

ORDINANCE NO. 5319

PROPOSED ORDINANCE NO. 12-036

AN ORDINANCE RELATING TO THE WASTEWATER TREATMENT SYSTEM; AMENDING CHAPTER 102 OF THE CODE OF THE CITY OF LAKELAND, FLORIDA RELATED TO THE REGULATION OF INDUSTRIAL PRETREATMENT CUSTOMERS; PROVIDING NEW AND AMENDED DEFINITIONS; AMENDING PERMIT APPLICATION REQUIREMENTS; UPDATING COMPLIANCE STANDARDS; AMENDING COMPLIANCE REPORTING STANDARDS; ESTABLISHING PERMIT REVOCATION PROCEDURE; ESTABLISHING NOTICE AND RECORD DISCLOSURE REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Lakeland, Florida has declared the Wastewater Treatment System (The System) is a public utility for the use and benefit of the City and the maintenance of public health and general sanitary conditions within the City; and

WHEREAS, applicable state and federal regulations related to discharges into waters of the state require the City to adopt and enforce regulations to prevent the introduction of pollutants into the System that interfere with its operation, and to prevent the introduction of pollutants that will pass through the treatment process into receiving waters of the state so as to comply with its NPDES permit conditions enforced by the Florida Department of Environmental Protection and the Environmental Protection Agency; and

WHEREAS, the City Commission of the City of Lakeland, Florida finds that the regulation of certain pollutants to prevent, control, or limit their introduction into the System promotes and furthers the City's objective in the management of the System to provide for the overall health and sanitation of the public; and

WHEREAS, The City Commission of the City of Lakeland, Florida has previously enacted Chapter 102 of the City Code that provides for a regulatory scheme of pretreatment regulations to accomplish the objectives stated above which is required to be amended from time to time to stay in conformance with state and federal requirements; and

WHEREAS, the City Commission of the City of Lakeland, Florida now wishes to adopt various amendments to Chapter 102 as contained herein.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:

SECTION 1. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. Chapter 102 of the Code of the City of Lakeland, Florida is hereby amended as follows:

Sec. 102-26. - Definitions.

Approval authority means the Florida ~~e~~Department of ~~e~~Environmental ~~p~~rotection or FDEP or its successor agencies.

~~*Authorized representative of industrial user* means an authorized representative of an industrial user who 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 operations of the facilities from which the indirect discharge originates.~~

Authorized or Duly Authorized Representative of the User means

(1) If the User is a corporation:

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

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

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

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

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

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

City means the City of Lakeland, Florida

Control authority means the **City of Lakeland or the City** ~~entity directly administering and enforcing pretreatment standards and requirements. For the purposes of this article, the control authority is the city-~~ **that administers a pretreatment program that has been approved by the Department in accordance with the requirements of Rule 62-625.510, F.A.C.**

Florida Department of Environmental Protection or FDEP or the Department means the State of Florida Department of Environmental Protection or where appropriate the term may also be used as a designation for the administrator or other duty authorized official of such agency.

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

Local Limit means specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Rule 62-625.400(1)(a) and (2)(a)-(h) and Sections 102-96 and 102-97 contained within.

Monthly Average means the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

Monthly Average Limit means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

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

Significant industrial user or SIU means: **except as provided in paragraphs (3) and (4) below, the following:**

- (1) ~~Except as provided in subsection (2) of this definition, the term shall mean:~~
 - a. ~~All industrial users subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., and 40 CFR chapter I, subchapter N, Parts 405-471, which has been adopted by reference in Chapter 62-660, F.A.C.; and~~
 - b. ~~Any other industrial user that:~~
 - 1. ~~Discharges an average of 25,000 gallons per day or more of process wastewater to the WWF, excluding domestic wastewater, noncontact cooling and boiler blowdown wastewater;~~
 - 2. ~~Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant;~~
 - or
 - 3. ~~Is designated as a significant industrial user 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.~~

- (1) Categorical Industrial Users; and
- (2) Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the WWF (excluding domestic wastewater, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the 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 paragraph 62-625.500(2)(e), F.A.C.
- (3) The control authority (except where the Department is acting as the control authority) may determine that an industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, is a non-significant categorical industrial user
- (4) Upon a finding that an industrial user meeting the criteria in subsection (2)(4)b. of this definition 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 62-25.500(2)(e), F.A.C., determine that such industrial user is not a significant industrial user.

