ORDINANCE NO. 2013-363

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PARKER (ORDINANCE NO. 2010-349, AS AMENDED); AMENDING CHAPTER 82 OF THE CODE OF ORDINANCES RELATING TO WASTEWATER; PROVIDING SEVERABILITY, CODIFICATION AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER AS FOLLOWS:

Section 1. The Table of Contents for Chapter 82, Article III, Division 11 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Division 11. Violations

Sec. 82-396. Violations generally.
Sec. 82-397. Suspension of service.
Sec. 82-398. Revocation of permit.
Sec. 82-499. Notice of violation.
Sec. 82-400. Corrective actions.
Sec. 82-401. Legal action.
Sec. 82-402. Statement by user.
Sec. 82-403. False statements.
Sec. 82-404. Liability for costs and expenses.
Sec. 82-405. Unpaid charges; liens.
Sec. 82-406. Other prosecutions.
Sec. 82-407. Civil remedies.
Sec. 82-408. Administrative enforcement remedies.
Secs. 82-409--82-425. Reserved.

Section 2. Section 82-152 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 82-152. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in section 1-2 and in this section, except where the context clearly indicates a different meaning:

Act or *the Act* shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq., as may be further amended or superseded.

Approval authority shall mean the Florida Department of Environmental Protection.

Authorized representative of industrial user shall mean:

(1) If the industrial user is a corporation, authorized representative of the industrial user shall mean

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 requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

(3) If the industrial user is a limited liability company: a member manager or manager.

(4) If the industrial 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.

The individuals described in subsections (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 city.

Best Management Practices or BMPs shall 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., as those subsections may be amended or superseded. 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.

Biochemical oxygen demand or *BOD* shall mean the quantity of oxygen by weight, expressed as a concentration in milligrams per liter (mg/l), utilized in the carbeonaceous biochemical oxidation of organic matter under standard laboratory conditions of incubation for five days at 20 degrees centrigrade.

Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, and extending five feet (1.5 meters) outside the inner face of the building wall.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal, also known as a house connection.

Categorical standards shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. §1317), as may be amended or superseded, that apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471, as may be amended or superseded.

Chemical oxygen demand or *COD* shall mean a measure of oxygen equivalent to that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant.

Chemical removal shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic state or a harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in 40 CFR 403.78(C)(2), General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act.

Combined sewer shall mean a sewer receiving both surface runoff and sewage.

Connection fee or tap-on fee means a fee paid for costs reasonably attributable to making a physical connection or tap into the water or sewer utility system, including labor, materials, supplies, overhead and administrative expenses.

Consistent removal shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic state or a harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in 40 CFR 403.7(C)(2), General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act.

Control authority shall mean the "approval authority," defined hereinabove, or the city's designated agent if the city has an approved pretreatment program under the provisions of 40 CFR 403.11.

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

County shall mean Bay County, Florida.

Customer shall mean every person who is responsible for contracting (expressly or impliedly) with the city to obtain or have use of sewer connections with, or sewer taps to, the sewer system of the city and in obtaining or having the use of water and other related services furnished by the city for the purpose of disposing of wastewater and sewage through said system. The term shall include within its definition the occupants of each unit of a multiple-family dwelling unit building as separate and distinct customers.

Domestic wastewater means wastewater derived principally from dwellings, business buildings, institutions, and the like; sanitary wastewater; sewage.

Direct discharge shall mean the discharge of treated or untreated wastewater directly into the waters of the State of Florida.

Director shall mean the city's public works director or the public works supervisor or their designee.

Easement shall mean an acquired legal right of use of land owned by others.

Environmental protection agency or *EPA* shall mean the U.S. Environmental Protection Agency, or where appropriate the terms may also be used as a designation for the administrator or other duly authorized official of said agency.

Establishment shall mean any place of industry, business, assembly, or residence, whether multiple or single-family, including all buildings, structures, trailers, mobile homes, vehicles or tents, and the land appertaining thereto.

Existing source means 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, as may be amended or superseded.

Florida Department of Environmental Protection or FDEP means the agency responsible for pollution control in the State of Florida or the duly authorized official of said agency.

