with the requirements of this article.**

If the director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the director and subject to the requirements of all applicable codes, ordinances and laws.

(e) 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 article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The director shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

(f) Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to the approval authority for modification of specific limits in the federal pretreatment standards.

"Consistent removal" shall mean a reduction in the amount of a pollutant or an alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five (95) percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution," promulgated pursuant to the act. Auburndale may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled, and prior approval from the approval authority is obtained.

(g) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.

(h) Auburndale reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in section 23-17 of this article.

(i) 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 the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitations developed by Auburndale or the State of Florida.

(j) A notice shall be permanently posted on the user's bulletin board or other prominent place, advising employees whom to call in the event of a dangerous discharge or a discharge in violation of the wastewater contribution permit. Employers shall ensure that all

employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(k) Each significant industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or significant industrial user's own cost and expense. Detailed plans, showing facilities and operating procedures to provide this protection, shall be submitted to the director for review and shall be approved by the city before construction of the facility. All existing significant industrial users shall complete such a plan by January 1, 1989. No significant industrial user who commences contribution to the POTW after the effective date of this article shall be permitted to introduce pollutants into the system until accidental discharge prevention procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the significant industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article. In the case of an accidental discharge, it is the responsibility of the significant industrial user to immediately telephone and notify the POTW of the incident. The notifications shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(l) Within five (5) days following an accidental discharge, the significant industrial user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the significant industrial user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or any 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 significant industrial user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.

(m) National Categorical Pretreatment Standards. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, and adopted in reference in Chapter 62-660, F.A.C. 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 City of Auburndale may impose equivalent concentration or mass limits in accordance with Rule 62-625.410(4), F.A.C.

(2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the City of Auburndale shall impose an alternate limit using the combined waste-stream formula in Rule 62-625.410(6), F.A.C.

(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 Rule 62-625.700, F.A.C., 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 Rule 62-625.820, F.A.C.

(Ord. No. 710, § 8, 6-20-88; Ord. No. 762, §§ 4, 5, 10-7-91; Ord. No. 830, § 1, 1-23-95; Ord. No. 887, §§ 2--4, 3-17-97; Ord. No. 958, §§ 1, 2, 2-22-99; Ord. No. 1234, §§ 7--10, 3-20-06)

Sec. 23-23. Interceptors.

(a) Grease, oil, lint and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall be of a type and capacity approved by the director and shall be located as to be readily and easily accessible for cleaning and inspection. All interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme

changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when installed in place, shall be gastight and watertight.

(b) Where installed, all interceptors shall be maintained by the owner at his expense in continuously efficient operations at all times.

(Ord. No. 710, § 9, 6-20-88; Ord. No. 830, § 2, 1-23-95)

Sec. 23-24. Preliminary treatment.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner or significant industrial user at his expense to the satisfaction of the city.

(Ord. No. 710, § 10, 6-20-88)

Sec. 23-25. Manholes.

When required by the director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer, to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the director. 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.

(Ord. No. 710, § 11, 6-20-88)

Sec. 23-26. Measurements, tests and analyses.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with procedures established by the Department of Environmental Protection's Standard Operating Procedures Manual, DEP-SOP-001/01.

(1) Except as indicated in subsection (2) below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the City of Auburndale may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

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

(Ord. No. 710, § 12, 6-20-88; Ord. No. 1234, § 11, 3-20-06)

Sec. 23-27. Special agreements.

Nothing contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment there for. However, such special agreements will not override any national categorical pretreatment standards or local toxic limitations.

(Ord. No. 710, § 13, 6-20-88; Ord. No. 762, § 6, 10-7-91)

Sec. 23-28. Malicious or negligent injury to sewage works prohibited.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the POTW. Any person violating this section shall be subject to immediate arrest.

(Ord. No. 710, § 14, 6-20-88)

Sec. 23-29. Power and authority of director.

The director and other duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, testing, reviewing and copying records in accordance with the provisions of this article.