Non-significant categorical industrial user means an industrial user that discharges 100 gallons per day (gpd) or less of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and:

- (a) Has consistently complied with all applicable categorical pretreatment standards and requirements;
- (b) Annually submits the certification statement required in subsection 62-625.600(17), F.A.C., together with any additional information necessary to support the certification statement; and
- (c) Never discharges any untreated categorical process wastewater.

Sec. 102-27. - Abbreviations.

- (1) **BMP** means best management practices.
- (2) **NSCIU** means Non-significant Categorical User

Sec. 102-46. - Permit required; application, fee.

(a) All significant industrial users shall be required to obtain a wastewater discharge permit and shall complete and file with the city an application for such permit in the form prescribed by the city and accompanied by a fee of \$100.00. Existing users who, after the effective date of the ordinance from which this section was derived, are identified as significant industrial users shall apply for a WDP within 30 days after notification of significant industrial user status by the city, and proposed new significant industrial users shall apply at least 90 days prior to connecting to or

contributing to the WWF. In support of the application, the significant industrial user shall submit, in units and terms appropriate for evaluation, the following information:

- ~~(1) Name, address and location, if different from the address.~~
- ~~(2) SIC number according to the Standard Industrial Classification Manual, as amended.~~
- ~~(3) Wastewater constituents and characteristics including, but not limited to, those mentioned in sections 102-96—102-112, as determined by a certified analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA and FDEP pursuant to section 304(g) of the Act and contained in Rule 62-160, F.A.C., as amended.~~
- ~~(4) Time and duration of contribution.~~
- ~~(5) Average daily and monthly wastewater flow rates, including daily, monthly and seasonal variations, if any.~~
- ~~(6) Site plans, floor plans, and details to show all sewers, sewer connections and appurtenance locations.~~
- ~~(7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged.~~
- ~~(8) 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. This statement shall be signed by the authorized representative of the industrial user.~~

(1) Identifying Information.

- a. The name and address of the facility, including the name of the operator and owner.**
- b. Contact information, description of activities, facilities, and plant production processes on the premises;**

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

(3) Description of Operations.

- a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.**
- b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;**
- c. Number and type of employees, hours of operation, and proposed or actual hours of operation;**
- d. Type and amount of raw materials processed (average and maximum per day);**

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

(4) Time and duration of discharges;

(5) The location for monitoring all wastes covered by the permit;

(6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula.

(7) Measurement of Pollutants.

a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Director, of regulated pollutants in the discharge from each regulated process.

c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 102-58(h) of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard.

e. Sampling must be performed in accordance with procedures set out in Section 102-104 of this ordinance.

(8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 102-55(b)

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

~~(109)~~ If additional pretreatment technology and/or O&M will be required to meet the pretreatment standards, as established by local, state, or federal limits, a compliance schedule by which the significant industrial user will provide such additional pretreatment shall be submitted. The completion date in this compliance schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this compliance schedule:

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

b. No increment referred to in subsection a of this subsection shall exceed nine

months.

c. No later than 14 days following each date in the schedule and the final date for compliance, the significant industrial user shall submit a progress report to the director 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 months elapse between such progress reports to the director.

~~(10) Each product produced by type, amount, process or processes and rate of production.~~

~~(11) Type and amount of raw materials processed (average and maximum per day).~~

~~(12) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system.~~

~~(13)~~ (11) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

(b). Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

~~(c)~~ (b) All WDP applications and reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered 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".

Sec. 102-47. - Compliance with standards.

(5) *Measurement of pollutants.*

- a. The industrial user shall identify the pretreatment standards applicable to each regulated process.
- b. 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. **In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the industrial user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard;**

- c. A minimum of four 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, un-ionized ammonia, microbiology, specific conductance, and dissolved constituents (e.g., ortho phosphate, etc.). For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The control authority shall waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is technically infeasible. In such cases, samples shall be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the industrial user demonstrates that this will provide a representative sample of the effluent being discharged.
- d. The industrial user shall take a minimum of one representative sample to compile that data necessary to comply with these requirements
- e. Samples shall be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the industrial 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 alternate 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.
- f. 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.~~
 - 1. Sampling activities and laboratory analyses shall be performed according to procedures specified in "The Department of Environmental Protection Standard Operating Procedures for Field Activities" (DEP-SOP-001/01, FS 2400, Wastewater Sampling), 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.~~
 - 2. To the extent possible, analytical tests shall be performed in accordance with the techniques prescribed in **40 CFR Part 136** Chapter 62-160, F.A.C. ~~If a test for a specific component is not available in **40 CFR Part 136** Chapter 62-160, F.A.C., the testing laboratory shall select an alternative method from those listed in DEP-SOP-001/01 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.~~ **as of July 1, 2009, hereby adopted and incorporated by reference. or if the test procedure has been determined to be inappropriate for the analyte in question (e.g., insufficient sensitivity) the laboratory, with the approval of the industrial user and control authority, shall identify and propose a method for use in accordance with Rules 62-160.300 and 62-160.330, F.A.C**
 - 3. 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.