Floatable oil shall mean oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with or inhibit the operation of the collection system.

Flush toilet shall mean the common sanitary flush commode in general use for the disposal of human excrement.

Grab sample shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

Grease trap or interceptor means a device for separating waterborne greases and grease complexes from wastewater and retaining such greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. Grease traps also serve to collect solids that settle, generated by and from activities that subject users to this section, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. Grease traps and interceptors are sometimes referred to herein as "grease interceptors."

Health officer shall mean the Bay County Environmental Health Director.

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

Impact fee means a fee paid for costs reasonably attributable to future expansion of water and sewer systems, but shall not include any tax.

Indirect discharge shall mean the introduction of pollutants into the POTW from any nondomestic source.

Industrial waste shall mean any wastewater from industrial processes as distinct from domestic or sanitary wastes.

Industrial waste surcharge shall mean a charge made in excess to the sewer service charge for all wastewater over and above normal wastewater.

Industrial wastewater means all wastewater that is not defined as domestic wastewater.

Industry means any establishment that uses water in a product or generates wastewater during any period of production.

Infiltration/inflow shall mean groundwater and surface water which leaks into the sewers through cracked pipes, joints, manholes or other openings.

Influent means wastewater, raw or partially treated, flowing into any wastewater treatment device or facilities.

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.

Interference shall mean a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the PTOW, its treatment processes or operations, or its sludge process, which clearly causes, in whole or in part, a violation of any requirements of the city's NPDES permit, or prevents the use or disposal of sludge by the city in accordance with any county, federal or state laws, regulations or permits, or any sludge management plans.

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 62-625.400(1)(a) and (2), F.A.C., as may be amended or superseded.

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

National categorical pretreatment standard or *pretreatment standard* shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 USC 1347) which applies to a specific category of industrial users.

National pollution discharge elimination system permit or "NPDES permit" shall mean a permit issued pursuant to section 402 of the Act (33 USC 1342).

National prohibitive discharge standard or *prohibitive discharge standard* shall mean any regulation developed under the authority of section 307(b) of the Act and 40 CFR 403.5.

Natural outlet shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body or surface water or groundwater.

New source shall mean:

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under section 307(c) of the Act, which will be applicable to such source if such standards are thereafter promulgated, provided that:

a. No other source is located at that site;

b. The source totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

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

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

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

a. Begun, or caused to begin, as part of a continuous on site construction program:

1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or

installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time, but not including options to purchase or contracts that can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies.

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

Normal wastewater shall mean wastewater discharged into the sanitary sewers in which the average concentration of total suspended solids and BOD is not more than 250 mg/l, total phosphorus is not more than 15 mg/l, total Kjeldahl nitrogen is not more than 30 mg/l; and total flow is not more than 25,000 gallons per day.

Pass through means a discharge that exits the PTOW into waters of the United States containing quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit, a NPDES permit for a facility operated by the city, or a permit issued by the State of Florida including an increase in the magnitude or duration of a violation.

Person shall mean any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity; or their legal representatives, agent or assigns. This definition includes all federal, state and local governmental entities.

pH shall mean the measure of the acidity of a solution, expressed in standard units.

Pit privy shall mean a shored, vertical pit in the earth completely covered with a fly-tight slab on which is securely located a fly-tight riser covered with hinged fly-tight seat and lid.

Pollutant shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical waste, biological material, radioactive material, heat, wrecked or discharged equipment, rock, sand, and, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, CBOD, COD, toxicity or odor).

Pollution shall mean any manmade or man-induced alteration of the chemical physical, biological, and radiological integrity of water.

POTW treatment plant shall mean that portion of the POTW designed to provide treatment to wastewater.

Pretreatment or *treatment* shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature 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 by process changes or other means, except as prohibited by an applicable pretreatment standard or requirement.

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

Pretreatment standard or standards means prohibited discharge standards, categorical pretreatment standards and local limits.

Private sewer system utility shall mean any facility, except a septic tank, that provides wastewater or sewer treatment and/or collection services and that is not owned and controlled by a public authority.

Prohibited discharge standards or prohibited discharges means absolute prohibitions against the discharge of certain substances that appear in section 82-256.