(Ord. No. 710, § 15, 6-20-88; Ord. No. 795, § 2, 6-7-93)

Sec. 23-30. Violations; notice; corrections; hearings; penalties.

(a) Whenever any person has violated or is violating this article, a wastewater discharge permit, or any prohibition, limitation or requirement contained herein, the director shall serve or cause to be served upon such person, by hand delivery or certified mail, return receipt requested, a written notice stating the nature of the violation. Except as may otherwise be provided herein, within thirty (30) days after the date of said notice, the violator shall submit to the director a plan for correcting violations, which shall set forth the manner of correction and the time within which all such violations will be cured. The plan must also set forth interim deadlines and schedules as the director may deem appropriate.

(b) (1) In the event that the violator fails to submit a plan required by subsection (a) hereof, or in the event that the plan submitted is not satisfactory to the director, the director may issue;

a. *Consent order.* The City of Auburndale may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to parts (b)(1)a. and b. of this section and shall be judicially enforceable.

b. *Compliance order/schedule.* When the City of Auburndale finds that a user has violated or continues to violate, any provision of this subsection (b)(1), a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City of Auburndale may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the non-compliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

c. *Cease and desist order.* When the City of Auburndale finds that a user has violated, or continues to violate, any provision of this subsection (b)(1), 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 city 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 or, take any enforcement action authorized by the provisions of this section.

(2) Prior to the date that any such enforcement action becomes effective, the violators shall be served with a notice identifying the enforcement action to be taken and informing the violator that he has a right to appeal any decision, interpretation or action of the director to the city manager, as provided herein.

(c) (1) Any person determined to be violating the provisions of this article or any wastewater contribution permit and any user directly affected may appeal a decision, interpretation or order of the director to the city manager.

(2) An appeal authorized by subsection (c)(1) hereof shall be instituted by the filing of a notice or appeal within ten (10) days after the date that any person violating or any user directly affected receives notice of the decision, interpretation or order of the director claimed to be erroneous. The notice of appeal shall be filed with the director and shall be accompanied by a fifty-dollar filing fee. The notice of appeal shall set forth the decision, interpretation or order of the director appealed from and shall briefly set forth the grounds for the appeal.

(3) Within fifteen (15) days after the date that the notice of appeal is filed with the director, the city manager shall schedule and hold a public hearing, for the purpose of considering the appeal, based upon the grounds set forth in the notice of appeal. The public hearing may be continued by the city manager upon his own motion or at the request of the director or the appealing party. A notice of the public hearing, scheduled by the city manager to consider the appeal, shall be served upon the person filing the appeal, by hand delivery or by certified mail, return receipt requested, setting forth the time and place of the hearing and providing notification that, should any person decide to appeal a decision of the city manager, a verbatim record may be necessary.

(4) At the hearing, the city manager shall consider the evidence and arguments presented in the hearing and may either affirm the decision, interpretation or order of the director or may reverse same, or may vary any such decision, interpretation or order. Any decision by the city manager shall be in writing, setting forth findings of fact and conclusions. All testimony before the city manager shall be under oath. Neither the Florida Evidence Code nor the Florida Rules of Civil Procedure shall apply, but the hearing shall otherwise comply with the essential requirements of due process. The decision of the city manager shall be final.

(d) Emergency suspensions: Notwithstanding any provision of this section to the contrary, the director may immediately suspend the wastewater treatment service and/or wastewater contribution permit when such suspension is necessary, in the opinion of the director, in order to stop an actual or threatened discharge which presents or may present an imminent and substantial threat to the public health, safety and welfare, or which would cause irreparable harm to the environment, interference with the POTW, or which would cause the city to violate any condition of its NPDES permit.

(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 City of Auburndale may 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 City of Auburndale may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the city that the period of endangerment has passed, unless the termination proceedings in subsection 23-30(e) of this section 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 City of Auburndale prior to the date of any show cause or termination hearing under subsection 23-30(c) or 23-30(e) of this section.