- g. 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.
- h. 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.

(6) **Compliance 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.~~

A statement, reviewed by the User's Authorized Representative as defined in Section 102-26 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(8) **Signature and Report Certification.**

All baseline monitoring reports must be certified in accordance with Section 102-46(b) of this ordinance and signed by an Authorized Representative as defined in Section 102-26.

Sec. 102-48. - Permit subject to provisions, regulations.

~~WDP's shall be expressly subject to all provisions of this article and all other applicable regulations, significant industrial user charges and fees established by the city. Permits may contain the following:~~

- ~~(1) The unit charge or schedule of significant industrial user charges and fees for the wastewater to be discharged to the WWF.~~
- ~~(2) Limits on the average and maximum wastewater constituents and characteristics.~~
- ~~(3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.~~
- ~~(4) Requirements for installation and maintenance of inspection and sampling facilities.~~
- ~~(5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards and procedures for tests and due dates for all reports and schedules.~~
- ~~(6) Compliance schedules.~~

- ~~(7) Requirements for submission of technical reports or discharge reports (see section 102-58).~~
- ~~(8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto.~~
- ~~(9) Requirements for notification of the city of any new introduction of wastewater constituents being introduced into the wastewater treatment system.~~
- ~~(10) Requirements for notification of slug discharges.~~
- ~~(11) Enforcement conditions and penalties: Other conditions as deemed appropriate by the city to ensure compliance with this article.~~
- ~~(12) Statement of duration (in no case more than five years).~~
- ~~(13) Statement of nontransferability without, at a minimum, prior notification to the control authority and provision of a copy of the existing control mechanism to the new owner or operator.~~

The Control Authority shall control through permit, order, or similar means the contribution to the WWF by each industrial user to ensure compliance with applicable pretreatment standards and requirements. In the case of industrial users identified as significant under section 102-26, this control shall be achieved through individual control mechanisms issued to each such industrial user. Individual control mechanisms must be enforceable and contain, at a minimum, the following

- a. **Statement of duration (in no case more than 5 years).**
- b. **Statement of non-transferability without prior notification to the control authority and without providing a copy of the existing control mechanism to the new owner or operator;**
- c. **Effluent limits, including best management practices, based on applicable general pretreatment standards in this chapter, categorical pretreatment standards, local limits, and State and local law;**
- d. **Self-monitoring, sampling, reporting, notification and record keeping requirements, including identification of the pollutants to be monitored, sampling location, sampling frequency and sample type based on the applicable general pretreatment standards in this chapter, categorical pretreatment standards, local limits, and State and local laws, and**
- e. **Process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with paragraph 62-625.600(4)(b), F.A.C., or a specific waived pollutant in the case of an individual control mechanism;**
- f. **Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules shall not extend the compliance date beyond applicable State or Federal deadlines;**
- g. **Requirements to control slug discharges, if determined by the control authority to be necessary.**

Sec. 102-51. - Transfer restricted.

~~Permits are issued under this division 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. The city may deny or impose conditions upon new or increased contributions of pollutants, or change in the nature of pollutants, to the WWF by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the WWF to violate its permit.~~

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the City and the City approves the individual wastewater discharge permit transfer. The notice to the City must include a written certification by the new owner or operator which:

A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

B. Identifies the specific date on which the transfer is to occur; and

C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit [or general permit {optional}].

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

Sec. 102-55. - Periodic compliance reports.