Properly shredded garbage shall mean waste from the

preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles are capable of being carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Public sewer shall mean a common sewer controlled by a governmental agency or public utility.

Publicly owned treatment works or *POTW* shall mean a treatment works as defined by section 212 of the Act (33 USC 1292), which is owned by a governmental entity. 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 establishments outside the city which are, by contract or agreement with the city, connected to the city's POTW.

Sanitary sewer shall mean a sewer that carries liquid and water-carried wastes from establishments, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

Septic tank shall mean a subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with:

(1) A sewer line constructed with solid pipe, with the joints sealed, connecting the impervious tank with a plumbing stub out; and

(2) A subsurface system of trenches, piping and other materials constructed to drain the clarified discharge from the tank and distribute it underground to be absorbed or filtered.

In this article, the term "septic tank" is sometimes used synonymously with the term "private wastewater disposal system"; although, the latter term can include other types of wastewater disposal systems authorized by the city but not connected to the public sanitary sewer.

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

tanks.

Sewage shall mean the spent water of a city. The equivalent term is "wastewater."

Sewage treatment plant shall mean any arrangement of devices and structures used for treating sewage.

Sewage works shall mean all facilities for collection, pumping, treatment, and disposing of sewage.

Sewer shall mean a pipe or conduit that carries wastewater.

Significant industrial user shall mean:

(1) Industrial users subject to categorical pretreatment standards, or

(2) Any other industrial user that:

a. Discharges an average of 25,000 gpd or more of industrial wastewater into the PTOW; or

b. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or

c. Is designated as significant by the director on the basis that the industrial user has a reasonable potential for violating any pretreatment standard or requirement or otherwise adversely affecting the operation of the PTOW (in accordance with Rule 62-625.500(2)(e), F.A.C., as hereby incorporated.

Upon a finding that an industrial user has no reasonable potential for violating any pretreatment standard or requirement or otherwise adversely affecting the operation of the PTOW, the director may determine that such industrial user is not a significant industrial user in accordance with Section 62-625.500(2)(e), F.A.C., as may be amended or superseded.

Slug shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentrations of flows

during normal operation and shall adversely affect the collection system and/or performance of the wastewater facilities.

Standard industrial classification or *SIC* shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

Storm drain or *storm sewer* shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Stormwater shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

Suspended solids shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

Toxic pollutant shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of CWA § 307(1) or other Acts.

Unit shall mean any single room or group of rooms, either occupied or intended for occupancy as separate living quarters, including, without limitation, detached single-family residences, townhouses, mobile homes, condominiums, apartments and any building or part thereof used for business, commercial, institutional or industrial purposes, owned, leased, rented, or occupied by any person.

Unpolluted water shall mean water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

User shall mean a source of discharge.

Wastewater shall mean the spent water of the city. From the

standpoint of source, it may be a combination of the liquid and water carried wastes from any establishment or establishments, together with any groundwater, surface water and stormwater that may be present.

Wastewater discharge permit means the document or documents issued to an industrial user by the city in accordance with the terms of this article.

Wastewater hauler means any person, entity or unit of government engaged in transporting wastewater as a commercial venture or as a public service.

Wastewater facilities shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Watercourse shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

Waters of the state shall mean 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.

Section 3. Section 82-153 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 82-153. Abbreviations.

The following abbreviations shall have the designated meanings:

BMP	Best Management Practice
BOD	Biochemical oxygen demand
CBOD	Carbonaceous biochemical oxygen demand
CFR	Code of Federal Regulations

COD	Chemical oxygen demand
EPA	Environmental Protection Agency
ERC	Equivalent residential connection
F.A.C.	Florida Administrative Code
FDEP	Florida Department of Environmental Protection
gpd	Gallons Per Day
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SNC	Significant Noncompliance
SWDA	Solid Waste Disposal Act, 42 USC 6901 et seq.
TSS	Total suspended solids

USC	United States Code
ug	Micrograms

Section 4. Section 82-256 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 82-256. Prohibited discharges.

No person shall discharge or cause to be discharged any of the following described waters or wastes into any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas, or any other pollutant that creates a fire or explosion hazard.