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

(e) In the enforcement of this article, the director may:

(1) Terminate wastewater treatment service and/or a wastewater discharge permit for the following reasons:

- a. Violation of wastewater discharge permit conditions;
- b. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- c. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- d. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- e. Violation of the pretreatment standards in subsection 23-22(b)(3) of this section.

(2) Revoke a wastewater discharge permit for good cause, including but not limited to, the following reasons:

- a. Failure to notify the City of Auburndale of significant changes to the wastewater prior to the changed discharge;
- b. Failure to provide prior notification to the City of Auburndale of changed conditions pursuant to subsection 23-20.1(c)(9) of this section;
- 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 City of Auburndale personnel timely access to the facility premises and records;
- g. Failure to meet effluent 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 business ownership of a permitted facility; or
- m. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance [Ordinance No. 1234].

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.

(3) Establish measures designed to correct violations and compliance schedules therefore;

(f) Any fine imposed by the director, if not promptly paid, may result in the termination of wastewater service or the suspension or revocation of a wastewater contribution permit; and any such fine may be recovered by the director, in the name of the city, as any other indebtedness by filing an action for the recovery thereof in a court of competent jurisdiction. In any such action, the city shall be entitled to recover all costs, interest and attorney's fees.

(g) Remedies.

(1) *Injunctive relief.* When the City of Auburndale finds that a user has violated, or continues to violate, any provision of this ordinance [Ordinance No. 1234], a wastewater

discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the city may petition the circuit court through the city 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 [Ordinance No. 1234] on activities of the user. The City of Auburndale 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.

(2) *Civil penalties.*

a. A user who has violated, or continues to violate, any provision of this ordinance [Ordinance No. 1234], a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City of Auburndale for a civil penalty of not less than one thousand dollars (\$1,000.00) 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.

b. The City of Auburndale may recover reasonable attorney's 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 city.

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

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

(3) *Criminal prosecution.* A user who willfully or negligently violates any provision of this ordinance [Ordinance No. 1234], a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement; or who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage, or who knowingly makes any false statement, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance [Ordinance No. 1234], wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance [Ordinance No. 1234] shall, upon conviction, be guilty of a misdemeanor of the first degree punishable by a fine of not less than one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than one (1) year, or both, which penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(4) *Remedies nonexclusive.* The remedies provide for in this ordinance [Ordinance No. 1234] are nonexclusive. The City of Auburndale may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with city's enforcement response plan. However, the City of Auburndale may take other action against any user when the circumstances warrant. Further, the City of Auburndale is empowered to take more than one enforcement action against any noncompliant user.

(5) *[Additional charges.]* In addition to the remedies available to the city as set forth elsewhere in this article, if the city is fined by the State of Florida, the EPA or any other governmental agency, for a violation of water quality standards as a result of a discharge of pollutants, then the fine and all city legal, sampling, analytical testing and any other related

costs shall be charged to the person or persons responsible for said discharge of pollutants. Such charges shall be in addition to, and not in lieu of, any other remedies the city may have under this article, or under any statutes or regulations, at law or in equity.

(h) If the discharge from any user causes a deposit, obstruction or damage to the POTW, then the director shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired at the sole cost of the person or user causing such deposit, obstruction or damage.

(i) Any person who knowingly makes a false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or pursuant to any wastewater contribution permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or sampling or analysis or information-gathering method required under this article shall be subject to the penalties and costs provided in this section and any other penalty that may be provided under this article or any other applicable local, state or federal law or regulation.

(j) Should there be a difference in understanding between the city and any person as to the characteristics in the wastewater, the city reserves the right to use the city analyses and results to thereafter compute any fees that may be assessed.

(k) Nothing contained herein is intended to preclude the city from taking immediate action to temporarily modify a permit or to sever service of an industry completely when there is imminent risk of injury or interference to the POTW or to the public health, safety and welfare of the public or to the environment.

(l) The city shall develop and implement an enforcement response plan in accordance with 40 CFR 403.8(f)(5).

(m) Affirmative defenses to discharge violations.

(1) *Upset.*

a. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph c., below, are met.