~~(a) All categorical users shall, during the months of June and December of each year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with subsection 102-46.1(b) of this article.~~

~~(b) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated and maintained in good working order at all times. The failure of a user to keep its monitoring and flow measurement facility in good working order shall not be grounds for the user to claim that sample results and/or flow measurements are unrepresentative of the discharge.~~

~~(c) If the user subject to the reporting requirements of this section monitors any pollutant more frequently than required, using approved test procedures, the results of this monitoring shall be included in the report.~~

~~(d) All data submitted in accordance with this section shall be based solely on the sample data collected during the period covered by the report.~~

- (a) Except as specified in Section 102-55(c), all Significant Industrial Users must, at a frequency determined by the City submit no less than twice per year (June and December reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by [the Superintendent] or the Pretreatment Standard necessary to determine the compliance status of the User.**

- (b) The City may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:
- (1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
 - (2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.
 - (3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
 - (4) The request for a monitoring waiver must be signed in accordance with Section 102-26, and include the certification statement in accordance with Section 102-46(b).
 - (5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
 - (6) Any grant of the monitoring waiver by the City must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the City for 3 years after expiration of the waiver.
 - (7) Upon approval of the monitoring waiver and revision of the User's permit by the City, the Industrial User must certify on each report with the statement in Section 102-46(b) that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
 - (8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 102-55(a), or other more frequent monitoring requirements imposed by the City, and notify the City.
 - (9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
- (c) The City may reduce the requirement for periodic compliance reports [see Section 102-55 (a), (40 CFR 403.12(e)(1))] to a requirement to report no less frequently than

once a year, unless required more frequently in the Pretreatment Standard or by the [EPA/State], where the Industrial User's total categorical wastewater flow does not exceed any of the following:

- a. A value of 0.01 percent of the POTW's design dry-weather hydraulic capacity of the POTW, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches.
- b. A value of 0.01 percent of the design dry-weather organic treatment capacity of the POTW; and
- c. A value of 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed in accordance with Section 102-99 of this ordinance.

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 102-26 of this ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Director, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

(d) All periodic compliance reports must be signed and certified in accordance with Section 102-46(b) of this ordinance.

(e) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

(f) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by City, using approved test procedures, the results of this monitoring shall be included in the report.

Sec. 102-58. - Industrial monitoring program.

(a) The city shall establish an industrial monitoring program to monitor the discharge from users to the WWF. This program shall consist of periodic determination of the users' wastewater discharge characteristics through the analysis of wastewater samples. Monitoring shall be conducted by the user and/or the city in accordance with the minimum requirements set forth in individual industrial wastewater discharge permits.

(b) Significant industrial users shall report all monitoring of discharge testing. At a minimum, these reports are due once every six months unless otherwise specified in their individual wastewater discharge permits. The information submitted in the report shall be based solely on sample data collected during the reporting period only.

(c) If sampling performed by an industrial user indicates a violation, the industrial user shall notify the control authority within 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 30 days after becoming aware of the

violation. Where the control authority has performed the sampling and analysis in lieu of the industrial user, the control authority must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Resampling is not required 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 initial sampling was conducted and the time when the industrial user or the control authority receives the results of the sampling.

(ed) All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the director as the director may require.

(e) When requested by the Director, any User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request through sampling and analysis of its wastewater discharged to the City.

(ef) Laboratory analytical work in support of city monitoring will normally be done by city personnel at the city's WWF laboratory. The city may also provide sampling and analysis services for individual self-monitoring users for a fee. Should the city's facilities not be equipped for any special test or should the customer request analysis by an independent private laboratory, such tests shall be made and the cost thereof paid by the user.

(eg) All analytical work shall be performed by a state-certified laboratory and comply with Rule 62.160 F.A.C. All sampling shall comply with the Department of Environmental Protection Standard Operating Procedures for Field Activities, DEP-SOP-001/01 (DEP-SOP-001/01, FS2400, Wastewater Sampling).

(h) All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures.

Sec. 102-59. - Use, maintenance of information, data.

~~(a) Information and data on a significant industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be subject to F.S. ch. 119, and shall be available to other governmental agencies without restriction.~~

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

information will be treated in accordance with the procedures in section 403.111, F.S.

~~(b) All information, data and records pertaining to the industrial users discharge shall be maintained for at least three years. Any information, data, or records that are under investigation for enforcement activities must be maintained until such enforcement activities are concluded.~~

(b) Effluent information and data provided to the control authority in accordance with this chapter shall be available to the public without restriction.

(c) Any industrial user subject to the reporting requirements established in this chapter shall maintain records of all information resulting from any monitoring activities required by this chapter, including documentation associated with best management practices. All sampling and analysis activities shall be subject to the record-keeping requirements specified in Chapter 62-160, F.A.C.