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanide in excess of two mg/l as CN in the wastes as discharged to the public sewer.

(3) Any waters or wastes having a pH lower than 5.5 or greater than 9.0, or having any other corrosive properties capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.

(4) Solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(5) Any industrial waste or septic tank pump-out unless approved for discharge by the city.

(6) Any unpolluted water such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer.

(7) Any discharge of a private irrigation system.

(8) Detergents, surface-active agents, or other substances that might cause excessive foaming.

(9) Heat in amounts that will inhibit biological activity but in no case heat in such quantities that result in the discharge to exceed 104 degrees Fahrenheit.

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

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable federal or state regulations.

(12) Medical wastes, except as specifically authorized by the director in a wastewater discharge permit.

Section 5. Section 82-257 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 82-257. - Discharge restrictions and limitations.

No person shall discharge or cause to be discharged the following described substances, materials, waters and wastes into public sewers except in concentrations or quantities which will not harm either the sewer, the wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, and will not otherwise endanger lives, limb, public property, or constitute a nuisance. The city may restrict the discharge of the described substances, materials, waters and wastes into municipal systems to a greater extent than those limitations established in the regulations below, if in the opinion of the city more severe limitations are necessary to

meet the above objectives. In forming the opinion as to the acceptability of these wastes, the city shall give consideration to such factors as the quantity of the subject waste in relation to flows and velocities in the sewers, the materials of construction of the sewers, the wastewater treatment process employed, the capacity of the wastewater treatment process employed, the capacity of the wastewater treatment plant, the degree of treatability of the waste in the wastewater treatment plant, and any other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer, which shall not be violated without approval of the city, are as follows:

(1) Any wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius) or which will cause the temperature at the influent to a treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius).

(2) Any wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.

(3) Any water or waste containing floatable oil, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (zero and 65 degrees Celsius).

(4) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to review and approval by the city.

(5) Any wastewaters having in excess of (limits in parts per million or milligrams per liter): silver 0.10, barium 5.0, tin 1.0, iron 2.0, phenol 0.2, arsenic

0.05, boron 1.0, manganese 1.0, lead 0.1, mercury 0.005, nickel 0.4, zinc 1.0, copper 0.1, cadmium 0.02, total chrome 1.8, selenium 0.02, chlorides 250, and any substance or combination thereof, that reduces the BOD by ten percent will be considered as a toxic material. In addition, the limits for the following are: antimony 0.0, beryllium 0.0, bismuth 0.0, cobalt 0.0, cyanide 0.0, molybdenum 0.0, rhenium 0.0, tellurium 0.0, uranyl ion 0.0, strontium 0.0, herbicides 0.0, fungicides 0.0, and pesticides 0.0.

(6) Any waters or wastes containing phenols or other taste-producing or odor-producing substances, in such concentrations exceeding limits which may be established by the city as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established in compliance with applicable state or federal regulations.

(8) Any water or waste containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

(9) Any water or waste which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(10) Any wastewater containing constituents in concentrations which are in excess of the concentrations set for normal wastewater 250 mg/l BOD 5 and TSS, 30 mg/l TKN, 15 mg/l phosphorous.

(11) Any water or waste having a pH in excess of 9.~~5~~0.

(12) Materials which exert or cause:

a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers 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 sewage treatment works.

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

Section 6. Section 82-301 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 82-301. Right of entry.

Duly authorized employees of the city or of the county, bearing proper credentials and identifications, shall be admitted at reasonable times with permission from proper authorities to all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the sewer system in accordance with the provisions of this article. Entry shall normally be made during daylight or operating hours; however, the right is reserved for the director to enter the industrial user's premises at any hour of any day the director or other authorized representative of the city or the county deems necessary as a result of abnormal or emergency circumstances. Industrial users shall allow the director and other authorized representatives of the city or the county ready access to all parts of the premises for the purposes of inspection, observation, copying, measurement or conducting

surveys, sampling in accordance with this article, examining reports and records required by this article or by the director in accordance with this article and any other duties necessary to monitor and enforce compliance with this article. The director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the director and shall not be replaced. The costs of clearing such access shall be borne by the user. Unreasonable delays in allowing the director and authorized representatives of the city or the county access to the industrial user's premises shall be a violation of this article.