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

1. An upset occurred and the user can identify the cause(s) of the upset;
2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
3. The user has submitted the following information to the City of Auburndale 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):
 - i. A description of the indirect discharge and cause of noncompliance;
 - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - iii. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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

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

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

(2) *Prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in subsections 23-22(a)(1)--(18) of this article or the specific prohibitions in subsections 23-22(b) and 23-22(m) of this article 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 user's prior discharge when the City of Auburndale was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(3) *Bypass.*

a. For the purposes of this section, "bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.

b. For the purposes of this section, "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.

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

d. 1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the City of Auburndale, at least ten (10) days before the date of the bypass, if possible.

2. A user shall submit oral notice to the City of Auburndale 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 City of Auburndale may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

e. Bypass is prohibited, and the City of Auburndale 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 2. of this section.

f. The City of Auburndale may approve an anticipated bypass, after considering its adverse effects, if the city determines that it will meet the three conditions listed in paragraph (4)a. of this section.

(Ord. No. 710, § 16, 6-20-88; Ord. No. 723, § 1, 6-5-89; Ord. No. 795, §§ 3, 4, 6-7-93; Ord. No. 1234, §§ 12--16, 3-20-06)

Sec. 23-31. Maintenance of sewers.

(a) The customer shall be responsible for the maintenance of the building sewer: Specifically, all plumbing from the public sewer into, and including, the house plumbing. Nevertheless, the city shall assume the responsibility for that portion of the building sewer in the public right-of-way or easement where defective or faulty materials or workmanship are involved. The city shall have the right to inspect the building sewer and to cause the discontinuance of water service to any property whether the plumbing is not maintained in a sanitary and effective operating condition or if the public sewerage facilities may be harmed thereby.

(b) The city shall be responsible for the maintenance of the public sewer and for providing adequate service to receive the approved sewage discharge from the building sewers.

(Ord. No. 710, § 17, 6-20-88)

Secs. 23-32--23-45. Reserved.

ARTICLE III. WATER AND SEWER RATES

Sec. 23-46. Rates and charges--Uniform system established.

There is hereby established a uniform system of rates, fees, rentals and other charges for the service and facilities of the water and sewer system of the city.

(Code 1963, § 24-17)

Sec. 23-47. Schedule of rates and rules.

The schedule of rates, fees, rental and other charges for the services and facilities of the water and sewer system shall be as follows:

(1) *Water charges:*

a. The rate schedule for water service inside and outside the city shall be determined by the city commission.

1. [Turn-on fee.] There shall be a fee assessed each time water service is turned on at a residence or place of business. The fee shall be set from time to time by the city commission.

2. [Temporary service fee.] The city shall allow a one-week temporary water service for the purpose of cleaning and maintenance and will from time to time set a fee for such service.

b. Fees for water connection or tap shall be as set by the city commission.

(2) *Sewer charges:*

a. Residential, commercial and industrial rates inside and outside the city shall be determined by the city commission.

b. Fees for sewer connection or tap shall be as set by the city commission.

(3) *Utility charges. Rules:*

a. All rates and charges are subject to revision.

b. Residential deposit inside and outside the city depends on the size of the meter.

- c. Commercial utility deposit inside and outside is based on one-inch meter; any tap over one (1) inch will cost meter size times the base deposit.
- d. No extension of time to pay water deposits or late bills will be made, unless payment is guaranteed by any nonprofit chartered organization within ten (10) working days.
- e. Residents who leave their home for a period of time and request that the water be left on will also be charged the sewer rate.
- f. Members of the same household or anyone residing in the same house are not permitted to reinstate service where there is a balance due.
- g. Outside water and sewer rates are increased by thirty-five (35) percent.
- h. (Reserved).
- i. (Reserved).
- j. (Reserved).
- k. All water and sewer connection fees are based on user demands as related to an equivalent residential connection (ERC).
- l. All water and sewer connections will be subject to a minimum labor charge determined by the city commission.
- m. Additional labor charges above the minimum will be established by the public utilities department.
- n. (Reserved).
- o. The city manager has the authority to make any adjustments pertaining to water and sewer bills he deems to be in the best interest of the city.
- p. All deposits shall be invested in savings accounts, certificates of deposit or governmental obligations, and shall annually refund a pro rata share of the interest earned there from, less ten (10) percent thereof which shall be retained by the city as a service charge. Said refunds shall be made annually by crediting the same on the January utility bills following one (1) year's continuous service; provided that customers not completing one (1) year's continuous service shall not be entitled to a refund upon the termination of service to them.