(d) Any industrial user subject to the reporting requirements established in this chapter, including documentation associated with best management practices, shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this chapter) and shall make such records available for inspection and copying by the Department or control authority. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or control authority.

(e) The City to which reports are submitted by an industrial user shall retain such reports for a minimum of 3 years and shall make such reports available for inspection and copying by the Department. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user or the operation of the pretreatment program.

(f) The City must retain documentation to support the control authority's determination that a specific industrial user qualifies for reduced reporting requirements for a period of 3 years after the expiration of the term of the control mechanism.

Sec. 102-60. – Annual certification by non-significant categorical industrial users:

An industrial user determined to be a non-significant categorical industrial user in accordance with paragraph 62-625.200(25)(c), F.A.C., must annually submit the following certification statement, signed in accordance with the signatory requirements in Sections 102-26 and 102-46(b). The certification must accompany any alternative report required by the control authority:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief that during the period from [month, day, year] to [month, day, year]:

(a) The facility described as [industrial user name] met the definition of a non-significant categorical industrial user as described in paragraph 62-625.200(25)(c), F.A.C.;

(b) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information: [documentation of basis to continue exemption]."

Sec. 102-61. - Individual Wastewater Discharge Permit Revocation

The Director may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

A. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;

B. Failure to provide prior notification to the Director of changed conditions pursuant to Section 102-110 of this ordinance;

C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

D. Falsifying self-monitoring reports and certification statements;

E. Tampering with monitoring equipment;

F. Refusing to allow the Director 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 the general permit {optional}] or this ordinance.

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

Sec. 102-62. - Regulation of Waste Received from Other Jurisdictions

(a) If another municipality, or User located within another municipality, contributes wastewater to the POTW, [the Superintendent] shall enter into an intermunicipal agreement with the contributing municipality.

(b) Prior to entering into an agreement required by paragraph A, above, [the Superintendent] shall request the following information from the contributing municipality:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and

(3) Such other information as [the Superintendent] may deem necessary.

(c) An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 2.4 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or Local Limits;

(2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit [or general permit {optional}] issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by [the Superintendent]; and which of these activities will be conducted jointly by the contributing municipality and [the Superintendent];

(4) A requirement for the contributing municipality to provide [the Superintendent] with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality's discharge;

(7) A provision ensuring [the Superintendent] access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by [the Superintendent]; and

(8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

Sec. 102-71. - Inspection and sampling authority.

(f) Failure to provide timely access for any of the reasons listed above by the Industrial User shall be considered a violation of this Ordinance.

Sec. 102-75. - Public participation notice.

(a) The city shall publish at least annually, in a daily newspaper having the largest circulation that provides meaningful public notice within the jurisdiction served by the wastewater facility (WWF), a list of the industrial users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. For the purpose of this provision, the term "significant noncompliance" **shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (3), (4) or (8) of this Section) and** shall mean:

- (1) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of wastewater measurements taken **for the same pollutant parameter taken** during a six-month time frame exceeds **(by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits defined in Section 102-26** ~~the daily maximum limit, by any magnitude, or average limit for the same pollutant parameter.~~ The time frames shall be evaluated at the end of each quarter using data from the previous six months;
- (2) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of wastewater measurements taken **for the same pollutant parameter taken** for each pollutant parameter during a six-month time frame, exceeds the **product of the numeric Pretreatment Standard or Requirement, including Instantaneous Limits defined in Section 102-26** ~~daily maximum limit or the average limit~~ multiplied by the applicable ~~criteria~~ TRC (TRC = 1.4 for BOD, TSS, total oil and grease, and 1.2 for all other pollutants except pH). The time frames shall be evaluated at the end of each quarter using data from the previous six months;
- (3) Any other violation of a **Pretreatment Standard or Requirement as defined by Section 102-26** ~~pretreatment effluent limit (daily maximum or longer-term average, Instantaneous Limit or narrative standard) that the City control authority determines has caused, alone or in combination with other discharges, interference or pass-through, (~~ including endangering the health of WWF personnel or the general public);
- (4) Any discharge of ~~a~~ pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;
- (6) Failure to provide within ~~forty-five 45~~ 30 days after the due date, any required reports, including baseline monitoring reports, **reports n compliance with categorical Pretreatment Standard deadline,** ~~90-day compliance reports,~~ periodic self-monitoring reports and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s) **which may include a violation of Best Management Practices,** or group of violations which the ~~City control authority~~ determines will adversely affect the operations or implementation of the pretreatment program. ~~, except when the~~

FDEP is acting as the control authority.