Section 7. Section 82-327 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 82-327. Accidental discharges.

Each 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 or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review, and shall be approved by the city prior to construction of the facility. No user who commences contribution to the POTW after the effective date of Ordinance No. 96-217 shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user of the responsibility of modifying 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 user to immediately telephone and notify the POTW of the incident, which notification shall include the name of the person providing the notification, the location of the discharge, the type of waste, the concentration and volume, and any corrective actions. Within 5 days following such accidental discharge, the user shall submit a detailed written report describing the cause of

the discharge and the measures taken to prevent future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which might be incurred as a result of any damage to the POTW, natural resources, or any other damage to person or property; or relieve the user of any fines, penalties or other liability which may be imposed pursuant to this article. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in this section. Employees shall ensure that all employees who could cause such a discharge to occur are advised of the emergency notification procedure. Significant industrial users are required to notify the director immediately of any changes at its facility affecting the potential for slug discharge.

Section 8. Section 82-330 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 82-330. Adoption of pretreatment local limits.

The city adopts and shall maintain local limits that are at least as stringent as the limits described in the county pretreatment ordinance and, therefore, the county limits shall serve as the city local limits unless the city adopts more stringent local limits. The director may also develop best management practices in individual wastewater discharge permits to implement local limits and any other provision of this article.

Section 9. Section 82-396 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 82-396. - Violations generally.

(a) In addition to the civil penalties set forth herein, any violation of this article or refusal of any person to comply with any provision of this article, or the orders, rules, regulations and permits issued hereunder, shall constitute a misdemeanor, and upon conviction, such offending person shall be punished as prescribed in section 1-7. In addition to the penalties provided herein, the city shall be entitled to recover reasonable attorneys' fees, court costs, court reporters' fees and other expense of litigation from persons found to have violated this article or the orders, rules, regulations and permits issued in connection herewith. Each day that any violation of this section shall continue shall constitute a separate offense.

(b) Any industrial user that knowingly or willfully violates any provision of this article, any order or permit issued under this article or any other pretreatment standard or requirement shall, upon conviction, be punished by a fine of not more than $1,000.00 per violation per day or imprisonment for not more than six months, or both.

(c) Any industrial user that knowingly or willfully makes any false statements, representations or certifications in any application, record, report, plan or other documentation filed or required to be maintained under any provision of this article or wastewater discharge permit or order issued under this article, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than $1,000.00 per violation per day or imprisonment for not more than six months, or both.

Section 10. Section 82-407 of the Code of Ordinances, City of Parker, Florida, is hereby added to read as follows:

Sec. 82-407. - Civil remedies.

(a) In addition to those criminal sanctions provided herein, the city shall be entitled to seek those civil remedies available to them to enforce and insure compliance with the provisions of this article, such remedies to include but not to be limited to injunctive relief, appropriate writs or damages based on statutory or common law causes of actions. Nothing contained herein shall act to restrict or otherwise limit any remedy, either at law or in equity, which the city may have against any person for a violation of any provision of this article. In any action initiated by the city to enforce compliance with this article, the city may recover reasonable attorney's fees, court costs and other expenses associated with the investigation, prosecution and enforcement activities, including but not limited to sampling and monitoring expenses and any actual damages incurred by the city.

(b) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, 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.

(c) Where appropriate, the city may accept mitigation projects in lieu of the payment of civil penalties where the project provides a valuable service to county and the user's expense in undertaking the project is at least 150 percent of the civil penalty.

(d) In addition to the penalties prescribed herein, any industrial user that has violated or continues to violate any provision of this article, any order or permit issued under this article or any other pretreatment standard or requirement shall be liable for a maximum civil penalty of $1,000.00 per violation, per day. In the case of a monthly or other long-term average pretreatment standard, penalties shall accrue for each business day during the period of the violation.

Section 11. Sections 82-408 through 82-425 of the Code of Ordinances, City of Parker, Florida, are hereby added to read as follows:

Sec. 82-408. Administrative enforcement remedies for industrial users.