(4) *Utility service inside and outside the city. Rules:*

- a. The city will offer water and sewer services to anyone in the utility service area.
- b. If property presently located in the city requires extension of water and/or sewer service, this will be done at the city's expense, if economically feasible.
- c. No sewer services may be available without city water.
- d. Each residential unit, meaning any single-family house, house trailer and each apartment in an apartment house or duplex, must be served by a separate water meter. On existing units, a user may elect to pay an additional minimum charge for each additional unit now being served by the same meter.
- e. Unless each unit is being served by a separate meter, the property owner will be responsible for all utility services furnished by the city.
- f. Businesses located in homes shall be served by a meter for the home and a meter for the business, or by a single meter on a commercial rate.
- g. Each unit of a commercial establishment and each office of an office building which has lavatory or toilet facilities must be served by a separate water meter. On existing units, a user may elect to pay an additional minimum charge for each additional unit now being served by the same meter.
- h. Where existing units are served by a common water meter, the owner may change to individual water meters by paying the connection fees only.
- i. RV campgrounds or parks may be served by a master water meter as per rate schedule.
- j. A master meter will be allowed on congregate living facilities, particularly where it is served by one (1) electric meter. A minimum monthly charge will be assessed on each unit. Impact fees will be assessed on each unit.

k. The city may require upsizing a utility service line to a development and pay the difference in the cost.

l. Where a backflow preventer is required, it will be at the owner's expense. The city public utilities department will recommend the size and type.

m. All water and sewer distribution and collection systems will become the property of the city unless exempted by the city commission.

n. The city will not accept any private pumping station for maintenance, nor will the city accept any pumping station that is used exclusively for a subdivision or mobile home park.

(5) *Abnormal high-strength waste of significant industrial users.*

a. Discharge into the public sewer of certain waters or wastes is prohibited or limited under the provisions of section 23-22 hereof.

b. An additional monthly service charge shall be imposed on any institutional, commercial or industrial plant, building or premises that discharge abnormally high-strength waste.

c. "Abnormal high-strength waste" defined. Abnormally high-strength wastes shall be wastes containing a BOD above three hundred (300) mg/l and/or suspended solids above three hundred (300) mg/l and/or total nitrogen above forty (40) mg/l.

d. The additional charge provided in subsection (5)b. above shall be computed on the basis of one hundred (100) percent sewerage treatment cost times the strength factor. The strength factor shall be computed by dividing the actual measured BOD or suspended solids of the wastewater by three hundred (300) and rounding up to the nearest whole number, or by dividing the actual measured total nitrogen of the wastewater by forty (40) and rounding up to the nearest whole number.

e. The city may require any customer who discharges into the city sewer system sewage containing a strength factor exceeding the maximum factor for typical domestic sewage to install at their expense a flow meter and testing device to provide data for their sewage discharge.

(6) *Provision of utility services outside municipal limits; petition to annex required.* In event of an application for the city to provide water and/or sewer utility services to a location outside the city limits, a condition prerequisite to the provision of such utility service shall be that the owner of the property to be served by the utility (1) properly execute at the time of application for utility service, a non-revocable, recordable petition to annex into the city at such time as the property becomes eligible for annexation under the laws of Florida and (2) if the property is contiguous pay to the city at the time of such application the prevailing fees charged by the city relating to annexation which shall include, without limitation, fees to amend the future land use and zoning maps. The city clerk shall have the petition to annex duly recorded in the public records of Polk County, Florida, whereupon the petition shall constitute public notice of the matters reflected therein. Property owners of a location receiving city utility services as of the date of this ordinance are exempt from these provisions.