(b) ~~All records of compliance with pretreatment standards shall be made available to officials of the city, approval authority (FDEP) and/or EPA upon request.~~

Sec. 102-99. - Local limits.

Remove existing language and replace.

(a) ~~Where specific prohibitions or limits on pollutants or pollutant parameters are developed by the control authority in accordance with section 102-98, such limits shall be deemed pretreatment standards for the purposes of section 307(d) of the Act. These limits shall be enforced at the point at which the user's discharge enters into the city's sanitary sewer system unless specifically defined otherwise in a wastewater discharge permit.~~

(b) ~~All users' wastewater discharge flows to a specific city WWF. Local limits for each user are determined by the established limits for the WWF receiving their flow. In order to ensure compliance with this article, all users shall comply with the following local limits expressed in mg/l unless otherwise noted:~~

Parameter	GLENDAL WWF	NORTHSIDE WWF	WEST LAKELAND
Biochemical Oxygen Demand (BOD)	2200	3000	

Allocated

See subsection

(c) below

Conductivity	4300 µS	8000 µS	4300 µS
Arsenic	0.105	0.045	0.105
Cadmium	0.025	0.030	0.025
Chromium (total)	4.290	5.100	4.290
Copper	0.580	1.045	0.580
Cyanide	0.065	0.080	0.065
Lead	0.170	0.252	0.170
Mercury	0.005	0.006	0.005
Molybdenum	0.280	0.045	0.280
Nickel	0.045	0.380	0.045
Selenium	0.080	0.045	0.080
Silver	0.450	0.500	0.450
Zinc	0.700	0.800	0.700
Phenols (total)	18.00	18.00	18.00
Oil and grease (total)	450.0	450.0	450.0
Hydrocarbon	100.0	100.0	100.0

(c) ~~Any user discharging into the West Lakeland Waste Load Reduction Facility (WLWLRF) shall comply with the limits established for the Glendale WWF, with the exception for BOD. Any user discharging into the WLWLRF shall be allocated a portion of the BOD, in pounds per day, based on 80 percent of the designed capacity of the WLWLRF.~~

(d) ~~Any user discharging into the WLWLRF shall have their BOD pounds per day limit established in their control mechanism. At no time shall more than the total design capacity be allocated.~~

No person shall discharge wastewater containing pollutants in excess of the local limits for those pollutants which have been established for the City of Lakeland'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.

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 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.

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.

A copy of the approved local limits is available upon request at the following Water Utilities Department locations:

Wastewater Collection Division
1825 Glendale Street
Lakeland, FL 33803

or

Water Utilities Department
301 E. Lemon Street
Lakeland, FL 33801

Or the Water Utilities web page at the following link:

<http://www.lakelandgov.net/water/Wastewater/IndustrialPretreatment.aspx> and clicking on the Local Limits link in the text.

Sec. 102-104. - Performance of measurements, tests, etc.

(a) 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 FDEP approved analytical methods specified in Rule 62-160, F.A.C., and shall be determined~~ at the control manhole provided, or upon suitable samples taken at such control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by FDEP approved methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analysis involved will determine if whether a grab sample or samples should be taken. ~~Normally, but not always, analyses are 24-hour flow proportioned composites where feasible; otherwise, time proportioned composites of all outfalls whereas pH, cyanide, total phenols, total oil and grease, temperature, sulfide and certain organics parameters determinations are from grab samples.~~

(b) For all sampling required by this chapter, grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional composite sampling or grab sampling is authorized by the control authority, the sample must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility. Using protocols (including appropriate preservation) specified in Chapter 62-160, F.A.C., and DEP-SOP-001/01, multiple grabs collected during a 24-hour period may be composited prior to analysis as follows:

1. Samples for cyanide, total phenols, and sulfides may be composited in the laboratory or in the field;

2. Samples for volatile organics and oil and grease may be composited in the laboratory; and

3. Composite samples for other parameters unaffected by the compositing procedures as allowed in the Department's approved sampling procedures and laboratory methodologies may be authorized by the control authority, as appropriate.