In addition to the civil and criminal remedies provided herein, the city, in its sole discretion, may proceed with the following administrative process and enforcement procedure to ensure an industrial user's compliance with this article. The county's enforcement response plan provides guidance for the city personnel to use to achieve compliance with all applicable pretreatment rules and regulations. This plan provides various options for enforcement action for each type of pretreatment violation and is available from the city public works department.

(1) *Voluntary program.* Should an industrial user present to the director, at any time prior to being required to do so, information, data, plans, schedules and the like relating to a proposed procedure for the prevention of discharges in violation of the provisions of this article, the director may receive such material and initiate procedures for the preparation of an agreement under subsection (3). The presentation of material to the director, the acceptance of such material by the director or commencement of procedures for the issuance of an agreement shall not prevent the director from issuing any notice of violation under subsection (2), nor does it exempt any industrial user from the provisions of this article. An industrial user-initiated voluntary program meets the definition of "good faith effort".

(2) *Notification of violation.* Whenever the director finds that any industrial user has violated or is violating a provision of this article, any order or permit issued under this article, or any other pretreatment standard or requirement, the director may serve upon the industrial user a written notice of violation. Within ten calendar days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the director. Submission of this plan in no way relieves the industrial user

of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take emergency action without first issuing a notice of violation.

(3) *Agreements.* The director is hereby empowered to enter into agreements, assurances of voluntary compliance or other similar documents establishing an agreement with the industrial user responsible for noncompliance. Such agreements include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the agreement. Agreements shall have the same force and effect as administrative orders issued pursuant to subsections (5) and (6) and shall be judicially enforceable.

(4) *Show cause hearing.* The city may order any industrial user that causes or contributes to a violation of any provision of this article, any order or permit issued under this article or any other pretreatment standard or requirement to appear before the director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the industrial user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the industrial user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten calendar days prior to the meeting. Such notice may be served on any authorized representative of the industrial user. Whether or not the industrial user appears as noticed, immediate enforcement action may be pursued following the meeting date.

(5) *Compliance orders.* When the director finds that an industrial user has violated or is violating any provision of this article, any order or permit issued under this article or any other pretreatment standard or requirement, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders may also contain such other requirements as might be reasonable necessary and appropriate to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. Furthermore, the director may continue to require such additional self-monitoring for at least

90 days after consistent compliance has been achieved, after which time the self-monitoring conditions in the discharge permit shall control.

(6) *Cease and desist orders.* When the director finds that an industrial user has violated or is violating any provision of this article, any order or permit issued under this article or any other pretreatment standard or requirement, the director may issue an order to the industrial user to cease and desist any and all such violations and direct the industrial user to:

a. Immediately comply with all requirements, and

b. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Such industrial user shall be notified of the director's remedial or preventive action and be offered an opportunity to show cause under subsection (4) why the proposed action should not be taken.

(7) *Emergency suspensions.*

a. The director may suspend the wastewater discharge permit of an industrial user for a period not to exceed 30 days whenever such suspension is necessary to stop an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons, interferes with the operation of the treatment plant or which presents or may present an endangerment to the environment.

b. Any industrial user notified of a suspension of its wastewater discharge permit shall immediately terminate or eliminate its contribution. In the event of an industrial user's failure to immediately comply with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the treatment plant, its receiving stream or endangerment to any individuals. The director shall allow the industrial user to recommence its discharge when the industrial user has

demonstrated to the satisfaction of the director that the period of endangerment has passed, unless termination proceedings pursuant to subsections (4) and (6) or section 82-407 are initiated against the industrial user.

c. An industrial user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement to the director describing the causes of the harmful contribution and the measures taken to prevent any future occurrence prior to the date of any show cause or injunctive relief hearing under subsection (4) and section 82-407, respectively.

(8) *Termination of service.* Any industrial user who violates the following conditions is subject to discharge termination:

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 set forth in this article.

Such industrial user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection (4) why the proposed action should not be taken. Exercise of this option by the director shall not be a bar to, or a prerequisite for, taking any other action against the industrial user.