(Code 1963, § 24-18; Ord. No. 604, § 1, 4-3-78; Ord. No. 607, § 1, 5-7-79; Ord. No. 630, § 1, 7-19-82; Ord. No. 631, § 1, 8-2-82; Ord. No. 659, §§ 1, 2, 8-5-85; Ord. No. 668, § 1, 10-21-85; Ord. No. 677, §§ 1, 2, 7-21-86; Ord. No. 681, § 1, 8-18-86; Ord. No. 683, § 1, 8-18-86; Ord. No. 668, § 1, 10-6-86; Ord. No. 689, § 1, 10-20-86; Ord. No. 695, § 1, 4-6-87; Ord. No. 709, § 1, 5-16-88; Ord. No. 712, § 2, 7-18-88; Ord. No. 723, §§ 2--4, 6-5-89; Ord. No. 735, § 1, 1-22-90; Ord. No. 739, § 1, 5-21-90; Ord. No. 797, § 1, 7-12-93; Ord. No. 822, § 1, 9-26-94; Ord. No. 825, § 1, 9-26-94; Ord. No. 886, § 1, 3-17-97; Ord. No. 906, § 1, 9-15-97; Ord. No. 933, § 1, 5-18-98)

Editor's note: Pursuant to the provisions of Ord. No. 734, § 1, adopted Nov. 20, 1989, Code § 1-7.1, rates and fee schedules are not set out at length herein, but are on file and available for inspection in the city offices.

Sec. 23-48. Users not within any classification; special contract.

Consumers not falling within the rate classification established shall be granted the services of the water and sanitary sewer systems by special contract, to be approved by the city commission, between such consumers and the city. The rates provided in such special contracts shall be consistent and proportionate with the schedules provided in this article, taking into account the special character of the use and services being afforded by the municipal system.

(Code 1963, § 24-19)

Sec. 23-49. Well water used by industries entering the city sewer system.

In the event that water furnished by a private well is used by an industry in processing industrial wastes entering the city sanitary sewer system, such industry shall install, at its own expense and subject to such regulations as may be prescribed by the commission, a specially designed and constructed sewer meter, acceptable to the consulting engineers, for accurately measuring all sewage passed from such lot or parcel to the city sewer system, or a water meter on the water supply line; and the bills for sewer service charges shall be computed on the basis of what the monthly water bill would be if the same quantity of water should be furnished by the waterworks system of the city.

(Code 1963, § 24-20)

Cross references: Water wells and lake irrigation systems, § 12-31 et seq.

Sec. 23-50. Water and sewer charges to be rendered on same bill.

Charges for water services and facilities and charges for sewer services and facilities shall be rendered to the users of the system or either part thereof on one (1) bill, provided that said charges may be listed separately thereon. No user of the water services and facilities and the sewer services and facilities may pay the charges for either thereof without simultaneously paying the charges for the other thereof.

(Code 1963, § 24-21)

Sec. 23-51. Fire hydrant and fire sprinkler system; annual standby or readiness-to-serve charge.

(a) The city commission shall set the annual charge for a fire sprinkler system connected to the municipal waterworks system.

Editor's note: Pursuant to provisions of Ord. No. 734, § 1, adopted Nov. 20, 1989, Code § 1-7.1, the annual charges for fire sprinklers and hydrants connected to the municipal waterworks system are not set out herein, but are on file in the offices of the city.

(b) The city guarantees no certain water pressure and shall in no case be liable or responsible to any persons whatsoever in case of fire for any damage that may result from any alleged insufficiency of such fire protection, whether from want of pressure, volume, accessibility or for any other cause.

(c) The fire hydrant and fire sprinkler system charges outside of the corporate limits of the city will be in addition to any fire contracts that the city may have in effect.

(Code 1963, § 24-22)

Cross references: Buildings and building regulations, Ch. 7; fire prevention, Ch. 10.

Sec. 23-52. Delinquent payment; disconnection and reconnection; charge.