(c) Oil and grease samples shall be collected in accordance with paragraph (b) above unless the sampling location or point cannot be physically accessed to perform a direct collection of a grab sample. In these instances, the sample shall be pumped from the sampling location or point into the sample container using a peristaltic-type pump. All pump tubing used for sample collection must be new or pre-cleaned and must be changed between sample containers and sample points. The pump tubing shall not be pre-rinsed or flushed with sample prior to collecting the sample. The report of analysis shall indicate that a peristaltic pump was used to collect the oil and grease sample.

(bd) The city reserves the right to utilize grab samples in lieu of flow-proportion or time-proportion composite samples to determine noncompliance with pretreatment standards when, in the opinion of the director, they are warranted.

(e) All reports 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 a frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

Sec. 102-107. - National Categorical Pretreatment Standards.

Users must comply with the categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

(1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the director may impose equivalent concentration or mass limits in accordance with subsections 102-107(5) and (6) and Rule 62-625.410(4), F.A.C.

(4) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with the section and Rule 62-625.820, F.A.C.:

~~a. — *Application.* Any industrial user wishing to obtain credit for intake pollutants must make application to the control authority. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of subsections (4)b. and (4)c. below, are met.~~

~~b. — *Criteria.*~~

~~1. — The industrial user must demonstrate that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.~~

~~2. — Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease shall not be granted unless the industrial user demonstrates that the constituents of the generic measure in the industrial users effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.~~

~~3. — Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard, up to a maximum value equal to the influent value. If sufficient data does not exist, additional monitoring shall be required to determine eligibility for credit and compliance with pretreatment standards adjusted under this rule.~~

~~4. — Credit shall be granted only if the industrial user demonstrates that the intake water is drawn from the same body of water as that into which the WWF discharges. If the control authority desires to waive this requirement, the control authority shall submit a written request to the department for approval. The department will grant approval for the waiver if the control authority provides technical documentation that no environmental degradation will result in the receiving water body.~~

~~c. — The applicable categorical pretreatment standards contained in 40 CFR Chapter I, Subchapter N, and adopted by reference in Chapter 62-660, F.A.C., specifically provide that they shall be applied on a net basis.~~

(a) **Application. Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this chapter. Any industrial user wishing to obtain credit for intake pollutants must make application to the control authority.**

(b) **Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the following requirements are met:**

(a) Either:

1. The applicable categorical pretreatment standards contained in 40 CFR Chapter I, Subchapter N, Parts 405 through 471 specifically provide that they shall be applied on a net basis; or

2. The industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.

(b) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease shall not be granted unless the industrial user demonstrates that the constituents of the generic measure in the industrial users effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

(c) Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard, up to a maximum value equal to the influent value. If sufficient data does not exist, additional monitoring shall be required to determine eligibility for credit and compliance with pretreatment standards adjusted under this rule.

(d) Credit shall be granted only if the industrial user demonstrates that the intake water is drawn from the same body of water as that into which the WWF discharges. If the control authority desires to waive this requirement, the control authority shall submit a written request to the Department for approval. The Department will grant approval for the waiver if the control authority provides technical documentation that no environmental degradation will result in the receiving water body.

Sec. 102-110. - Dangerous, accidental discharges; notice procedures.

(b) Evaluate, at least once every two years, whether each significant industrial user needs a plan to control slug discharges. New significant industrial users must be evaluated within 1 year of being designated a significant industrial user. The results of such evaluations shall be made available to the Department upon request. Significant industrial users are required to notify the control authority immediately of any changes at its facility affecting the potential for a slug discharge. If the control authority decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements: ~~The results of such activities shall be made available to the department upon request. If the control authority decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:~~

- (1) Description of discharge practices, including nonroutine batch discharges.
- (2) Description of stored chemicals and containment areas.
- (3) Procedures for immediately notifying the City control authority and the WWF of slug discharges, including any discharge that would violate a prohibition under Rule 62-625.400(2), F.A.C., with procedures for follow-up written notification within five days.

(4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker

training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), or measures and equipment for emergency response;

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. If any word, sentence, clause, phrase, or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

SECTION 5. This ordinance shall take effect upon approval by the Florida Department of Environmental Regulation.

PASSED AND CERTIFIED AS TO PASSAGE this 21st day of May, A.D. 2012.

GOW B. FIELDS, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
TIMOTHY J. McCAUSLAND
CITY ATTORNEY