(9) *Administrative fines.* The city council, upon recommendation by the director, may impose administrative fines upon non-compliant industrial users. An administrative fine is a monetary penalty assessed by the control authority for

violations of pretreatment standards and requirements. These fines are punitive in nature and are not related to a specific cost borne by the city. In any administrative action initiated by the city to enforce compliance with this article, the city may recover reasonable attorney's fees, court costs and other expenses associated with the investigation, prosecution and enforcement activities, including but not limited to sampling and monitoring expenses and any actual damages incurred by the city.

Secs. 82-409--82-425. Reserved.

Section 12. Section 82-492 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 82-492. Wastewater contribution permits.

(a) *General permits.* All new significant industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater permit on a form to be supplied by the city before connecting to or contributing to the POTW.

(b) *Permit application.* Users required to obtain a wastewater contribution permit shall complete and file with the city, an application in the form prescribed by the city, and it shall be accompanied by that fee as set by the city from time to time. Existing users shall apply for a wastewater contribution permit within 30 days after the effective date of Ordinance No. 96-217, and proposed new users shall apply at least 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:

(1) Name, mailing address, and street address, (if different from mailing) of the facility, the name of the operator and owner and a list of any environmental control permits held by or for the facility;

(2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

(3) Wastewater constituents and characteristics including but not limited to those mentioned in division 5 of this article as determined by a reliable analytical

laboratory; sampling and analysis shall be performed in accordance with the procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR 136, as amended;

(4) Time and duration of contribution;

(5) Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenance by the size, location and elevation;

(7) A description of activities, facilities and plant processes on the premises including all types of wastes generate, list of all raw materials and chemicals used and a list of 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 and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

(9) If additional pretreatment and/or operation and maintenance 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:

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 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 constructions, etc.).

b. No increment referred to in subsection 82-492(b)(9)a. shall exceed nine months.

c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the city 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 delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the city.

(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; ~~and~~

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

(14) Flow Measurement. Information showing the measured averaged daily and maximum daily flow, in gallons per day, from regulated process streams;

(15) 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 superintendent, 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 forth in this article. 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 this article.

f. 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 in accordance with 62-625.600(4)(b), F.A.C.; and

(16) 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 terms and conditions provided herein.

(c) *Permit modifications.* Within nine 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 frames prescribed therein. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater contribution permit, as required by subsection 82-492(b), the user shall apply for a wastewater contribution permit within 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 city

within 180 days after the promulgation of applicable federal categorical pretreatment standard the information required by subsection 82-492(b)(8) and subsection 82-492(b)(9).

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

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

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

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

(4) Requirements for installation and maintenance of inspection and sampling facilities.

(5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.

(6) Compliance schedules.

(7) Requirements for submission of technical reports or discharge reports (see section 82-493).

(8) Requirements for maintaining and retaining plan 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 or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

(10) Requirements for notification of slug discharges in accordance with section 82-258.

(11) Other conditions as deemed appropriate by the city to

ensure compliance with this article.

(12) A statement that the permit is not transferrable without the written consent of the city.

(e) *Permit duration.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in division 2 of this article are modified or other just cause exists. The user shall be informed of any proposed changes in his or her permit at least 30 days prior to the effective date of such change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. In the event that user does not utilize the permitted flow within 180 days of the issuance of the permit, such permit shall automatically expire, absent further action by the city.

(f) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

Section 13. Severability.

If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 14. Codification.

The provisions of this Ordinance shall become and be made part of the Code of the City. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 15. Repeal of Conflicting Codes, Ordinances, and Resolutions.

All codes, ordinances and resolutions or parts of codes, ordinances and resolutions or portions thereof of the City of Parker, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 16. Effective Date.

This Ordinance shall take effect immediately upon its passage.

PASSED, ADOPTED AND ADOPTED at a Regular Meeting of the City Council of the City of Parker, Florida as of the 16th day of July, 2013.

CITY OF PARKER

Richard Musgrave

Richard Musgrave, Mayor

ATTEST:

Nancy A Rowell

Nancy Rowell, City Clerk

Examined and approved by me, this 23 day of JULY, 2013.

Richard Musgrave

Richard Musgrave, Mayor