(a) Water and sewer charges not paid on or before the last day of the month will have a late charge of three dollars (\$3.00) added to the bill and said fee shall become a part of the

bill. If the due date falls on a weekend or a holiday, the late charge will be applied to the unpaid bill on the second working day following the due date.

(b) When charges for water and sewer services remain unpaid fifteen (15) days after the second bill has been mailed, the city manager shall have the water service to the delinquent customer discontinued. Upon receipt of payment of the full amount due [from] such customer, plus a fifteen-dollar charge for disconnection and reconnection inside the city limits, and an eighteen-dollar charge for disconnection and reconnection outside the city limits, the city manager shall have the water and sewer service restored to such customer. After regular working hours, between the hours of 5:00 p.m. and 9:00 p.m., service charge shall be fifty dollars (\$50.00) for customers both inside and outside the city.

(c) All turn-ons after regular working hours shall be ten dollars (\$10.00) inside and twelve dollars and fifty cents (\$12.50) outside the city.

(d) No bill will be considered paid until such time as it is received by the city.

(Code 1963, § 24-23; Ord. No. 672, § 1, 3-3-86; Ord. No. 810, § 1, 11-15-93)

Cross references: Discontinuance of service for nonpayment of public service tax, § 21-21.

Sec. 23-53. Billing of multiple-family units.

Those multiple-family units that have received approval from the city council to use a single water meter or single sewer connection will be billed per space in use at current minimum rate per household. A report must be made to the clerk at city hall by the owner or operator stating the number of spaces using water and sewer during the month. This information must be furnished by the twenty-fifth of the month. A billing for full occupancy will be made if the report is not given to the city clerk on time. Any multiple-family unit with a meter reading of more than the minimum allowed will be billed for the difference. Any time a report is proven to be falsified, a fine not to exceed five hundred dollars (\$500.00) will be enforced.

(Code 1963, § 24-24)

Secs. 23-54, 23-55. Reserved.

ARTICLE IV. PUBLIC WATER SUPPLY

DIVISION 1. GENERALLY

Secs. 23-56--23-60. Reserved.

DIVISION 2. RESERVED*

*Editor's note: Per instruction of the city, §§ 23-61--23-64, being the substantive sections of Div. 2, have been deleted as being superseded by the Land Development Regulations enacted by Ord. No. 764, adopted Nov. 4, 1991. Formerly, Div. 2 pertained to water shortage declarations and use restrictions and derived from Ord. No. 721, §§ 1--4, adopted March 20, 1989.

Secs. 23-61--23-75. Reserved.

DIVISION 3. CONTAMINATION PREVENTION*

***Editor's note: Ord. No. 732, §§ 1--5, adopted Nov. 20, 1989, being non amendatory of the Code has been codified herein as Div. 3, §§ 23-76--23-80, by the editor.**

Sec. 23-76. Piping requirements.

No installation of potable water supply piping or part thereof shall be made in such a manner that it will be possible for used, unclean, polluted or contaminated water, mixtures or substances to enter any portion of such piping from any tank, receptacle, equipment or plumbing fixture by reason of back siphonage, or any other cause, either during normal use and operation thereof or when any such tank, receptacle, equipment or plumbing fixture is flooded, or subject to pressure in excess of the pressure of the hot or cold piping.

(Ord. No. 732, § 1, 11-20-89)

Sec. 23-77. Connection standards; approval.

No person shall make a connection or allow one to exist between pipes or conduits carrying domestic water supplied by any public or private water service system, and any pipes, conduits or fixtures containing or carrying water from any other sources or containing or carrying water which has been used for purpose whatsoever, or any piping carrying chemicals, liquids, gases, or any substances whatsoever, unless there is provided an approved backflow prevention device. The approval of the Auburndale Public Utilities must be obtained before any connection is made between the domestic supply and any contaminated, polluted or auxiliary system.

(Ord. No. 732, § 2, 11-20-89)

Sec. 23-78. Plumbing fixtures; backflow prevention required, when.

No plumbing fixture, device or construction shall be installed or maintained or shall be connected to any domestic water supply, when such installation or connection may provide a possibility of polluting such water supply or may provide a cross-connection between a distributing system of water for drinking and domestic purposes and water which may become contaminated by such plumbing fixture, device or construction unless there is provided an approved backflow prevention device.

(Ord. No. 732, § 3, 11-20-89)

Sec. 23-79. Connection of private or industrial piping systems, approval required.

No water piping supplied by any private water supply system or industrial piping system shall be connected to the public potable water system without approval from the Auburndale Public Utilities.

(Ord. No. 732, § 4, 11-20-89)

Sec. 23-80. Rules and regulations governing cross-connection control adopted.

The city commission of the City of Auburndale passed by an unpublished ordinance certain Rules and Regulations Governing Cross-Connection Control and the use of backflow preventers, which they will from time to time amend.

(Ord. No. 732, § 5, 11-20-89)

Editor's note: The rules and regulations referenced in § 23-80 are not set out at length herein but are on file and available for inspection in the city's public utilities offices.

LOCAL LIMITS FOR THE CITY OF AUBURNDALE ALLRED WWTP

EFFECTIVE AS OF 1-1-2010

<i>PARAMETER:</i>	<i>ALL ANALYZES IN MG/L</i>	
	<i>DAILY MAXIMUM:</i>	<i>MONTHLY AVERAGE:</i>
<i>ANTIMONY</i>	<i>40.0</i>	
<i>ARSENIC</i>	<i>.035</i>	

<i>BERYLLIUM</i>	<i>.0025</i>	
<i>CADMIUM</i>	<i>.021</i>	
<i>TOTAL CHROMIUM</i>	<i>4.78</i>	
<i>COPPER</i>	<i>.62</i>	
<i>CYANIDE</i>	<i>.065</i>	
<i>FLUORIDE</i>	<i>4.33</i>	
<i>LEAD</i>	<i>.04</i>	
<i>MANGANESE</i>	<i>1.61</i>	
<i>MERCURY</i>	<i>.0032</i>	
<i>MOLYBDENUM</i>	<i>.026</i>	
<i>NICKEL</i>	<i>.384</i>	
<i>OILS & GREASE</i>	<i>100.0</i>	
<i>SILVER</i>	<i>0.015</i>	
<i>ZINC</i>	<i>1.65</i>	
<i>CBOD₅</i> *****	<i>1,000.0</i>	
<i>TSS</i> *****	<i>1,000.0</i>	
<i>TOTAL NITROGEN</i> *****	<i>40.0</i>	
<i>TOTAL DISSOLVED SOLIDS</i>	<i>1,000.0</i>	

***** = NOTE: CBOD₅, TN, and TSS are to be regarded as guidelines rather than absolute standards.

Surcharges for CBOD, TSS over 300 mg/l, and TN over 40 mg/l.

LOCAL LIMITS FOR THE CITY OF AUBURNDALE REGIONAL WWTP

EFFECTIVE AS OF 1-1-2010

<i>PARAMETER:</i>	<i>ALL ANALYZES IN MG/L</i>	
	<i>DAILY MAXIMUM:</i>	<i>MONTHLY AVERAGE:</i>
<i>ANTIMONY</i>	<i>40.0</i>	

ARSENIC	.035	
BERYLLIUM	.0025	
CADMIUM	.021	
TOTAL CHROMIUM	4.78	
COPPER	.62	
CYANIDE	.065	
FLUORIDE	4.33	
LEAD	.04	
MANGANESE	1.61	
MERCURY	.0032	
MOLYBDENUM		.030
NICKEL	.384	
OILS & GREASE	100.0	
SILVER	0.015	
ZINC	1.65	
CBOD ₅ *****	1,000.0	
TSS *****	1,000.0	
TOTAL NITROGEN *****	40.0	
TOTAL DISSOLVED SOLIDS	1,600.0	

***** = NOTE: CBOD₅, TN, and TSS are to be regarded as guidelines rather than absolute standards.

Surcharges for CBOD, TSS over 300 mg/l, and TN over 40 mg/l.#